

INTERACTIONS BETWEEN  
FAMILY REUNIFICATION AND INTEGRATION:  
MARRIAGES OF SECOND GENERATION TURKISH DUTCH  
FROM TURKEY

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Approval of the Graduate School of Social Sciences

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## **ABSTRACT**

### **INTERACTIONS BETWEEN FAMILY REUNIFICATION AND INTEGRATION: MARRIAGES OF SECOND GENERATION TURKISH DUTCH FROM TURKEY**

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This thesis explores the interactions between family reunification and integration in the context of marriages of second generation Turkish Dutch (SGTD) from Turkey. The originality of this thesis has resulted from its multilevel, inderdisciplinary (political science, law and sociology) area studies approach. At the macro level, the decisions of the European Court of Human Rights and Court of Justice of the European Union and legal framework of the EU and the United Nations and the rights derived from Turkey-EU Association Law were analyzed until 2016. At the micro level, at ethnographic field research during the period of October 2014-October 2015, participant observation and sixtynine semi-structured in-depth interviews with SGTDs, advocates, representatives of Turkish origin Dutch NGOs and social workers were employed as methods. As a result of the examination of direct or indirect impacts of policies and legal frameworks at the macro level on

individuals at the micro level, it is concluded that there is a high degree of interplay of all actors at both levels. This research revealed that family reunification of my SGTD participants is not the cause or result of their “success or failure” in their integration process, but mainly related with their transnational and ethnic identities and practices which are not necessarily contradictory or complementary with their integration to the Dutch society. By pointing out the Netherland’s policy shift from “family reunification for integration” to “integration for family reunification”, it is found out that the Netherland’s assimilationist integration policy perspective which has led to restrictive family reunification regulations and their restrictive implementation hampers the integration process of SGTD and triggers their reactive identification since they feel being discriminated and excluded from the Dutch society due to their ethnic origin, their religion (Islam) and violation of their rights.

**Keywords:** Family Reunification, Integration of Immigrants, Second Generation Turkish Dutch Immigrants in the Netherlands, Transnational Marriages, and EU-Turkey Association Law

## ÖZ

### AİLE BİRLEŞİMİ İLE ENTEGRASYON ARASINDAKİ ETKİLEŞİM: HOLLANDA'DAKİ İKİNCİ NESİL TÜRKLERİN TÜRKİYE'DEN EVLİLİKLERİ

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Bu tez, aile birleşimi ile entegrasyon arasındaki etkileşimi, Hollanda'daki ikinci nesil Türkler (HinT'ler) üzerinden incelemektedir. Bu tezin özgünlüğü çok düzlemli, disiplinlerarası (siyaset bilimi, hukuk ve sosyoloji) bölge çalışmaları perspektifinden kaynaklanmaktadır. Makro düzlemde, konuyla ilgili 2016'ya kadarki Avrupa İnsan Hakları Mahkemesi ve Avrupa Birliği Adalet Divanı kararları ile Birleşmiş Milletler ve Avrupa Birliği yasal çerçevesi ve bunlara ek olarak Türkiye-AB Ortaklık Hukuku'ndan kaynaklanan haklar incelenmiştir. Mikro düzlemde ise, Hollanda'da Ekim 2014-Ekim 2015 tarihleri arasında yürütülen etnografik saha araştırmasında; katılımcı gözlemci yöntemi ve HinT'ler, avukatlar, STK temsilcileri ve sosyal hizmetler uzmanından oluşan toplam altmışdokuz kişiyle yarı yapılandırılmış derinlemesine mülakat metodu uygulanmıştır. Bu süreçte, makro düzlemdeki düzenlemelerin mikro düzlemdeki bireyler üzerindeki dolaylı ya da doğrudan etkisi incelenmiş, her iki düzlemdeki tüm aktörlerin karşılıklı yoğun etkileşim içinde olduğu ortaya konulmuştur. Çalışma, aile birleşimi olgusunun,

katılımcı HinT'lerin entegrasyonlarındaki "başarı ya da başarısızlıklarının" bir nedeni ya da sonucu olmadığı, entegrasyonlarıyla doğrudan çelişkili veya tamamlayıcısı olmayan ulusötesi ve etnik kimlik ve eylemleriyle ilgili olduğu sonucuna ulaşmıştır. "Entegrasyon için aile birleşimi" politikasından "aile birleşimi için entegrasyon ön-koşuluna" geçtiği saptanan Hollanda'nın getirdiği kısıtlayıcı aile birleşimi kuralları ve bunların katı uygulamalarının temelindeki asimilasyonist entegrasyon politika perspektifinin, çalışmaya katılan HinT'lerin etnik köken, kültür ve inancı (İslam) temelinde ayrımcılığa uğradıklarını, dışlandıklarını hissetmelerine ve haklarının ihlal edildiğini düşünmelerine yol açtığı ve bu durumun tepkisel özdeşleştirme sürecini tetikleyerek entegrasyonlarını olumsuz etkilediği sonucuna varılmıştır.

**Anahtar Kelimeler:** Aile Birleşimi, Göçmen Entegrasyonu, Hollanda'daki İkinci Nesil Türkler, Ulusötesi Evlilikler, ve AB-Türkiye Ortaklık Hukuku

To All Immigrants

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## LIST OF ABBREVIATIONS

AC	Turkey-EU Association Council
AG	Advocate General
ACD	Turkey-EU Association Council Decision
CBPs	Common Basic Principles
CBS	Dutch Central Bureau of Statistics (Centraal Bureau van Statistiek)
CDA	Christian Democratic Appeal
CEFR	Common European Framework of Reference for Languages
CESCR	Committee on Economic Social and Cultural Rights
CERD	Committee on the Elimination of Racial Discrimination
CJEU	Court of Justice of the European Union (prior to December 2009, European Court of Justice, ECJ) <sup>1</sup>
CoE	Council of Europe
CMW	Committee on the Protection of Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
DG	Directorate General
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECMW	European Convention on Migrant Workers
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EEA	European Economic Area
EFTA	European Free Trade Area

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<sup>1</sup> To avoid confusion, this study refers to the ECJ as CJEU while discussing the decisions issued before December 2009.

EU	European Union
FRD	Family Reunification Directive (EU Directive 2003/86/EC)
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IGOs	Intergovernmental Organisations
ILO	International Labour Organisation
IND	The Netherlands Netherlands Immigration and Naturalisation Service
INGOs	International Non-Governmental Organizations
LTRD	Long Term Residents Directive
MNCs	Multi-National Corporations
MS	Member State (EU Member State – EU MS)
MVV	Temporary Residence Permit (issued in the country of origin to enter the country for the stays in the Netherlands exceeding three months)
NCPI	National Contact Points on Integration
NGOs	Non-Governmental Organizations
OMC	Open Method of Coordination
PACE	Parliamentary Assembly of Council of Europe
PvdA	Labour Party
PVV	Party for Freedom
QMV	Qualitative Majority Voting
SCP	The Netherlands Institute for Social Research (Sociaal en Cultureel Planbureau)
SGTD	Second Generation Turkish Dutch
TCN	Third Country National (term used in EU law to denote non-EU Citizen)
TFEU	Treaty on the Functioning of the European Union (Lisbon Treaty)
UDHR	Universal Declaration of Human Rights

UN	United Nations
VVD	People's Party for Freedom and Democracy
WIN	Wet Inburgering Nieuwkomers – Law Regulating the Integration of Newcomers
WRR	The Netherlands Scientific Council for Government Policy

## **CHAPTER 1**

### **INTRODUCTION**

Despite of the rhetoric of zero migration in European countries since the oil crises, immigration to the European Union Member States had continued through three categories of immigrants: Family members, highly-skilled immigrants and refugees (Wimmer & Glick Schiller, 2002). Family related migration has been the main motivation for legal entrance to the EU countries since 1980s. According to OECD Migration Outlook (2013, p. 25), the motivation of 45% of all permanent migration to the European Economic Area in 2008 has been reported as family related. Eurostat statistics revealed that the 29% of the first residence permits in the EU (the largest share) have been issued for the family related reasons in 2015.

The family related migration received the interest of scholars from various disciplines. While the issue has been elaborated in the context of theories of migration (Boswell, 2007; Castles & Miller, 2009) and the policy making concerns which reflect the contradiction between national policy considerations and international human rights constraints and comparative studies on national policy regulations within the political science literature, the legal studies have highlighted the stratification of rights derived from national and international legal frameworks and their interactions with each other. Anthropological and sociological studies related with the family reunification focus on the concerns and perspectives of the family migrants (Williams, 2010). The migration researchers also focused on the role of family in international migration and discussed causes and consequences of migration and decision making processes (Basch, Glick-Schiller, & Blanc, 1994), policy perspectives on family migration. The gender studies also focused on the gendered aspect of the family related migration and policy making in family reunification.

## **1.1. Research Problem and Research Questions**

The main aim of this research is to explore the interactions between family reunification and integration in the context of marriages of second generation Turkish Dutch from Turkey (SGTD). It is important to discuss this to reflect the divergence in policy assumptions and actual picture on the relation between family reunification and integration; and the interactions of different actors in the process.

Family reunification of the labour migrants with their already existing families has been regulated at the end of 1970s after the realization of their permanent status. At the initial phase of the family reunification, it was considered as an issue which would foster their integration to the country of residence and decrease their transnational involvement (Strasser, Kraler, Bonjour, & Bilger, 2009). Nevertheless, this policy perspective has shifted and family reunification has started to be perceived as hindering immigrant integration. Thus nation states replaced the perspective of “family reunification for integration” with the “integration for family reunification” and created questions: What are the national policy considerations over family reunification and integration? Why and how they have changed in time? It was assumed that after the family reunification of guest workers, family related migration would be an outdated concern since the second generation immigrants who were raised in the country of residence would involve in inter-ethnic marriages or coethnic marriages from within the country of residence. Nevertheless, these assimilationist assumptions have failed with the marriages of second generation immigrants from their parents’ country of origin. Therefore, both the concerns about endless chain migration and structural and socio-cultural integration of second generation immigrants have been raised in the context of family reunification since 2000s. The assumptions of the governments about the relationship between family reunification and integration determine the policy perspective. It is perceived as family reunification of second generation immigrants is both the product and producer of the immigrants’ failure in the integration process. Thus integration concerns started to be posited as a precondition for family reunification of immigrants and/or immigrant origin citizens and their third country national partners.

In this context the restrictive family reunifications policies have started to be introduced since 2000s in European Union Member States (EU MSs).

How do intergovernmental organizations (IGOs) (United Nations, Council of Europe and EU) perceive the interaction between family reunification and integration? How do they influence the family reunification policy making and implementation processes at the national level? What are the judicial constraints posed IGOs to nation states? Due to the human rights and immigration dimensions of family reunification, IGOs could influence the policy making and implementation processes either through human rights based approach or policy coordination perspective. EU provide an important legal framework for the constraining the restrictive family reunification approach of the Member States. It is an important framework for the justification and diffusion of restrictive policy perspective.

Why Dutch family reunification context needs to be highlighted in this context? The Dutch policies on integration and family reunification are highly interrelated with each other. Netherlands employ the integration concerns as the main argument for restrictive family reunification requirements. Since 2000s it views integration of both marriage migrant and sponsor (the partner residing in the Netherlands, insider) as a precondition of family reunification. Together with Denmark,<sup>2</sup> the Netherlands was the pioneer of the restrictive turn in family reunification policies in Europe. They were the first two countries which introduced pre-departure integration, age and income requirements for family reunification. The Dutch government also uploaded its restrictive policy agenda on family reunification to the EU level at the beginning of 2000s. In this respect it contributed to the spread of the restrictive policy perspective within the EU (Bonjour & Vink, 2013; Bonjour & de Hart, 2013). Nevertheless, the restrictive perspective of the Dutch government on family reunification has been constrained by the EU legal context which provides safeguards for the rights of TCNs – Family Reunification Directive (Directive 2003/86) – and EU citizens – Free Movement Directive (Directive 2004/38) – and

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<sup>2</sup> Denmark does not take part in the adoption of this Directive, and is not bound by it or subject to its application.

Turkish citizens (Turkey – EU Association Law). In addition to this, the Dutch government also started to lobby at the EU for amending the Family Reunification Directive (Directive 2003/86) to remove the legal constraints which prevents the introduction of more restrictive requirements for family reunification of TCNs.<sup>3</sup> It also proposed the elaboration of family reunification of EU citizens with TCN family members under the scope of Directive 2003/86 rather than Directive 2004/38 (Free Movement Directive) which would mean curtailment of their already existing rights.<sup>4</sup>

In addition to the discussions on the family reunification at the macro level through policy making, international human rights based constraint; it also needs to be discussed at the micro level. Family reunification is the result of the decision of individuals on marriage and it also has impact on the lives of the individuals. In addition to this, the recent restrictive tendency in the family reunification policies is highly associated with the identity politics thus it reflects the essentialist view of culture. In order to understand why and how immigrants involved in marriage migration, how the policies are implemented, how the immigrants perceive the family reunification policies, how the family migration influence the integration of the sponsor, it is vital to discuss the issue from the micro level perspective by employing the immigrants as the unit of analysis. In this context, the perceptions and experiences of second generation immigrants need to be discussed by associating with their integration in three phases: Before, during and after family reunification. The following research questions are discussed with second generation Turkish Dutch in this study.

Why the second generation immigrants are at the target of family reunification policies? Why Turkish Dutch is important as a micro level actor to discuss the influence of Dutch family reunification policy and integration perspective? Could they influence the policy making? The Netherlands had

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<sup>3</sup> Dutch Government Response to the Green Paper on family reunification 29.02.2012

<sup>4</sup> Position paper – The Dutch standpoint on EU migration policy, The Hague, 16 March 2011, p. 6.

differentiated perspective for the family reunification and family formation until the decision of CJEU in 2010.<sup>5</sup> It mainly considered the family formation problematic since it becomes the main vector of immigration to the Netherlands.<sup>6</sup> Family formation is an issue mainly related with the second generation immigrants. This study mainly focuses on the second generation Turkish Dutch in the Netherlands due to demographic, cultural and legal considerations. The Turkish community is the largest immigrant group who originates from outside the EU<sup>7</sup> in the Netherlands. Family related migration is the main motive of Turkish immigration to the Netherlands.<sup>8</sup> SGTD also deserves specific attention for understanding the implementation of family reunification regulations under different legal categories. Although SGTD with Turkish citizenship has been perceived under the context of TCNs and under the scope of the immigrant integration policies and family reunification policies, they have extended rights derived from Turkey-EU Association Law in the context of family reunification. Thus their legal status is closed to the EU citizens and in some contexts better than the Dutch nationals who have not used their free movement rights.

In this respect the already existing literature either focuses on the family reunification at macro level (IGOs and MS) or marriage migration at the micro level (individuals). Thus there are few researches which reflect the whole picture: Policy making, related with the implementation of the policies, the impacts of legislations

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<sup>5</sup> While family formation mainly refers to the marriage migration the former refers to the other types of family reunification. In this study mainly family reunification is employed to refer to family formation due to the CJEU ruling which precludes the differentiation of these two in legal terms (see Chapter 2 for details)

<sup>6</sup> According to Dutch statistics the family formation raised from 39% in 1995 to 60% in 2003 (Bonjour, 2008, p. 7)

<sup>7</sup> The population of Turkish origin people legally residing in the Netherlands (both first and second generation) is reflected by the official Dutch statistics (CBS) in 2014 as 396.414. Turkish community constitutes 2.35% of the total population and 19.84% of the non-Western immigrant population in the Netherlands in 2014 (CBS Statline). Moroccan population in the Netherlands numbered as 374 996 in 2014 according to the CBS statistics.

<sup>8</sup> According to Dutch statistics, in 2011 family migration constitutes the 57% of the immigration motives of SGTD (see Appendix E).

on the persons and the capacity of the persons to constrain these policies. The main aim of this study is to fill this gap through its multilevel and interdisciplinary perspective.

## **1.2. Research Design and Operationalization of Research Questions**

The research problem and questions outlined above reflect the tension between SGTD, policies of Dutch government and international context, specifically EU legal context. This tension leads to interactions between different actors and have consequences on the interplay of family reunification and integration. Understanding the realities which is beyond the visible requires employment of cultural and social aspects in addition to the facts, and focus on the knowledge of people and political system from different perspective. In this respect this study embraces the interdisciplinary area studies approach and reflects multifaceted analysis. The combination of three disciplines political science, legal and sociology is used in this research for macro and micro levels of analysis. This study focuses on the IGOs (the EU and Council of Europe) and nation state (Netherlands) as the units of analysis at the macro level and SGTD sponsors who got married from Turkey after 2006 and unite with their partner in the Netherlands as a micro level unit of analysis.

This research aims to overcome the fragmented understanding of integration and family reunification and nation state centered research perspective by reflecting interdisciplinary perspective and making different levels of analysis (macro and micro). Since this research discusses the interaction between family reunification and integration at different levels through interdisciplinary approach, different methods and data sources are used. In order to explore the interaction between family reunification and integration at the macro level at the second part, documentary review of the development of family reunification and integration policies, the recent laws and regulations at the national and international context, the rulings of the CJEU, ECtHR and Dutch Courts, the reports of the IGOs and restrictive family reunification regulations are analyzed.

Third part of this research concentrate on the micro level analysis thus it aims to understand the actual interaction between family reunification and integration: SGTD's perceptions about partner choice from Turkey, their experiences, feelings

and strategies related with family reunification and integration, and the issues related with the implementation of the regulations. Therefore, qualitative research has been conducted and mix method has been employed by using seven sets of data: Participant observations in Turkish community in Utrecht, four semi-structured in-depth expert interviews with Turkish social workers, six semi-structured in-depth expert interviews with Turkish lawyers, forty semi-structured in-depth qualitative interviews with second generation Turkish Dutch who got married from Turkey since 2006 (twenty women and twenty five men), fourteen semi structured-in-depth interviews with Turkish NGO leaders and four semi structured in-depth interviews with one and half generation Turkish Dutch (who immigrated to the Netherlands after age of 10 to reunite with parents) who got married from Turkey and two unstructured in-depth interviews with Dutch scholars who are working related with the Turks in the Netherlands.

Since the findings of the qualitative research is mainly employed at the third part of the thesis which is on micro level, the first person method is used in the Chapters 2, 6, 7 and 8. It is related with the fact that the issues discussed in these chapters are not only about facts but also about emotions and perceptions. First person method is preferred to avoid the generalizations and reflect my personal observations and interpretations. Nevertheless, for the analysis of the macro level issues, the third person and passive tense is used.

## **1.2. Terminology**

While the concept of “integration” is employed by the discipline of political science in order to refer to the policy outcomes, the sociologies often prefer the concept of “incorporation” to discuss the migrant behaviors and perspectives (Brettell & Hollifield, 2008). Nevertheless, the concept of integration is used in this study as an umbrella concept which reflects different meanings (see Chapter 2) at the macro and micro levels by different actors depending on the period it is used. It has been defined as long lasting, interactive mutual adaptation process of immigrants, institutions and people of receiving society in various spheres. Therefore, integration is perceived as a two-way process in which both sides have responsibilities. While immigrant community constitutes the one side, the other side

is the receiving country and society. The immigrant integration has been discussed in this study under two dimensions: Structural and socio-cultural. Since the main scope of this research is second generation immigrants and family reunification, the labor market participation, education, housing, political participation and structural discrimination is referred as the relevant spheres under structural integration. The socio-cultural dimension of integration covers the knowledge and respect on norms, traditions and values of natives (cultural sphere); ability to develop interethnic social networks, participation to socio-cultural life and social institutions (social sphere); having some degree of belonging to the receiving society and citizenship, developing feeling of home in the country of residence, feeling of being discriminated and perceived unacceptance (identificational sphere). Although marriage and partner choice is reflected as relevant to social integration in the literature, in this study it is not considered as a sphere of integration since it is the main focus of this research.

While integration contributes to discuss the macro level analysis, the concept of transnationalism is employed at the micro level in order to refer to the dual identities, language abilities, nationalities and practices and ties of immigrants across borders. While the Dutch government perceives transnationalism as obstacle if not opposite to integration, the immigrants perceive these two processes as separate which are not necessarily contradictory or complementary. In this study transnational identities and practices of immigrants will be referred in the context of their ethnic identification and their affiliations and practices with Turkey. In this context the concept of transnational marriage is used in order to refer to the marriages of SGTD immigrants from Turkey.

The concept of family reunification is preferred in this study since the process is analyzed from the perspective of the SGTD who got married from Turkey and united with his/her partner in the Netherlands (sponsor) with specific emphasis on the legal and policy aspect. Although the family reunification concept covers the reunification of sponsor with family members (including their children and parents), in this study it refers only to the reunification with marriage partner. Due to the ruling of CJEU which precludes the differentiated policy perspective for family reunification and family formation, family reunification does not indicate the place

where marriage life has started. Registered partnership has been covered under the concept of marriage in this study unless it is specifically referred. The concepts of “transnational marriages” and “transnational partner choice” will be used at the individual level of analysis with a limited meaning to refer to the coethnic partner choice of Turkish Dutch from Turkey. The concept of marriage migrant (huwelijksmigrant) is used in the study to refer incoming spouse who migrates with the purpose of family reunification (including family formation). The sponsor (referent) is employed for mentioning the partner who is already residing in the country (Netherlands).

The concept of Turkish Dutch – mainly do not refer to their ethnic origin or citizenship in this study. The expressions like “Turkish”, “Turkish” immigrant, community or origin or “Turks” are used in this study in order to refer all ethnic groups originating from Turkey. In addition to this, the citizenship is not considered as a reference point since most of the Turkish origin people residing in the Netherlands have dual citizenship.<sup>9</sup> This mainly results from the naturalization opportunity while holding Turkish citizenship during mid-1990s and exceptions for the dual citizenship<sup>10</sup>. Deciding on citizenship is a pragmatic decision for the second generation Turks in the Netherlands rather than an indicator of an integration or feeling of belonging (Mugge, 2011). Acquisition of citizenship is not considered as the last phase of the integration of the immigrants anymore both by the Dutch government and EU. In addition to this, holding Dutch citizenship do not offer exemptions from family reunification regulations since the family reunification regulations is the same for both Dutch citizens and Turkish citizens who got married from Turkey.

Second generation is referred in this study for Turkish Dutch who came to the Netherlands in their early childhood (before the age of ten) and first generation

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<sup>9</sup> According to the Dutch Statistics Bureau (CBS) 312.000 Turkish origin people have dual citizenship – Dutch and Turkish - out of 396.500 Turkish origin people living in the Netherlands

<sup>10</sup> Marriage migrants and children whose parents (or one of his parent) have a different nationality have the right to acquire Dutch citizenship in addition to their parents’ citizenship.

Turkish immigrants'<sup>11</sup> children born and raised in the Netherlands are both referred as a second generation Turkish Dutch in this study. Arriving to the Netherlands before the age of ten has been determined as a benchmark since they would not still hit adolescence when they arrived and could not carry their own social network from Turkey. Nevertheless, it is important to highlight that the Dutch statistics which reflect the Dutch government perspective defines second generation immigrants as the Dutch born immigrant origin people whose one or both parents were born abroad. This definition mainly originated from the perspective on allocthoon and autochtoon.

### **1.3. Contributions**

The already existing literature either focuses on the family reunification and policy perceptions about the relationship between family reunification and integration at macro level (IGOs and MSs). There are also researches at the micro level under the discipline of sociology about partner choice and a limited number of analysis on the coping strategies immigrants with the restrictive family reunification requirements. Thus there are few researches which reflects the whole picture about the interactions between family reunification and integration: Policy making, policy implementations, impacts of legislations on the individuals, the capacity of the persons to constrain these policies, the perceptions and experiences of immigrants. This study could contribute to the literature due its multi-level analysis which enables highlighting the divergence in perceptions and definitions of same concepts at different levels. In addition, multilevel analysis helps to understand the importance of interactions between different actors at different levels. This research aims to serve the micro level contribution to the macro level analysis on policy making by highlighting the actual influences of the policies and their implementations on SGTD sponsors' lives and macro level contribution to micro level about their rights derived from international legal framework

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<sup>11</sup> First generation Turkish immigrants are defined as Turkish citizens who migrated from Turkey to the Netherlands after the age of ten.

Although there is a growing body of literature on marriage migration and family reunification policy from the legal perspective (Groenendijk, Fernhout, van Dam, van Oers, & Strik, 2007; Strik, de Hart, & Nissen, 2013; Kraler, 2010), there is relatively less attention on the implementation and impact of regulations on people. This study aims to contribute to the literature by focusing on the SGTD perspective in order to highlight the implementation and impact of regulations on the already existing immigrants rather than incoming spouses.

Focusing on the family reunification rights of Turkish citizens is also novelty of this research. On one side of this story, there is the SGTDS' privileged status which mainly results from their Turkish citizenship and contributes to their transnational identities and feelings of belonging. And on the other side, there is the Dutch policy perspective which curtails the rights, stresses only the duties of the Turkish community and expects their unidimensional acculturation. This assimilationist neoliberal perspective perceives the SGTD's transnational identity and feeling of belonging as a threat and obstacle to integration.

#### **1.4. Structure of the Thesis**

Structurally this thesis has three parts: While first part consists of Chapters 2 and 3, Chapters 4 and 5 constitute the second part. Chapters 6, 7 and 8 are in the third and last part of this study.

The first part of this thesis analyzes conceptual and methodological framework. In Chapter 2 the conceptual framework and the findings of the already existing researches related with the research question is discussed. In Chapter 3, the details about the qualitative research which provides insight information about the lives and experiences of SGTD sponsors who got married from Turkey after 2006 and united with their partner in Turkey and legal analysis of the lawyers about the implementation of the family reunification regulations.

The second part of this thesis focuses on the macro level analysis on the policy making and implementation. In this respect it gives detailed analysis on the perspectives of the Council of Europe, EU and Netherlands. Chapter 4 elaborates on the integration perspective of the actors at the macro level. While the perspective of the ECtHR is analyzed through its references to integration in its case law, the EU's

perceptions of integration is discussed by reflecting the divergence in the policy making system and perspectives on three different legal categories of immigrants: EU citizens, third country nationals and Turkish citizens. In this respect for each legal category, the legal basis of the rights and policy evolution at the EU level is highlighted. The final part of Chapter 4 discusses the changing integration perspective of the Netherlands and the recent integration perspective is analyzed under its structural and socio-cultural dimensions. Chapter 5 elaborates on the family reunification perspectives at the macro level mainly within the context of the disciplines of political science and law. It focuses on the family reunification perspectives of ECtHR, EU and the Netherlands. The ECtHRs' approach on family reunification of immigrants in its case law and its analyses on the family reunification as a claim of outsider and differential treatment are highlighted. The family reunification concerns at the EU level are discussed for different legal categories of immigrants mainly through the analysis of Family Reunification Directive (Directive 2003/86/EC) for TCNs, Free Movement Directive (Directive 2004/38/EC) for EU citizens and Turkey-EU Association Law for Turkish citizens and through the analysis of the decision of the CJEU constraining the implementation of restrictive family reunification regulations at the national level. Part three of this research focuses on the micro level analysis and discusses the perspectives of SGTD who got married with a partner in Turkey since 2006, rights and implementations of the policies with lawyers and the concerns of the NGOs about family reunification and integration policies and practices of the Turkish community through the findings of the qualitative research.

The third part mainly makes the micro level analyses and highlights individual perspectives of SGTD sponsors on family unification and integration. Chapter 6 focuses on the process before their family reunification and highlights their motivations for partner choice from Turkey. This chapter also aims to understand partner choice patterns of SGTD, the role of their parents in their partner choice, the reasons of their arranged marriages and kin marriages. Chapter 7 mainly discusses the experiences at the micro level during the legal process of family reunification under four parts: (1) The concerns of the Turkish lawyers on the implementation of

the family reunification regulations for Turkish citizens, (2) perceptions of SGTD about regulations, (3) coping strategies of SGTD to fulfill the family reunification requirements, and finally (4) impact of family reunification regulations and integration policies on the structural and socio-cultural integration of SGTD. The last chapter of the micro level part discusses the integration of the SGTD sponsors after the legal process of family reunification. This part mainly aims to understand the influence of the marriage migration on the SGTD sponsors integration in the long run. The findings of the participant observation and semi-structured in-depth interviews are discussed under the titles of structural and socio-cultural dimensions of integration, ethnic and transnational lives and identities at the private domain of life and their perceptions of integration policies.

## **PART 1: CONCEPTUAL AND METHODOLOGICAL FRAMEWORK**

### **CHAPTER 2**

#### **CONCEPTUAL FRAMEWORK**

This part aims to provide an overview of the existing literature on integration and family reunification to highlight the main concerns and definitions of different disciplines (political science, law and sociology and anthropology) on the research subject. It analyses the literature on the cultural and legal characteristics of the Turkish community in Europe in order to define the unit of analyses at the micro level. The different disciplines employ different concepts to refer the different aspects of the same issue. Due to the interdisciplinary approach of this research, the concepts which are preferred in this research subject need to be clarified.

In this chapter, (1) firstly, conceptual framework for immigrant integration is elaborated by referring the concepts of assimilation, multiculturalism, integration, incorporation and transnationalism. (2) Secondly, the scholarly work on family reunification marriage migration and family reunification regulations are discussed. (3) Thirdly, the academic analysis on the interaction between migrant integration and marriage migration is analyzed. (4) The final part of this chapter points out the cultural and legal characteristics of second generation Turkish immigrants in Europe.

##### **2.1. Perspectives on Migrant Integration**

Migrant integration is an issue highly elaborated by social scientist since the 1920s through highlighting the similarities, differences and interactions between different groups (Kivisto, 2003). Different concepts have been used due to the variety of definitions of the process, aims and actors involved in the migrant adaptation

changing across time and space. While the transatlantic perspective opts for assimilation (2.1.1), multiculturalism (2.1.2) and integration (2.1.3) are preferred in Europe in order to refer to the concerns related with the immigrants in the country of residence. In addition to this, in order to highlight the perspectives of the immigrants, the transnationalist perspective will be highlighted with reference to the concept of incorporation (2.1.4). Since the main aim of this study is to reflect the multilevel perspective, the interaction between transnationalism and integration will be discussed in the final part (2.1.5).

### **2.1.1. Assimilation**

Assimilation theory which was dominant in the US until the late 1960s, explains the process of absorption of immigrants in the dominant society and becoming similar to the native society by leaving their ethnic, cultural and social characteristics. Gordon (1964) who was the pioneer in the classical assimilation theory had defined the process of assimilation through a straight line in seven stages: Cultural (acculturation), socio-cultural, marital, identificational, attitudinal, behavioral reception and civic dimensions. He made a distinction between cultural (acculturation) and structural (social integration to the mainstream society and its institutions) aspects of assimilation. These two aspects are determined as consecutive but independent stages of the seven stage process. It supposes that the attainment of cultural and structural assimilation would inevitably end with assimilation of the individual.

Although classical assimilation theory constituted the base of the discussions about assimilation and integration, it has received important criticisms related with its one sided ethnocentric and nationalist point of view, inability to reflect the complexity of the issue and deficiencies to explain the process and its misassumptions. Since 1965, assimilation has been reassessed by new assimilation theories which reflect the criticisms to the classical assimilation theory. Brubaker (2001) defines the new perspective on assimilation as “agnostic about its directions, degrees, and modalities, and ambivalent about its desirability”. Thus new assimilation perspectives are not assimilationist as default. Different from classical assimilation theory which defines assimilation as an end-state of complete

absorption, new assimilation perspectives reflect abstract understanding by focusing on the process. Rather than defining one mainstream society and core culture, new literature considers multiple reference populations. New perspectives focus on distinct processes of assimilation of different generations of immigrants into the heterogeneous society in different dimensions with specific reference to the socio-economic dimension rather than cultural. It refers to the “process of becoming similar or making similar or treat as similar” (Brubaker, 2001, p. 532; Alba & Nee, 2003). With this new approach, assimilation started to be used interchangeably with the concept of integration.

### **2.1.2. Multiculturalism**

Multiculturalism is a dominant approach to refer the cultural and religious diversity in society, policy and ideology (Marcey & Carling, 2011). In this study multiculturalism is used as a policy response to the consequences of immigration. Multiculturalism has been discussed in the literature by highlighting mainly three dimensions: cultural diversity, equality and social cohesion. First, richness of cultural diversity and the need to protect it are the issues heavily discussed in the context of multiculturalism (Parekh, 2000; Kukathas, 2001; Meeto & Mirza, 2007).

The second reference point in the definition of multiculturalism is the principle of equality. The equality of all cultures, thus the need for equal value and respect to all has been defended. Charles Taylor (1992) discusses cultural diversity in the context of “politics of recognition” with specific reference to the recognition of identities. The notion of justice has often been referred in the literature while explaining the equality principle in the politics of multiculturalism (Modood, 2013; Phillips, 2007; Barry, 2001). Thus in addition to equality in cultural status (politics of recognition), the need for equality in socio-economic status by redistributing the material goods has been stressed through the discussions on “politics of redistribution” (Levrav & Loobuyck, 2013). However, the politics of multiculturalism has received important criticism due to its stress on the politics of recognition and relative neglect about the politics of redistribution while explaining the equality in the society (Barry, 2001).

Thirdly, the previous two points result in the discussions on social cohesion in multiculturalism. It is claimed that there is a negative correlation between cultural diversity and social cohesion in terms of trust and solidarity in the society (Putnam, 2007). The Dutch experience has been examined as an example of this concern by associating the increase in social segregation and the slow down in socioeconomic integration with multiculturalism (Koopmans, 2010; Sniderman & Hagendoorn, 2006). Kymlicka (2012) suggests that there is no need to generalize the Dutch anomaly in terms of the impact of multicultural policy.

There are also studies which questions whether the Dutch immigrant policies reflect politics of multiculturalism. First, in order to discuss the cultural diversity within the society resulting from the immigration in the context of politics of multiculturalism, the immigrants need to be defined as part of the society. Thus acceptance of the immigrants as permanent settlement of the immigrants is crucial (Castles & Miller, 2009, pp. 14-15). Second, the nation building process had mainly been determined with the nation-state understanding of 18<sup>th</sup> century in Europe. Therefore, common language, culture, traditions and history has been seen as the main features of the nation. It is not an easy task to define the immigrants with totally different social, cultural and religious concerns as part of the nation in Europe since it necessitates the reconstruction of national identity with the new dynamics in the society. Third, politics of recognition is not sufficient to build solidarity, trust and cohesion in the society on its own. In order to prevent segregation and separation, it is important to sustain equality in cultural and socioeconomic aspects of the society. This necessitates the implementation of the politics of recognition and redistribution simultaneously (Levrau & Loobuyck, 2013). Thus prioritizing multiculturalism as a public policy and ignoring social and economic inequalities in the society may result in segregation (Joppke, 2004). In this context, multiculturalism is used in this study in order to refer to the policies which aim to sustain equal social, economic, political, and cultural status of immigrants in the society while accommodating their distinctive culture, religion and language in the nation.

### **2.1.3. Integration**

The concept of integration has been preferred in European academic debates and public and policy discourses rather than assimilation or multiculturalism in order to discuss immigrant group incorporation since 1990s. The concept is mainly employed to overcome the holistic approach to the “notion of assimilation” which mainly refers to wish to homogenize brutally (Brubaker, 2001), and xenophobic nationalism (Favell, 2001). It is also preferred in order to refrain from multiculturalism which has been held responsible for ethnic separatism, low degrees of social cohesion and solidarity and the creation of socioeconomic underclass (Vertovec & Wessendorf, 2010; Joppke, 2004).

There is confusion in the definition of the concept in the field of migration. It has been employed in this study due to the lack of an acceptable alternative and prevalent usage in the European immigrant policies and policy researches. In this study, integration has been defined as a long lasting, interactive mutual adaptation process of immigrants, institutions and people of receiving society in various spheres. In this learning and socialization process, both the immigrants, institutions and the society of the country of residence need to adapt to the new circumstances evolved with immigration (Lacroix, 2010). This constructive relationship determines the degree of interconnectedness and quality of relations (Heckmann, 2006). However, it is not an interaction between equals. On the contrary, due to the power relation and distribution of resources, the nation-state and nation-society mainly direct the process; they are more influential in determining the outcome of the process (Penninx & Martiniello, 2004). It is important to highlight the actors involved in the integration process, the dimensions of integration and the need for multilevel perspective in integration process in the discussion on integration.

#### **2.1.3.1. Actors in Integration Process**

First the actors involved in the process of integration are mainly considered as the immigrants, natives and receiving country in this study.<sup>12</sup> In addition to first

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<sup>12</sup> As it is explained in Chapter 4, the integration started to be considered as a three-way process rather than two-way by the EU. According to this perspective, the country of origin in addition to the

generation immigrants, second and third generation immigrants<sup>13</sup> are also considered and analyzed in the literature on integration and immigrant policies in Europe. Natives are the other actors in the process of integration. Institutional and individual form of discrimination and prejudice, unequal membership to the different spheres of society (legal, socio-economic, ethno-cultural stratification of membership (Morris, 2002; Block, 2015)) and conflict between immigrants and natives are considered barriers to the integration process posed by the natives. Thus the state, as a third actor, has the responsibility to facilitate the integration process through policies and regulations directed to both immigrants and receiving society. However, it is not independent from immigrants considering their needs and reaction to the policies and natives in terms of their electoral power. The main focus of this study is the state and immigrant level perspective on integration.

### **2.1.3.2. Dimensions and Spheres of Integration Process**

It is commonly accepted that while discussing immigrant integration, different dimensions need to be taken into account. However, the scholars diverge in their consideration about number and content of dimensions, different spheres within these dimensions and the interaction between them.<sup>14</sup> For example, Lacroix (2010)

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immigrants and receiving country and society is viewed as an actor of the integration process. However, in this study country and society of origin is not considered as an actor of integration and intentionally left out. As a result of field research, it is concluded that during the family reunification process of SGTD the country of origin is not directly involved. Since field research is conducted in the Netherlands, the influence of Turkish community in Turkey in the process of family reunification of SGTD is not under the scope of this study.

<sup>13</sup> There is more detailed classification under the generations in the literature (Oropesa & Landale, 1997). Due to the transnational relations of immigrants, many times they give birth or left their children in the country of origin until their school age. Therefore, in this study, in addition to the children of the first generation immigrants who were born in the country of residence, the ones who came to the country below the age of 10 has been defined as second generation immigrant (Thomas & Crul, 2007; Portes & Rumbaut, 2001). This preference is also related with their socialization process which has been mainly shaped in the country of residence.

<sup>14</sup> While Gordon (1964) makes his analysis on assimilation under seven “types of assimilation”, Engbersen (2003) comes up with seven “spheres of integration” (law, politics, work, housing, education, culture and religion) and Vermeulen and Penninx (2000) with four (legal, political, socio-economic and socio-cultural); Entzinger (2000) with four domains of integration (economic, social, cultural and political). Isajiw (1997) discuss through three “dimensions of social incorporation”

defines three spheres of integration (economic, social and cultural) which operate under two dimensions (structural and affective). He also makes reference to the indicators for each sphere. There are no specified agreed indicators for integration of immigrants; each research or policy document defines its own indicators and spheres depending on the scope and perspective of the research.<sup>15</sup> In this study, the integration process will be discussed under two dimensions: structural and socio-cultural (Entzinger, 2000; Spencer, 2011; Erdal & Oeppen, 2013; Heckmann, 2006).

*Structural integration* is considered as the enjoyment with equal rights and opportunities in participation of core institutions of the society of residence: labour and housing markets, education and health systems and welfare state institutions. Access to citizenship, opportunities to political participation (voting in the local and national elections) and policies to prevent social inequality and structural discrimination are also considered in the context of structural dimension of integration due to their impact on the position and membership of the immigrants in the society. The degree of participation of immigrants to the society in these areas would facilitate their socio-economic status, political power, and feeling of safety in the society where they live in.

*Socio-cultural dimension* of integration is more subjective compared with the structural dimension and difficult to measure it. In this study, the term socio-cultural dimension mainly refers to the cultural, social and identificational spheres which are heavily related to each other. *Cultural sphere* reflects the need to acquire a certain degree of competence in the language of the society, knowledge and respect to the norms, traditions and values of the natives. Integration in the *social sphere* determines the ability to develop new social networks within and beyond the workplace (friendships) and participation in social institutions (membership of

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(structure, culture and identity). Faist, Fauser and Reisenauer (2013), consider transnational practices in “four basic spheres of transnational lives” (familial, socio-cultural, economic and political).

<sup>15</sup> Migrant Integration Policy Index (MIPEX) make analysis of immigrant integration policies of thirty-eight countries including the EU member states in eight categories (labour market mobility, family reunion of foreign citizens, education, political participation, permanent residence, access to nationality, anti discrimination and health) through the analysis of 167 policy indicator (See <http://www.mipex.eu/>).

immigrants to the NGOs, political parties, unions and sport clubs in the society).<sup>16</sup> *Identificational sphere* is mainly related with having some degree of belonging to the country and society of residence, developing feeling of home in the neighborhood or in the city or in the country despite of their cultural and religious differences.

Different from assimilation, integration does not expect achieving full embeddedness and essential adaptation to the society by giving up their socio-cultural distinctiveness and become indistinguishable members of the homogenized nation (Block, 2015; Anthias, 2013). Therefore, the state and the society must leave freedom to immigrants to exercise their preference (Zenou, 2009). From this point of view, problematizing the partner choice of immigrants from their country of origin and restrictive policy development in order to prevent marriage migration for the sake of the integration of already existing immigrants reflect the assimilationist understanding. This problematization also result in the feeling of exclusion and disappointment for the immigrants since similar concerns are not alleged for the natives who marry partners from different country even if they become subject to similar restrictive regulations.

Since social integration mainly involves the interaction between immigrants and natives, in order to increase the level and frequency of this interaction, it is vital to produce policies to fight against the prejudices and discrimination against immigrant in the society, unequal treatment and structural and institutional discriminations. Similarly, in order to develop a certain degree of “we” feeling and socio-cultural integration, there is a need for adjustments in the society. The adaptation of the national identity consideration which are inclusive for the immigrant groups by giving equal rights and opportunities and accommodating their cultural differences could contribute to higher degree of socio-cultural integration.

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<sup>16</sup> Marriages of immigrants are often elaborated within the social sphere of integration since it is considered mainly related with the social interaction between immigrants and natives. In this study, it is intentionally left out of the analytical purposes due to the fact that partner choice is mainly viewed within the context of the private domain of life in which their transnational ways of being and belonging may become determinant.

Therefore, it could be solution to focus on the supra-identifications in which different ethnic, religious groups are accommodated with their self-identification.

It is also important to highlight that different dimensions of the integration process are interlinked to each other. The change in one domain has influence on the experiences of individuals in other spheres (van Craen, Vancluysen, & Ackaert, 2008). For example, the competency in language, which is considered under the socio-cultural dimension, has a chain effect on the education level and also attainment at the labour market and income level and thus residential area. In this context the state policies whether targeted towards immigrants or not may have an unintentional impact on the integration process of immigrants. For example, housing policies which regulate the accommodation depending on the economic wealth would possibly lead to ethnic neighbourhoods, ethnic concentration at schools and a lower degree of educational attainment. The immigrants have different experiences in the degree and level of integration in different dimensions (Vermeulen & Penninx, 2000). Thus there are different trajectories of integration. Researchers try to understand and explain these different integration trajectories by the adaption of different theories from different disciplines.<sup>17</sup>

### **2.1.3.3. Integration at the Macro Level: State Policies and Policy Researches**

Integration has been used in policy research as an umbrella concept which has a wide scope ranging from multiculturalism to assimilation in order to refer to different perspectives constructed through nation building experience and social structure (Grillo, 1998, p. 177; Bommers & Thranhardt, 2012). The usage of integration in the policy discourse mainly reflects the strong national focus which has been described as “methodological nationalism” by Wimmer and Glick Schiller (2002) and as “national paradigm” by Bommers and Thranhardt (2012). In this context, it is hard to make generalizations about the integration policies of different

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<sup>17</sup> Human capital, social capital, prejudice, structural opportunity, social identity theories are some of the most prominent theories employed by the immigrant integration literature (van Tubergen, 2006)

countries due to the differences in their political, economic (welfare state), social (social structure), cultural (identity mainly shaped through nation building process) and legal framework and immigrant group characteristics (Banton, 2001). Scholars have suggested various typologies by highlighting different domains, dimensions, spheres levels and types of integration in order to discuss differentiated integration policies of the European states (Castles & Miller, 2009; Brubaker, 1992; Favell, 1998; Soysal, 1994).

Although the concept of integration rather than assimilation has been employed in European countries for the immigrant policies, in order to refer to greater degree of respect for ethnic and religious differences, especially after September 11 terrorist attacks it has started to have more assimilationist connotations (Vermeulen & Penninx, 2000). The integration of immigrants started to be perceived as a one-way, end state which has been defined by the native society (Penninx, 2010). The stress has also shifted from the states' responsibilities in immigrant integration to the responsibility of the immigrants. The immigrants (and their descendants) have been expected to be an integral part of society not only in the political, economic and social spheres but also cultural and identificational spheres.

The recent integration perspective in policy discourse of EU countries, which is intensified by the political atmosphere of 9/11, mainly focuses on the socio-cultural dimension of integration. More specifically issues of belonging and identity are defined as main concerns. The feeling of belonging to the home country, preferring coethnic marriages from the country of origin, building coethnic or religious social network and carrying on the cultural practices according to their own cultural and religious traditions has been depicted as a sign of segregation and/or building ethnic enclaves. In this context the policy debates interpret the integration as a zero sum game of attachment of immigrants. Possibilities to have dual identities, dual belongings and dual social ties to different communities have been ignored. Thus "transnational identities" have been viewed as a challenge for integration of immigrants. Therefore, the integration policies reflect the presupposition that giving up the cultural identities and loyalties is a prerequisite for structural integration (Glick Schiller, Basch, & Blanc, 1995). In this context today integration policies in

European countries have been criticized as “Janus faced policies” due to the differences in their integrationist rhetoric and assimilationist practice (Anthias, 2013).

Since integration has been perceived as a cultural process in European countries as it is highlighted, it is important to underline the cultural perceptions. The discussions on European identity, EU citizenship and EU constitution (adopted as Lisbon Treaty), reference to Christianity contributed to the proximity and shared destiny of the member states. Integration policies in European countries since 2000s mainly breeds from the “us vs. them” dichotomy (Rea, Bonjour, & Jacobs, 2011). In addition to this, in the essentialist lens of culture, Muslim immigrants and their descendants are disproportionally considered the problematic "other" and difficult to integrate into society, a “threat” to society due to their cultural differences from the typical European Nationalist discourse (Modood & Werbner, 1997, p. 2). In this context the usage of the cultural normative images by dominant society constitute barrier for the integration of Muslim immigrants since they make them the target of the prejudices and discriminatory policies and attitudes in different spheres of society (Engbersen, 2003).

In addition to indirect involvement of the EU through its impact on identity formation, the EU could be considered as an important factor in the discussions on immigrant integration (Luedtke, 2005). There are increasing cooperation efforts at the EU level in the field of migration and immigrant policies since the Maastricht Treaty in 1992 (see Chapter 4 for further discussion). With the implementation of the right of free movement for EU citizens, the term “immigrant” started to be defined in the EU countries as the non-European citizens who migrated to an EU country (Mugge & van der Haar, 2016). Thus integration became a concern for the non-EU immigrants at a national level. Although the EU does not have direct involvement in the field of immigrant integration, the definition of the concept has refrained from nation state-based problem definition and policy solution (methodological nationalism). This could be associated with five issues: its role as supranational institution; the basic values defined at the EU level (democracy, human rights and rule of law), lack of direct implementation of policies, limitations of the

nation states to shape the EU policy, and the earlier definition of the concept of “integration” in the context of European integration (Mulcahy, 2011). Therefore, the limited EU involvement in the field of immigrant integration is also one of the issues which received scholarly attention from political science community mainly under the discussions on policy making, state sovereignty and citizenship (Guiraudon & Lahav, 2000).

#### **2.1.4. Transnationalism and Immigrant Incorporation**

Although the word transnational has been first used at the beginning of the 1900s<sup>18</sup> and later in the 1960s by the political science community in order to refer to “transnational relations”, transnationalism has come to the forefront of migration studies at the beginning of 1990s (Basch, Glick-Schiller, & Blanc, 1994). The technological improvements in communication, transportation, the increasing impact of globalization with the end of Cold War eased the interaction between communities in different countries. These new realities resulted in the rise of transnationalism and different usages of the term which are highlighted by Vertovec (1999) under six categories: (1) border spanning social formation, (2) diaspora relations, (3) cultural reproduction, (4) border spanning economic activities through transnational or multinational corporations; (5) cross border political engagement of the ethnic communities and role of international non-governmental and (6) translocal perspective to place. These new concerns led to the introduction of transnational perspective in immigration studies in order to understand the multi-sited immigrants who builds multi-stranded social fields beyond the borders of the nation-states and societies of countries of origin and residence (Basch, Glick-Schiller, & Blanc, 1994, p. 7).

Transnationalism mainly emerged as a challenge to the nation-state centered problem statements, conceptual definitions and policy formulations which do not take the individual level concerns into consideration. It is highly critical to the three

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<sup>18</sup> Radolph Borune first used the term “Transnational America” in 1914 (Kivisto, 2001), Znanieck and Thomas has elaborated transnational ties in their famous work “Polish Peasants in Europe and America” which was published between 1918-1920.

basic assumptions of integration research: the nation-state bounded definition of culture and society (Levitt & Glick Schiller, 2004; Pries, 2005), methodological nationalism (Wimmer & Glick Schiller, 2002; FitzGerald, 2012) in integration researches and immigrant policies which have been discussed with reference to assimilation and multiculturalism which has normative implications and politically loaded connotations (Glick Schiller, 2007).

Transnationalism calls for broadening and deepening the analytical lenses on the research of immigrants by including the micro and meso level of analysis through actor centered approach. It highlights the existing constraints in understanding and explaining the immigrants' embeddedness in various (transnational) social fields due to the dominance of the nation state perspective and relative ignorance of the immigrants' transnational practices and identities. It highlights the emergent of social field in which people's lives are both "here" and "there" (or neither "here" nor "there") by their dual identities, languages, nationalities and their regular contacts across borders and "homes". In this context Levitt and Glick Schiller (2004) refer to the "transnational ways of being and belonging" in order to reflect their actual relations in transnational fields which situates across borders and their dual identities, dual loyalties and bicultural orientations respectively. Immigrants are involved in transnational activities with both the societies, country of origin and residences in different domains of life (economic, political, and socio-cultural) simultaneously (Levitt & Glick Schiller, 2004; Portes, Guarnizo, & Landolt, 1999).

#### **2.1.4.1. Actors Involved in Transnationalism**

Since transnationalism studies the multi-sitedness of immigrants, proponents of this perspective considers more actors involved in the process. In addition to the country and society of residence and immigrants, transnationalism discusses the country and society of origin, TNCs, MNCs and INGOs and transnational communities as the actors involved in the process of incorporation. Faist (2000) considers five actors in the process of transnationalism: states and societies of country of origin and residence and immigrant group. Despite accepting these actors as object of the transnationalism research, many scholars stress the importance of concentration on micro level, mainly individuals and families as a methodological

strategy (Glick Schiller, Basch, & Blanc, 1995; Portes, Guarnizo, & Landolt, 1999). This study mainly focuses on the transnationalism from below by highlighting immigrants' perspective (Portes, Guarnizo, & Landolt, 1999). As a contribution, the perspective of the ethnic origin NGOs' has been reflected in a limited sense in order to reflect the corporate life of the immigrants are embedded (Kivisto, 2001) and collective identities of transnational communities (Faist, 2000, pp. 207-210).

Second generation is also highlighted in transnationalism perspective due to the fact that immigrant nationalism does not disappear with the first generation (Faist, 2000, pp. 201-201; Fournon & Glick Schiller, 2002). The ethnic pride, nationalism, cultural heritage and links are either transferred by to the second and third generations (Jacobson, 1995, p. 5; Smith & Guarnizo, 1998; Faist, Fauser, & Reisenauer, 2013, pp. 102-106; Portes, Fernandez-Kelly, & Haller, 2005; Portes, 1995).

#### **2.1.4.2. Spheres of Transnationalism**

It could be possible to discuss transnational practices of immigrants under the dimensions of integration: structural and socio-cultural. However, different from integration, transnationalism mainly highlights the homeland engagement of immigrants in these dimensions. Therefore, it could evolve parallel to the integration process (Erdal & Oeppen, 2013). At the *structural dimension*, main concerns of the transnationalism could be discussed under economic, legal and political spheres. Thus under these spheres, transnationalism analyses the access to financial resources and opportunities to transfer (remittances) and invest internationally; enjoyment with the rights of dual nationality or an alternative to nationality which serve rights similar to citizenship; and opportunities for political participation - right to vote and be elected, membership to political parties (Faist, Fauser, & Reisenauer, 2013). The *socio-cultural dimension* of transnationalism is mainly related to: feeling of belonging to the home country and society, orientation towards reinforcement of cultural and religious connections and social networks and familial relations (Portes, Guarnizo, & Landolt, 1999; Faist, 2000).

The studies on immigrant incorporation mainly stress the structural dimension since they consider becoming and being perceived as part of a polity

would sustain their integration in the society. It leads to more clear separation between structural and socio-cultural dimensions. While it highlights the role of the country of residence in the incorporation of immigrants in the structural dimension, it reflects a looser understanding in the socio-cultural dimension which respects the transnational identities of the immigrants (Lacroix, 2010; Martiniello & Rath, 2014).

Policies of emigrant countries – diaspora policies – to foster the involvement of immigrants with their homeland in these dimensions have also been discussed in the literature on transnationalism (Østergaard-Nielsen, 2003). They mainly discussed in the literature with reference to “long distance nationalism” or “transnationalism from above” in order to highlight the state centered approach rather than the individual (Guarnizo, 1997). However, since transnationalism has been elaborated in this study through actor centered approach mostly in the country of residence, the perspectives and policies of the country of origin will not be discussed. Thus the transnationalism perspective will be reflected mainly in the context of immigrant incorporation in the country of residence.

#### **2.1.5. Transnationalism and Integration**

The proponents of transnationalism approach generally prefer to discuss immigrant integration with the concept of “incorporation” which is claimed to be neutral point of view for referring to the overall process of immigrants becoming part of the society by mainly highlighting the structural dimension (Itzigsohn & Saucedo, 2002; Lacroix, 2010). In this context the transnational perspective considers that integration has two dimensions with different weights. While structural incorporation over time is viewed as necessity, incorporation at the socio-cultural dimension is seen as an option until a certain extent since it reflects subjective point of view. Transnationalism perspective mainly considers the immigrants as the unit of analysis and integration as two-way process rather than an identifiable “endpoint”. In this respect transnationalism may be considered as a serious alternative to the politically loaded understanding of integration at the nation state level.

Since proponents of transnationalism perspective highlight the interaction and identification of immigrants with multiple nation-states and communities

simultaneously (Levitt & Glick Schiller, 2004) while discussing the immigrant incorporation, they do not conceive transnationalism as an alternative option or challenge to the immigrant integration as a sociological phenomenon. Portes treats transnationalism as one type of assimilation which present a strategy or alternative for downward assimilation in his reference to “segmented assimilation” (Portes, Fernandez-Kelly, & Haller, 2005; Portes, 1999).<sup>19</sup>

It could be argued that transnationalism and integration are parallel processes rather than alternatives. Transnationalism leaves room for dual identities, loyalties, practices with homeland and country of residence and considers the position of immigrants as being both here and there. Although this is not necessarily conflicting with the concept of integration, national gaze asks from the immigrants to make a choice in their transnational involvement; reflects the perspective of either “here” or “there” (Erdal & Oeppen, 2013). In this context the transnational perspective challenges the assimilationist integration perspectives of the countries of residence which regard integration as one-way process and leave the whole responsibility of integration to the immigrants.

Transnationalism is criticized as a challenge to integration and social cohesion since it creates parallel communities in the societies (Martiniello & Rath, 2014). However, these critics mainly consider the outcome of the problem as the reason. The main concern of the immigrants is obtaining social and economic well-being. Therefore, their experiences of exclusion, discrimination and assimilation in the economic, social, cultural (including the religious) domains of life in the country of residence may lead to search for transnational alternatives to reach the same goal (Portes, Guarnizo, & Landolt, 1999).<sup>20</sup> Thus in addition to the hostile environment in the country of residence, homeland policies which is inclusive may lead to the

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<sup>19</sup> Portes (1999) considers transnationalism not as a challenge to assimilation. On the contrary he argues that transnational ties and activities may facilitate upward assimilation of immigrants in the hostile receiving country context in which practices of discrimination and exclusion are common.

<sup>20</sup> Portes (Conclusion: Toward a New World—The Origins and Effects of Transnational Activities, 1999) considers transnationalism not as a challenge to assimilation. On the contrary he argues that transnational ties and activities may facilitate upward assimilation of immigrants in the hostile receiving country context in which practices of discrimination and exclusion is common.

increase in transnational practices and identities as a pragmatic choice (Erdal & Oeppen, 2013) and increase their social distance with the society in the country of residence due to their negative experiences. In this context immigrants hold on to their transnational ties, practices and identities through pragmatic and emotional considerations in order to survive, reach a better life, being and perceived as part of one community (Snel, Engbersen, & Leerkes, 2006). “Parallel societies”, segregation and ethnic enclaves needs to be considered as the outcomes of the problems: the unequal distribution of resources, stress on the differences of immigrants (“otherization”), pejorative understanding of immigrants’ cultures and Islam and accusation against the immigrants for the negative things happening in the country and society of residence such as increase in crime rates, economic crisis, unemployment, failure in the welfare state policies. In this study, multilevel perspective has been reflected by highlighting the national integration policies at the macro level and transnational perspectives of immigrants on incorporation. In this respect although the integration and transnationalism are not alternative to each other from the sociological understanding of the concepts, they are treated as if threat/challenge to each other due to the assimilationist tendency of current national integration policies in European countries more specifically in the Netherlands.

## **2.2. Perspectives on Family Reunification**

Although marriage family reunification is not a new phenomenon<sup>21</sup>, it received scholarly attention relatively new (Charsley, 2012; Kofman, Kraler, Kohli, & Schmoll, 2011). Increasing political and academic interest on family reunification in the last two decades could be associated with two issues. First, family reunification has become the main motivation for legal migration to Europe from non-EU countries (OECD, 2013). Second, according to the national statistics in European countries, descendants of immigrants continue to get married from the

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<sup>21</sup> First examples of the transnational marriages could be considered as British men in the colonies who preferred British wives rather than Indian during 17th and mainly 18th century, “war brides” of World War II, Japanese wives and “picture brides” joining to Japanese male migrants in the US (Charsley, 2012).

country of origin of their parents in contrast to assimilation literature. Both the policy and academy could not be oblivious to these emerging issues. Different aspects of family reunification have been highlighted at the macro and micro levels by employing different concepts. In this study, the concept of family reunification is preferred due to the interdisciplinary nature of this study and its focus on the sponsor at the micro level. In this section, (1) the conceptual discussions in the literature on family reunification, (2) main policy concerns on family reunification, and (3) micro level perspectives on partner choice and family reunification regulations are discussed.

### **2.2.1. Conceptual Discussions on Family Reunification**

In the literature, marriage-related migration has been discussed under different terminology: Marriage migration (Timmerman, 2006), spouse migration (Khoo, 2001), family forming migration (Lievens, 1999), family reunification (Strik, de Hart, & Nissen, 2013), transnational marriages (Beck-Gernsheim, 2007; Charsley, 2012), cross-border marriages (Williams, 2010; Constable, 2005). Anthropological and sociological studies mostly consider the “family formation” and “family reunification” as distinct phenomena. Although in both cases the family migrant is joining his/her family member who is already residing in the destination country, there are two main distinctions between two terms. First, while family formation migration only covers the migration of a marital partner of a person residing in a different country, family reunification migration includes the other categories mainly parents and children in addition to the spouses.

The second distinction between two phenomena is mainly related with whether their marriage life or cohabitation had already started in another country prior to their migration (family reunification) or not (family formation) (Hooghiemstra, 2003, p. 9; Birrell, 1995; Wray, Agoston, & Hutton, 2014). This aspect had also formed the basis of legal differentiation between two phenomena in some national contexts (Netherlands). In the process of family reunification, the partners face with less restrictions compared with the process of family formation.

Since 2010<sup>22</sup> two phenomena are considered together from the legal perspective in Europe and mainly family reunification is preferred as an umbrella concept in order to refer to the legal processes and state policies on marriage migration.

The concept of family formation is often used synonymously with “marriage migration” (Kofman, 2004, p. 246) and spousal migration (Khoo, 2001) and considered as a subcategory of family reunification. There are also detailed categorizations within the marriage migration on the grounds of ethnic background and migration history of the spouses (Birrell, 1995; Kofman, 2004). First subcategorization covers the marriages of immigrants and their descendants (irrelevant from their citizenship) from their country of origin or diasporic space. Thus within this subcategory mainly the intraethnic marriages of immigrant communities have been discussed. Second subcategory of marriage migration deals with the marriages of permanent residents and citizens who got married abroad while they were abroad for the purpose of work, study or holiday (Kofman, 2004). Khoo and Birrell consider this subcategory under the family reunification rather than marriage migration. However, both perspectives can be suggested as challenging since it is difficult to differentiate the marriage incentives of immigrant communities between these two subcategories considering their transnational activities with their homeland.

The concepts of “cross-border marriage” or “transnational marriage” have been employed by the researches from the disciplines of sociology and anthropology in order to refer the intimate relation across borders. However, family unity is not the main concern within these conceptualizations. The literature on transnational families and marriages focuses on the family ties and relations of immigrants with their partners, parents and children who stays in the country of origin, in addition to the family reunification. Some scholars employ the concept of transnational marriages in order to refer to coethnic marriages between partners residing in different countries (for example marriages between Turks living in different

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<sup>22</sup> In the Chakroun case CJEU rescinded the legal differentiation between family reunification and formation.

European countries) other than the country of origin (Straßburger, 2003). Thus the concepts of “transnational marriages” and “cross border marriage” are also used to refer to the cross border intimate relations of both immigrants and natives, intraethnic and interethnic which do not necessarily include migration (Constable, 2005).

Since this study focus on marriage migration at the macro level and micro level from the perspective of the sponsor with specific emphasis to the legal aspect, the concept of “family reunification” has been preferred while talking about the process. In this study, the reunification of married or registered partnerships have been deemed independent from the place where their family life has started. The concept of “marriage” is understood not in procedural but in a broader scope in this study. Rather than making differentiation between marriage and partnership, the incentive for co-residential partnership has been taken as the main reference point for the definition of marriage (Hamel, Huschek, Milewski, & de Valk, 2012). This perspective is the result of three issues related with the legislations in the Netherlands and concerns of the Turkish community in the Netherlands. First, the Netherlands considers the marriage, registered partnership and long-term relationship as similar if not equivalent (Hooghiemstra, 2003, p. 9; Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014). Second, long term relations and marriages are granted similar rights for family reunification in the Netherlands. Third, in this legal background, the process of legal marriage, family reunification and start of marriage life is very complex within the Turkish Dutch community due to their legal, socio-cultural, practical and economic considerations. Thus the usage of the phenomenon “marriage migration” covers the migration of unmarried couples which may result in the unmarried cohabitation.

## **2.2.2. State of Art on Family Reunification at the Macro Level**

### **2.2.2.1. Target Group**

Family reunification has been defined as a policy concern not only for immigrants but also for citizens mainly due to the growing number of second and third generation immigrant origin citizens at marriage age in European countries. Since the descendants of the labour migrants continue to get marry from their

parents' home country, policy makers at the national level developed creative policies in order to target specifically immigrants and nationals with immigrant background sponsors and their TCN spouses from their country of origin. Generally, the marriage migration has been viewed as problematic for non-European immigrants who mainly have different cultures and coming from comparable less developed countries without any former colonial ties (Bonjour, 2011). Thus the right to family reunification of the sponsors have been stratified not only depending on their legal membership (citizenship) but also socio-economic and ethno cultural memberships (Block, 2015; Kraler, 2010). In addition to the sponsors, marriage migrants are also highlighted in the literature mainly with reference to their integration (Oliver, 2013). This study mainly focuses on the marriage migration of second generation immigrants (Turkish Dutch) from their parents' country of origin (Turkey).

#### **2.2.2.2. Policy Concerns on Family Reunification**

Although European countries implement more and more restrictive immigration policies since mid-1970s, they mainly left the door open for family reunification of labour migrants due to the concerns mainly associated with moral and social considerations.<sup>23</sup> In this period, family reunification had been considered as an issue fostering integration of the labour immigrants in line with international documents. However, with the increasing number of the family migrants in 1990s, the public and policy discourse in EU countries led to the problematization of the marriage migration mainly resulting from the partner choice of the second generation immigrants. Marriage migration has been elaborated in the political science and legal researches under the conceptualization of family reunification by featuring mainly two issues: Policy concerns for restrictive family reunification regulations and the influence of international human rights based perspective of Intergovernmental

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<sup>23</sup> France preferred married Italian labour migrants in order to prevent “the violent and unpredictable behavior of unmarried men” (Lucassen, 2005, pp. 106-107). In the Netherlands during 1960s and 1970s dating between migrant men and Dutch women had been conceived as “a threat the Dutch moral order” (van Walsum, 2008, p. 123).

Organizations (IGOs) and legal bodies on policy making and implementation in the field of marriage migration.

The recent perspective on family reunification shows its high relevance with the policies not only on entrance and residence but also on integration. Therefore, policy concerns advocated in order to provide justification for more restrictive family reunification regulations at the national and EU level could be discussed under two different but recently intertwined policy context: immigration and integration.<sup>24</sup>

### **Immigration Policies**

EU countries are tightening the immigration policies since mid-1970s. With the introduction of the visa requirement, the only possible ways to enter the EU countries are the family reunification (family member of already settled legal migrant), asylum seeker and as a tourist (through touristic visa). Although the first category offers legal access to labour market and high possibility of obtaining permanent residence permit, the other two categories are less guaranteed ways for migration and obtaining rights (Böcker, 1994).

In this context family reunification and marriage migrants are problematized in Europe starting from 1990s and discussed within the context of immigration policies. Since family reunification is mainly result of individual decision, state has limited capacity to control the skills and number of the immigrants. The concerns over size of the inflow of marriage migrants explicitly and extensively mentioned by the states in order to defend the need for restrictive regulations for family reunification. Some countries such as Netherlands did not abstain from explicitly referring to influx of certain groups of immigrants, mainly Turkish and Moroccan, as problematic due to its negative perceptions on the structural and socio-cultural integration of these groups. Thus, states try to get involve more in the process through the family reunification regulations (mainly civic integration requirements

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<sup>24</sup> While immigration policies deal with the admission and residence of foreigners, immigrant policies with the integration or incorporation of immigrants into the host society (Hammar, 1985). However, considering the recent perspective of nation states these two policy areas are highly intertwined. Thus, states allege integration arguments within the immigration policy context. Civic integration exams could be considered as one of the most prominent examples of this (de Vries, 2013).

or language proficiency requirement) to control both the number and the characteristics of marriage migrants (Roos, 2013; de Vries, 2013). Therefore, Saskia Bonjour (2011) rightly points out for the Netherlands and France that civic integration abroad reflects the diagnosis and treatment of the nation-states. The chain migration is ignited through marriages of nationals with migrant background (for diagnosis) and implementation of integration requirements before arrival (for treatment).

Another issue highlighted by the governments is the abuse of the family reunification. In this context, the main assumption is that main motivation of marriage migrants is the maintenance of legal residence and work permit rather than reunifying with their spouse (Böcker, 1994; Wray, 2009). Therefore, sham marriage or the marriage of convenience is considered as one of the main policy concern which has been highlighted by the states during the consultation on the right to family reunification of the third country nationals in the EU (Directive 2003/86/EC).<sup>25</sup> Policy makers defend the investigations and interviews in order to prevent the abuse of the right to family reunification. Although, this policy concern is mainly alleged for the family reunification of TCNs, due to the growing number of citizens with immigrant background and natives involved in interethnic marriages, the nationals are also started to be considered under the scope of similar restrictive regulations with the same concerns.

### **Integration Policies**

Family reunification is also examined within the context of integration policies. Although marriage migration was viewed as an issue which foster the integration of immigrants during 1980s especially at the international context, the recent tendency at the national sphere is to perceive family reunification as an

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<sup>25</sup>The consultation organized by the EU with the participation of all EU institutions, national, regional and local authorities, candidate countries, third-country partners, intergovernmental and non-governmental organizations, and all state actors and private service providers involved with family members, academia, social partners, civil society organizations and individuals between 15 November and 1 March 2012. The position of the parties involved in the process is available in the following address: [http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/consulting\\_0023\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/consulting_0023_en.htm) (last accessed on 4 January 2017)

impediment to the integration of immigrant communities. Due to the assimilationist integration policies which considers ethnic and cultural diversity as a threat the social cohesion, integration of immigrants is alleged as a main argument for tightening the family reunification policy. European governments started to problematize family reunification of the immigrants specifically Muslim immigrants (Bonjour & de Hart, 2013; Strik, de Hart, & Nissen, 2013; Block, 2012; Sterckx, 2015; Kraler, 2010).

Partner choice of descendants of immigrants from their parents' country of origin are considered as a sign of the ethnic, cultural, social retention leading to formation of ghettos, parallel societies, isolation and marginalization. Inter-marriage<sup>26</sup> is perceived as one of the main indicators to measure the social contact of the immigrants with natives in line with the assimilation literature. The involvement of second generation immigrants to the marriage migration from country of origin (of their parents) has been considered as the antipodal opposition of the inter-marriage (Alba & Foner, 2015; Rodriguez-Garcia, 2015). Endogamous partner choice and marriage culture of Muslim immigrants and their descendants has been viewed as traditional, patriarchal and collectivist, thus inconsistent with the modern, individualistic and liberal Western culture (Sterckx, 2015; Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). In addition to this, due to their partner choice they have been considered as establishing their own ethnic enclaves which are resistant to integration (Peach, 2010). This perspective considers the marriage migration as a result of the lack of or resistance to integration.

Concerns related with forced marriages and economic burden and integration of the marriage migrant are explicitly mentioned by the nation states in order to justify the family reunification regulations: Income requirement, having an employment contract, not receiving social benefits, age requirement, accommodation and requirement for language proficiency before and after arrival (Jorgensen, 2012; Hardy, 2012; Bonjour & Kraler, 2015; Strik, de Hart, & Nissen, 2013). Although cultural differences are also considered as one of the main policy

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<sup>26</sup> Inter-marriage is used in order to refer to the marriages between natives and immigrants (including second and third generations) for the rest of the study.

concerns, it is hidden behind the smokescreens in order to be politically correct. In the Netherlands cultural differences are also explicitly referred in the parliament and lower house of the parliament (Tweede Kamer) in order to argue for the need of more restrictive family reunification regulations targeting mainly Turkish and Moroccan communities (Bonjour, 2011). The family reunification regulations actually reflect the concerns in different dimensions of integration (structural and socio-cultural) and gendered perspectives on integration (Kofman, Saharso, & Vacchelli, 2015).

### **Interaction between National States and IGO in the Context of Family Reunification**

Right to family unity has been defined as a fundamental human right by the Article 8 of the ECHR (Kalin, 2003). However, it is not an unconditional right in practice due to the conflict between national sovereignty and international human rights (Lahav, 1997; Guiraudon & Lahav, 2000). In this context ECtHR mainly leaves a space for interpretation of the right to family reunification of partners to the state discretion due to the wide margin of appreciation for the state sovereignty (Cholewinski, 2002; de Hart, 2009). Although the right to family reunification for foreigners has not been accepted at the international level, European countries have more liberal stance and define the right to family reunification with the TCNs at the national sphere (Ertuna Lagrand, 2010). With the adoption of the Directive on Family Reunification (Directive 2003/86/EC) the right is also considered at the EU level by leaving certain amount of margin of appreciation to the state.

Increasing EU cooperation in immigration and the family reunification led to the diversification of legislations for people under different legal scope. The citizenship is the main criteria which is highlighted by the legal studies in the context of implementation of marriage migration policies in order to determine who is subject to which regulations. There are at least four legal categories of persons which may subject to different family reunification regulations in the same nation state due to the interplay between national and EU legislations: Static citizens of an EU

member states,<sup>27</sup> EU citizens,<sup>28</sup> citizens of the privileged countries<sup>29</sup> and third country nationals (Staver, 2013; Peers, 2004). In nine European countries (Austria, Belgium, Bulgaria, Cyprus, Denmark, France, Ireland, Italy, Lithuania and Spain) broadening the scope of the restrictive family reunification regulations for their own citizens (static citizens of an EU member states) resulted in better position of EU citizens compared to their own citizens (Groenendijk, Guild, Cholewinski, Oosterom-Staples, & Minderhoud, 2012). This legal concern which is mainly related with being under the EU or nation state competency have been highlighted in the legal literature on reverse discrimination<sup>30</sup> (Walter, 2008; Berneri, 2014; Staver, 2013; van Elsuwege & Kochenov, 2011).

Although states have a high competency to define the conditions for the entrance and residence of foreigners within the national territory, their national sovereignty has been constrained at the EU level (Guiraudon & Lahav, 2000). Due to the policy cooperation in the field of migration through directives on the right to family reunification of TCNs and free movement of EU citizens, the EU have increasing competence on the family reunification of both immigrants and EU citizens (Mulcahy, 2011; Roos, 2013). Interaction between nation states and EU during the family reunification policy making become one of the subjects of the academic discussions (Peers & Rogers, 2006; Staver, 2013; Luedtke, 2011; Guiraudon, 2000; Zincone & Caponio, 2006; Bauböck, Kraler, Martiniello, & Perchinig, 2006; Wray, Agoston, & Hutton, 2014; Menz, 2011). The legislative history of the Directive on family reunification of TCNs (Directive 2003/86/EC) which takes four years draws the scholarly attention since it could be considered as

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<sup>27</sup> Static citizen refers to the citizen of one of the EU member states who is residing in the the country which he/she has citizenship and has never used his/her right to free movement within the EU.

<sup>28</sup> EU citizen refers to the citizens of EU member states' who are living in another member state. Thus they use their right to free movement.

<sup>29</sup> Citizens of some countries (such as Switzerland and Turkey) have privileged position due to the bilateral agreements of the EU.

<sup>30</sup> Reverse discrimination occurs in general unintentionally when EU member states give more favourable rights to the nationals of other states compared with the rights of their own citizens with the implementation of EU law (Walter, 2008).

an example of both top-down and bottom up Europeanization (Peers & Rogers, 2006). It could be suggested that the Directive 2003/86/EC has unintentionally led to the increasing convergence of national policies through “horizontal” diffusion of restrictive family reunification policies at the EU level (Bonjour & Vink, 2013). However, despite of the EU cooperation, the family reunification policies of the EU member states are still fragmented and thus became subject of the comparative researches (Strik, de Hart, & Nissen, 2013; Pascouau & Labayle, 2011).

The perspectives of the EU and member states on the relation between family reunification and integration have been diverged. While the EU uses the concept of “integration” as positive social measure in the preambles of the Directives on family reunification of TCNs and free movement of EU citizens, some of the EU Member States (EU MS), employ them as a justification of adoption of repressive family reunification conditions. Therefore, the national regulations, more specifically legal differentiation between family formation and family reunification, the high income requirements and high fees have been contested by the decisions of the CJEU (Groenendijk, 2006; Sánchez, 2013; van Elsuwege & Kochenov, 2011). Since there is a considerably larger amount of case law on family reunification of Turkish citizens, they received specific attention in the legal literature (Groenendijk, 2014; Milios, 2015). In this context, there is vast amount of legal and political science literature on the interplay between national- international standards and policy making-implementation on family reunification through the analysis of decisions of ECtHR and CJEU and their impact on the policy diffusion in other countries.

### **2.2.3. State of Art on Family Reunification at the Micro Level**

Since family reunification has been problematized at the macro level, the literature focuses on the macro level concerns on the individual from the perspective of immigrants. Therefore, family reunification has been discussed in the literature under two concerns at the micro level relevant to the integration of sponsor.<sup>31</sup> First,

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<sup>31</sup> The family reunification process and afterwards has been also discussed in the literature. Since already existing literature mainly focus on the marriage migrants, it is not covered in this part intentionally (Entzinger, Ivanescu, Scholten, & Suvarierol, 2013).

the partner choice of the immigrants and their descendants have been elaborated in the context of family studies, sociology, and psychology and anthropology literature. Second, with the implementation of restrictive family reunification policies, the impact of the family reunification regulations on the immigrants' lives has drawn the attention of the scholars from various disciplines.

### **2.2.3.1. Partner Choice**

Partner choice had received scholarly attention at the micro level through the studies of sociologists starting from the beginning of 20<sup>th</sup> century. Partner choice of the immigrants used to be discussed in the context of mixed marriages (Hooghiemstra, 2001). The coethnic partner choice of the immigrants is relatively new subject in the literature. Kalmijn (1998) highlighted the factors which lead to endogamy<sup>32</sup> and homogamy<sup>33</sup> under the three categories: individual preferences (socio-economic and cultural resources), structural arrangements (size and geographical distribution of the groups) and third party influence (group identification and group sanctions). For the immigrants who live in different socio-cultural context, the cultural similarities become more important for determining the individual preferences on partner choice (Milewski & Hamel, 2010; Hooghiemstra, 2001; Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). Thus it is not surprising that the Muslim immigrant communities in European countries continue to prefer marriages from their home country (Bonjour, 2011).

Although partner choice of the immigrants discussed through state led integration perspectives at the macro level, at the micro level transnational activities and identifications which are not necessarily contradictory for their integration are highly relevant for their partner choice (Vertovec, 2001; Beck-Gernsheim, 2007). This study elaborates partner choice as a concern of individual decision-making process. Thus in line with the transnationalism perspective both the countries and societies of residence and origin will be highlighted while discussing the individuals'

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<sup>32</sup> Marriages between partners in the same ethnic group.

<sup>33</sup> Marriages between partner close in status (often socio-economic).

concerns over migration context, social environment and personal characteristics (Hooghiemstra, 2001; Kalmijn, 1998). All the factors at the macro<sup>34</sup> and meso<sup>35</sup> levels have influence over the micro level concerns for partner choice of both parties and transnational perspectives of the immigrants (see Chapter 6 on partner choice for further discussions). These concerns at different levels contribute to the strength of transnational identification of immigrants.

The ethnic and cultural self-identification of immigrants could be fostered through reactive identification which results from their experiences of prejudices and discrimination in the society and exclusionary policies (Casier, Heyse, Clycq, Zemni, & Timmerman, 2013; Portes, 1999). The perceptions of the majority about cultural, religious and ethnic differences of immigrants are critical for in-group identification of the immigrants. This in-group identification which is more influential at the socio-cultural dimension compared with the structural dimension has important impact on the formation of transnational communities and transnational partner choices (Arends-Toth, 2003).

Marriages of second generation immigrants from their parents' home country both result from and stimulate their kinship ties and upward mobility in transnational spaces. Some studies found out that shifting gendered roles with family reunification was highly decisive for the partner choice of the immigrants who have a strong transnational character (Beck-Gernsheim, 2007; Shaw & Charsley, 2006). First of all, second generation immigrants could get married to a partner from their parents' country of origin with the help or orientation of their kins. Therefore, arranged and/or kin marriages are common transnational practices. The concerns over staying connected with their kin, country and society of origin and preserving their cultural and religious identities and their position in their communities both within the

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<sup>34</sup> Mainly demographic characteristics of the immigrant communities, immigration and integration policies of the receiving country and the conditions in the country of origin relevant for the immigration concerns are considered as the macro level factors.

<sup>35</sup> The influence and activities of immigrant origin NGOs and the perception of the natives are considered as the meso level factors since they influence the meeting opportunities and the strength of their transnational ties.

country of residence and origin motivate the second generation immigrants for a partner choice from their parents' country of origin (Shaw & Charsley, 2006; Straßburger, 2003). In this context limited transnational networks of immigrant community's result in kin and/or arranged marriages from country of origin mainly from their hometowns (Shaw, 2001).

Secondly, Portes and Zhou (1993) highlighted that partner choice of immigrants from the country of origin results in upward mobility in transnational social spaces if there is a high migration motivation in the country of origin. In this context the second generation immigrant would have an advantageous status in the marriage market of the country of origin despite his disadvantageous position in the country of residence. Thus they could find partners who are more attractive (young, better educated, physically attractive, urban) in the country of origin. Therefore, they sustain upward mobility through partner choice from country of origin. Thirdly, partner choice from the country of origin leads to shift in gender relations in transnational communities. In contrast to the forced marriage concern in the political sphere, the marriage migration could provide shift in the gender roles in Muslim communities in favor of women (Kofman, 2004). They could gain more "freedom from traditional expectations and control and shift the power relations within the marriage in their own favor" (Beck-Gernsheim, 2007, p. 282). However, the partner choice of male immigrants from country of origin is generally related with the preference to preserve the patriarchal regime of gender relations in their own family (Lievens, 1999).

#### **2.2.3.2. Experiences of the Individuals in the Process of Family Reunification**

The restrictive family reunification policies mainly aimed to control the numbers and the skills of the marriage migrants. Therefore, the regulations formulated in line with the restrictive family reunification policies constitute obstacle for the immigrants and their descendants who made a partner choice from their country of origin. The experiences of individuals in the process of family reunification highlighted in the literature could be grouped under three issues: Individual experiences to meet the family reunification regulations, their legal

contestation to the national family reunification regulations and the emotional impact of the family reunification regulations.

### **Individual Experiences in Meeting Family Reunification Requirements**

The restrictive family reunification policies which mainly target the immigrants and immigrant origin nationals increase the economic and psychological costs of the family reunification process for them. Income requirements, minimum contract conditions, minimum age requirements (maximum 21), sufficient housing conditions, language proficiency requirements (civic integration before and after arrival to the country of residence), high administrative fees are the main family reunification regulations implemented in the European countries. In general the immigrant communities even the second generation, experience difficulties to meet age and income requirements due to their cultural understanding about the timing of the marriage and downward assimilation in the receiving country which refers to the low level of structural assimilation.<sup>36</sup> In addition to this, the language proficiency condition for the marriage migrant also poses an obstacle for the ones who are less educated and coming from rural areas.

These restrictive family reunification regulations steer the sponsors with migration background towards developing their own coping strategies with the help of their transnational networks. They try to increase the age of the marriage migrant in the home country through court decision or medical examination in order to meet the age requirement. If they have the citizenship of the country of residence and are faced with difficulties to meet the national requirements on age, income and language proficiency, they mainly opt for migrating to another European country and apply for family reunification from there. With this strategy they become subject to the EU regulations for the family reunifications for EU citizens. This strategy has been

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<sup>36</sup> Due to the hostile environment in the country of residence the immigrants and their descendants experience the process of downward assimilation in which they integrate to the low socioeconomic segment of the society. With the combination of the low education level which is common within immigrant communities, they mainly find jobs at a low income level. Considering these structural factors, the immigrants perceive that the income requirement for family reunification mainly targets themselves. This result in the feeling of being discriminated and excluded.

elaborated mainly in the context of the Netherlands and Denmark through the discussions on “Europe Route” (Bonjour & de Hart, 2013; Leerkes & Kulu-Glasgow, 2011; van Elsuwege & Kochenov, 2011). While taking the decision to apply these strategies, the transnational networks of the immigrant communities in these countries gain importance. It is also common to resort to transnational networks in the country of residence in order to bypass the income and contract requirement through legal but unethical solutions.<sup>37</sup>

Although states analyze “the success” of the family reunification regulations mainly considering the statistics for marriage migration, it reflects one side of the story on migration. The experiences and feelings of the individuals in the process reveal the other side. Their experiences in the process result in the feeling of being excluded and discriminated and influence their socio-cultural integration negatively while stimulating the transnational ties and identities (Block, 2015; Wagner, 2015a). In addition to this they could also have active position in the implementation and formulation of the family reunification policies at the national level by appealing against them and questioning the permissibility of the national requirements according to the international human rights context and EU legal system.

### **Legal Contestation about the Family Reunification Regulations**

Immigrants also challenge the family reunification regulations in the context of marriage migration through the legal means. Although ECHR does not provide the right to family reunification (de Hart, 2009), EU legal framework constitutes better protection for this right which is tried to be restricted at the national scope.<sup>38</sup> The interaction between national governments and EU on marriage migration in the legal context could be possible with the initiatives of the immigrants by opening a

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<sup>37</sup> In order to meet the income, age and integration requirements the immigrants and their descendants apply to the solutions of fictitious salary increase and “Europe Route” (Leerkes & Kulu-Glasgow, 2011). In these choices they benefit from their immigrant networks. See Chapter 7 for the experiences of the individuals.

<sup>38</sup> Since the UK, Denmark and Ireland opt out of the cooperation in the context of Justice and Home Affairs. They could implement different and more restrictive measures for family reunification since they are not under the competence of the CJEU.

lawsuits at the national courts which raise the concerns over the implementation of the EU law at the national level. There is important amount of legal literature on marriage migration mainly discussing existing case law (Groenendijk, 2006; Sánchez, 2013; van Elsuwege & Kochenov, 2011).

### **2.3. Interaction between Family Reunification and Integration**

Although relation between marriage migration and integration in Europe has roots even before the concerns on immigrant integration<sup>39</sup>, it has reentered the agenda with the family reunification of immigrants. Interaction between marriage and integration of immigrants has been first studied in the literature through interethnic marriages between immigrants and natives. Interethnic marriage is conceived as an important indicator of interaction between different ethnic groups; showing the socio-cultural integration of immigrants according to the literature on assimilation (Beck-Gernsheim, 2007; Kalmijn, 1998; Lucassen & Laarman, 2009; Alba & Nee, 2003). It is analyzed as a sign for “declining importance of ethnic and/or cultural differences and increasing social integration” (van Mol, de Valk, & van Missen, 2015, p. 471). Isajiw (1997) considers marriage and family relations under structural incorporation by giving reference to primary-group level structures. Thus the interethnic marriages have received important attention from migrant scholars for a long time in the context of integration (Kikumura & Kitano, 1973; Cohen, 1977; Kitano, Yeung, Chai, & Hatanaka, 1984; Kalmijn, 1998; Alba & Nee, 2003; Kalmijn & van Tubergen, 2006).

Currently at the political science and law literature, the perspectives of EU MSs have been discussed by highlighting the nation state concerns and policy perspectives due to their level of analysis. EU MSs reflect this assimilationist perspective and perceive the coethnic marriages of the descendants of the immigrants especially from the country of origin (with marriage migrants) as a challenging issue

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<sup>39</sup> In order to sustain the legal integration of foreign wives, it was a common practice in Europe that foreign women who got married to a citizen male had obtained the citizenship of their husband automatically until 1960s and with declaration of their wish for naturalization until 1980s (van Walsum, 2008; de Hart & van Oers, 2006; Kraler, 2010).

for integration with two arguments. Firstly, marriage migration is considered as a factor which leads to stagnation if not regression in integration process of the immigrant community. This relation is mainly constructed through the discussions of the family structure and child raising (Strik, de Hart, & Nissen, 2013; Bonjour & Kraler, 2015). In this context, integration of the incoming spouse has been highlighted as a concern and integration courses/exams before and after arrival of the marriage migrant are defended by the state policies in order to facilitate their individual integration and integration of the children they raised (de Vries, 2013).

Secondly, marriage behaviors of the immigrants and their descendants is perceived as an important indicator or a stage of their integration.<sup>40</sup> Thus rather than studying the impact of marriage migration on the integration of immigrants, some scholars prefer to discuss the marriage migration as outcome of poor integration of the second and third generation (Eeckhaut, Lievens, & van de Putte, 2011). In this perspective, the integration has been defined through an assimilationist perspective without taking the transnational identifications of the immigrants into account.

In contrast to the first perspective, in the international and European Human Rights Context (ILO, ICRMW, ICERD, ICESCR, ICCPR, ECHR, EU documents – Family Reunification Directive), family reunification of immigrants has been highlighted as facilitator of their integration. This perspective has been first formulated during the 1970s due to the realization of the permanency of the labour migrants who have been considered as “guest workers” by the European countries. EU MSs, mainly Netherlands, started to embrace a differentiated perspective for family reunification and family formation due to their concerns on controlling new migration, integration of second generation immigrants and also of the further generations. Considering the more restrictive requirements for family formation, it could be suggested that the main target group of this distinction was the second generation immigrants. However, through the CJEU judgment in Chakroun (C-

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<sup>40</sup> See for example contributions of Germany, Netherlands, Austria, Germany in response to the Green Paper on Family Reunification Directive. Available at [http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/consulting\\_0023\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/consulting_0023_en.htm) (last accessed on 4 January 2017)

578/08), this differential treatment between family formation and family reunification has been prevented.

The legal and political science literature discuss the interaction between family reunification and integration through national implementation of rights defined at the EU level by highlighting nation-state policy perspectives. On the other hand, the sociological and anthropological studies mainly focus on the individual level analysis and discuss the concepts of marriage migration, transnational marriages, transnationalism and integration. It is suggested that the descendants of Muslim migrants may follow differentiated integration path similar to the experiences of Jews in Western Europe. Thus they may combine “integration in the socioeconomic realm with retention and development of their cultural (and religious) singularity” (Lucassen, 2005, p. 208). In this respect, contrary to the integration perspectives of the receiving countries, the intra ethnic marriages of immigrants are not necessarily an issue which slows down the integration of the immigrants. However, it could be suggested that the restrictive measures on their family reunification could constitute an obstacle to their integration, since these regulations are often perceived by the immigrants as a sign of exclusion and discrimination. Thus this leads to the reactive ethnicity within the immigrant communities (Portes, 1999).

The relation between migration and integration policies and marriage migration is a vicious circle. Restrictive migration policies result in the increase in marriage migration since it is the most possible and easiest way for migration. In return, states started to converge integration and immigration policies through restrictive family reunification regulations in order to control the marriage migrants in terms of numbers and skills. In addition to this, the family reunification regulations try to be justified through the concerns about Western values such as equality, freedom and individual rights which mainly rely on the depiction of arranged marriages of immigrants as forced marriages. However, this leads to feeling of being excluded, discriminated and humiliated from the Muslim immigrants’ perspective. Thus, they “retreat into their ethnic niches, reduce social contact with the majority population, and strengthen their ties with the family’s country of origin” (Beck-Gernsheim, 2007, p. 285). In this context, political trends on family reunification and

integration may result in the opposite of their intention: Increase in the involvement of immigrant communities to marriage migration which has been considered as a sign of segregation by the natives.

## **2.4. Conceptualization of Turkish Community in the Netherlands**

Different characteristics of Turkish community residing in Europe also received scholarly attention due to the fact that they are the largest immigrant group originating from outside the EU. Since this thesis focuses on second generation Turkish immigrants, their common characteristics which would contribute to the discussion in the following chapters are analyzed in this part. Firstly, the conceptualization of their family structure and collectivistic culture is discussed by employing the literature of the social psychology. Secondly, the legal background of the rights of Turkish citizens in the EU is analyzed through referring the researches on the Turkey-EU Association Law from the discipline of law.

### **2.4.1. Family Structure and Collectivistic Culture**

Turkish community who migrated to Western European countries through labour recruitment agreements during 1960s and early 1970s, were mainly coming from rural/agrarian part of Turkish society and share the features of the collectivistic culture (culture of relatedness); thus reflect the family model of interdependence (Liljeström & Özdalga, 2002; Abadan-Unat, 2002).<sup>41</sup> However, during their migration to the Netherlands, they experienced urbanization, capitalist relations and socioeconomic development. This together with their living experience in a highly individualistic culture led to the shifts in the family structure and household roles in Turkish society, by the empowerment of women, strengthening the self-autonomy and weakening their interdependency (Abadan-Unat, 2002; Kağıtçıbaşı, 2002). Kağıtçıbaşı (2002, pp. 24-30), offers different family models in order to highlight

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<sup>41</sup> Model of interdependence have the following features in terms of socializing values, family structure and family interaction and socialization: high interdependence values, family/group loyalties, woman's low status/male dominance in the society and family, functionally extended family structure, patrilineal ties, high fertility, authoritarian parenting, obedience/dependence orientation in child raising, intergenerational (Kağıtçıbaşı, Cross-Cultural Perspectives on Family Change, 2002, p. 24).

this shift: “Model of interdependence”<sup>42</sup> and “model of emotional interdependence”. Although “model of emotional interdependence” still carries the some of the features of collectivistic culture, it reflects the influence the individualistic point of view until a certain extent.

“Model of emotional interdependence” is suggested as the synthesis of autonomy (important feature of individualistic culture) and relatedness (feature of collectivistic culture) by offering the concept of “autonomous relational self”. Kağıtçıbaşı’s studies on “model of emotional interdependence” and “autonomous – relational self” contributes to understand and explains the current culture and family structure of Turkish community in the Netherlands and their transnational practices, identity construction and social values (Kağıtçıbaşı, 2000; 2002; 2003; 2005). Thus, in order to understand the transnational feeling of belonging, dual identities and lives of Turkish community in the Netherlands, her perspective on emotional interdependence has been employed (Kağıtçıbaşı, 2012a; 2012b). It helps to relate the intergenerational emotional interdependence in family interaction and socialization with the development of transnational ways of belonging and being in Turkish community in Europe.

#### **2.4.2. Legal Status of the Turks in Europe**

The Ankara Agreement which has been signed on 12 September 1963 and entered into force on 1 December 1964 constitutes the legal basis of Turkey-EU<sup>43</sup> relations and also the rights of Turkish citizens in the EU. The main aim of the agreement as it was stated in Article 2(1) and (3) as promotion of “continuous and

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<sup>42</sup> Kağıtçıbaşı (Cross-Cultural Perspectives on Family Change, 2002, p. 26) highlights the following features of model of emotional interdependence: family/group loyalties together with individual ones, emotional investment in parents, emotional and material investments in child, emotional interdependence values, decreased son preference; functionally complex family structures, wealth flows towards children, nuclear families and kin ties, low fertility, increased woman’s status; and finally authoritative parenting, control and autonomy orientation in child raising and intergenerational and familial interdependence.

<sup>43</sup> Due to different phases of the European integration process, it was referred as European Economic Community (EEC) until the Maastricht Treaty in 1993 and European Community (EC) until the Lisbon Treaty in 2009. Since 2009, it is referred as the European Union. However, in this study, only European Union will be used in order to refer all three.

balanced strengthening trade and economic relations between Parties” through three stages: preparatory, transitional (started with the implementation of Additional Protocol) and final (started with the Customs Union). It also refers to some provisions the free movement of the workers and self-employed people in addition to the services and capital, in order to establish gradual economic integration of the parties. In addition to this it explicitly refers to the target to accession of Turkey to the Community in Article 28. The Association Council was established in accordance with the Article 6 of the Ankara Agreement in order to ensure the implementation and the progressive development of Association. Although Turkey started the final stage with the implementation of Customs Union, the full membership of Turkey to the EU turned out an endless story. Thus the freedom of movement has not still been provided for the nationals of the contracting parties and Turkish citizens are considered in the target of the immigration and integration policies of the EU and EU MSs.

These legal relations between Turkey and EU in the context of membership process still provide important rights for the Turkish citizens especially for the ones living in the EU countries. During the first half of the 1980s the relevance of Association Law to the national immigration law has been minimized if not denied at all by the national governments and decisions of the national courts (Groenendijk, 2015). Thus Turkish citizens could not invoke rights derived from Association Law. However, with the first judgments of the CJEU on Association Law at the end of 1980s, Turkish citizens have gradually reached their privileged legal position which situates them closer to the EU citizens. Since then CJEU (until May 2016) has issued sixty-five judgments on Turkey-EU Association Law to clarify the rights of Turkish citizens.<sup>44</sup>

Although the Association Law is the main source of the rights of Turkish citizens residing in the EU MSs, their implementation could mainly be possible at

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<sup>44</sup> CJEU Overview of judgments and pending cases are listed by the Center for Migration Center of Radboud University with specific focus on the EEC-Turkey Association Agreement. Available at <http://www.ru.nl/law/cmr/documentation/cmr-series/cjeu-overview/> (last accessed on 16 June 2016).

the national level with the interpretation of the CJEU. Therefore, the rights of Turkish citizens derived from Association Law will be discussed in this part by analyzing the development of CJEU case law. Mainly the classification of the Groenendijk (2015) under five phases will be employed. However, an additional sixth phase is offered. During the first phase the Court mainly tried to define basic principles such as legal character and the competence of the EU institutions and MSs and interpretation of Association Law.<sup>45</sup> Thus, the Association Law has started to be considered as the integral part of the EU law. The CJEU started to make analogy between Turkish and EU citizens while interpreting the similar provisions and concepts in the Turkey – EU Association Law (Ball, 2014).<sup>46</sup> In this context Turkish workers in the EU acquired most extensive rights as non-EU citizens after the citizens of the European Economic Area (EEA) countries (Groenendijk, 2014).<sup>47</sup>

In the second phase between 1997 and 2000, the CJEU clarified the definition of Turkish worker (C-98/96 *Ertanır*, C-36/96 *Günaydın*), their lawful employment (C-1/97 *Birden*) and their rights (in the case of voluntary unemployment (C-171/95 *Tetik*), fraud (C-285/95 *Kol*), criminal sentence (C-340/97 *Nazlı*) through analogous application of Association Law. Some of the issues related with the concept of same employer and definition of the concept of worker continued to be referred by the CJEU (C-230/03 *Sedef*, C-4/05 *Güzeli* and C-14/09 *Havva Genç*). In the third phase between 2000 and 2008 the judgments mainly focused on the family members, spouses and second generation. The situation of family members who had already been admitted started to be discussed during the second phase (C-351/95 *Kadıman* and C-210/97 *Akman*). In the third phase the Court continued to clarify the definition

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<sup>45</sup> See for example the following judgments of CJEU: *Demirel* C-12/86, *Sevince* C-192/89, *Kus* C-237/91.

<sup>46</sup> See CJEU judgment on *Ahmet Bozkurt* C-434/93.

<sup>47</sup> Turkish citizens obtained better rights compared with the citizens of the country of residence with the implementation of EU law in some national contexts. In the judgment of CJEU in *Akdas* case (C-485/07), the interpretation of Article 6(1) of Decision No. 3/80 put Turkish citizens a favorable position compared with the EU citizens. Court reasoned its ruling by stating the disadvantages that Turkish citizens in the EU due to the limited application of free movement rights (Schrauwen & Vandamme, 2014). Since social security is out of scope of this study, it is not discussed in details.

of family members of Turkish workers (spouse, stepson, returning foster child),<sup>48</sup> their rights and the conditions for the loss of those rights (C-467/02 *Cetinkaya*, C-373/03 *Aydinli*, C-383/03 *Ergul Dogan*, C-502/04 *Torun*, C-325/05 *Derin* and C-349/06 *Polat*). Thus the protection of children of Turkish workers from expulsion and their privileged rights for residence status has been sustained (C-325/05 *Derin*, C-349/06 *Polat*, C-462/08 *Bekleyen*, C-303/08 *Metin Bozkurt* and C-451/11 *Dülger*).

During the fourth phase of the case law which has started in 2000 and still continues, one of the core agenda of the Court was the interpretation of standstill clauses in the Association Law.<sup>49</sup> The main aim of the standstill clauses has been stated by the Court as “to create condition conducive to the gradual establishment of freedom of movement of workers, of the right of establishment, of freedom to provide services by prohibiting national authorities from creating new obstacles to those freedoms” (joined cases C-317/01 and C-369/01 *Abatay and Sahin*, para. 72). To put it differently MSs are allowed to keep the already existing obstacles at the time of the entry into force of the instruments involving standstill clause or to lift them. If more liberal rules are introduced, the standstill clause prohibits the MSs to go back from the most liberal rules (joined cases C-300/09 and C-301/09 *Toprak and Oğuz*). The most liberal rules need to be implemented according to the standstill clause. Although standstill clauses have direct effect,<sup>50</sup> they serve as quasi procedural-rules rather than providing any substantive rights (Tezcan, 2015).

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<sup>48</sup> See CJEU judgments C-65/98 *Eyüp*, C- 275/02 *Ayaz* and C-188/00 *Kurz*.

<sup>49</sup> Article 41(1) of the 1970 Additional Protocol of the Turkey – EU Association Agreement (AP) introduced standstill clause which prohibits the introduction of new restrictions on the freedom of establishment and the freedom to provide services. Article 13 of the Association Council Decision No. 1/80 introduce the standstill clause for the conditions of access to employment to Turkish workers and their family members legally resident and employed in the respective territories. The Article 13 of Decision 1/80 mainly originates from the standstill clause in the Article 7 of Association Council Decision 2/76 which was valid between December 1976 and 1980. It extended its predecessor by extending the scope of standstill provision for the family members of the Turkish workers.

<sup>50</sup> See C-192/89 *Sevince*, paras 18-26; C-37/98 *Savas* para 49; Joined cases C-317/01 and C-369/01 *Abatay and Sahin*, paras. 58-59; C-16/05 *Tum and Dari*, para. 46 and C-228/06 *Soysal and Savatli* para. 45

While their wording and the personal scope of two standstill provisions in the Additional Protocol and Decision 1/80 were different, their objective and meaning are the same (Joined Cases C-317/01 and C-369/01 *Abatay and Sahin* paragraphs 69-71; C-242/06 *Sahin*, paragraph 65). The Court further interpreted the scope of the standstill clause in the Decision 1/80 by prohibiting the introduction of new obstacles which have an influence on the exercise of the free movement of workers rather than only to the access to the employment in a MS.<sup>51</sup>

In this phase the Court has concentrated on the application of standstill provisions for the first entrance of the Turkish citizens to the EU countries and the rules of visa for long term residence (C-16/05 *Tum and Dari*) and for short stay of the service provider Turkish citizens (C-228/06 *Soysal and Savatli*). However, in *Demirkan* (C-221/11) judgment, the Court limited the application of standstill clauses by differentiating the service provider and service recipient. It refrained from analogous application of EU law for service recipient Turkish citizens by referring the limited aim of Association Law compared with the TFEU. Thus, the judgment prevented the abolition of visa obligation for Turkish citizens in many EU MSs.

Standstill provision in Decision 1/80 also precludes the introduction of new obstacles “including those relating to the substantive and/or procedural conditions governing the first admission into the territory of that Member State of Turkish nationals intending to exercise” the freedom of movement.<sup>52</sup> This applies to the admission of the family members of the Turkish workers. In *Demir* judgment (C-225/12) although the Court confirmed the previous case law, it limited the scope of the provision by its restrictive interpretation on the condition of “lawful” residence. In *Naime Doğan* judgment (C-138/13, paragraph 37) the Court go one step further and defined a new assessment criterion for the application of the standstill clause in Additional Protocol by referring *Demir* judgment (C-225/12, paragraph 40): “unless it is justified by an overriding reason in the public interest, is suitable to achieve the

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<sup>51</sup> See C-242/06 *Sahin* para 63 and C-92/07 *Commission v. Netherlands* para 49

<sup>52</sup> CJEU, Case C-92/07 *Commission v Netherlands*, para. 49.

legitimate objective pursued and does not go beyond what is necessary in order to attain it". To sum up, in this phase the Court broadened the scope of the standstill clause. It explicitly or implicitly refers to the standstill clause for the issues related with not only work permit and right of establishment but also right to family reunification, visa obligation, residence permits and procedural rules (Groenendijk, 2015).

The fifth phase of the case law (2005-today) mainly focuses on the issues related to further integration. This could be interpreted as the result of the assimilationist shift in national integration policies of several MS and national tendency to use integration policies as tool for controlling the new migration since 2000s. The judgments of the Court concerning integration could be discussed under two groups. First, the Court referred to the Association Law for the judgments related with the right of Turkish citizens during their studies in the EU MSs (*C-374/03 Gürol and C-294/06 Payir and Others*) and their right to reside and search for employment after the completion of their study (*C-462/08 Bekleyen*).

Second, family reunification is considered a tool which contributes to the integration of Turkish citizens residing in the EU MS (*C-451/11 Dülger*). In this context, the family reunification of naturalized Turkish worker holding Turkish citizenship (Joined Cases *C-7/10 and C-9/10 Kahveci and Inan*) and of Turkish workers married with a person who is citizen of neither Turkey nor EU country (*C-451/11 Dülger*) is also under the scope of the Association Law more specifically standstill clause. In addition to this, fulfillment of new integration requirements for the first admission of family members of lawfully resident Turkish workers and self-employed Turks has been raised in this period (*C-138/13 Naime Doğan*). In this context the integration requirements of demonstration of basic knowledge of the MS from family migrant as a pre-entry condition (*C-138/13 Naime Doğan*) and of sufficient ties of the sponsor Turkish citizen with a MS (Denmark) and potential to integrate for the minor family migrant (*C-561/14 Caner Genc*) has been out ruled by the Court. The main argument of the Court was the implementation of disproportionate new restrictions to the freedom of movement of Turkish workers and self-employed Turks lawfully residing in a MS. In this phase the Court refers to

the equal treatment clauses in Association Law and makes analogous interpretation of concepts in order to sustain the further integration of Turkish workers and their family members.

In addition to the classification of Groenendijk on the development of CJEU over time under five phase, it could be offered the sixth phase (2000- today) to highlight the interpretation of the Court about the social security rights of Turkish workers derived from the Association Council Decision No 3/80. The denial of the direct effect of Article 12 (on invalidity benefits) and Article 13 (on old age and death pensions) by the CJEU in its *Taşlan and Met* (C-277/94) judgment led to criticisms. However, in 1999 with its *Sürül* (C-262/96) judgment, the Court adjusted its approach and ruled the direct effect of Article 3 of Decision 3/80 on equal treatment. In its later judgments, the Court continued to emphasize the direct applicability of Article 3 of Decision 3/80 for determination of date of birth for the retirement pension (joined cases C-102/98 and C-211/98 *Kocak and Örs*) and conditions for early old-age pension (C-373/02 *Öztürk*). In *Akdaş* (C-485/07) judgment, the Court ruled the direct effect of Article 6(1) of Decision No 3/80. Thus the Court allowed the exportability of noncontributory benefits in addition to the pensions and annuities of former Turkish workers to Turkey (Eisele, 2014). Since it is part of the perspective on return migration and the loss of free movement rights of Turkish workers after their return, the Court limited the scope of *Akdaş* (C-485/07) judgment. It ruled that dual citizens of Turkey and a MS could not benefit from the Article 6(1) of Decision No 3/80 (C-171/13 *Demirci*). .

## CHAPTER 3

### METHODOLOGY

I became interested in the issue of family reunification after attending the seventh meeting of European Integration Forum on 31 May-1 June 2012 whose main theme was the Right to Family Reunification for Third Country Nationals (TCN) under Directive 2003/86. The meeting was the result of the public consultation of the European Commission in which 120 responses had been received from different stakeholders<sup>53</sup>. It was held with the participation of the contributors to the public consultation process in order to deepen the discussion about the reopening of the Family Reunification Directive. The main aim was to question whether there was a need to change the EU rules on family reunification of TCNs residing in the EU to assess their needs. While the European Commission reflected its positive perspective for family reunification of immigrants with the heading of the press release of its public consultation process: “Family life is a right for migrants too- how to ensure it?”<sup>54</sup> Nevertheless, the member states responded to the consultation with a different if not opposite perspective.

It was only the Netherlands which explicitly called for the reopening of the Directive in order to involve additional restrictions and more binding integration perspective. Nevertheless, the other Member States (MS) also reflected the need for clarification of Directive on integration measures in general defending restrictive

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<sup>53</sup> Twenty-four Member States and Turkey, three national parliaments, twenty-one international organisations, five regional or local administrations, 46 national organisations (NGOs, social partners and political organizations), nineteen individuals (including academics in their individual capacity) has contributed to the public consultation process.

<sup>54</sup> Available at [http://europa.eu/rapid/press-release\\_IP-11-1346\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-11-1346_en.htm?locale=en) (last accessed on 5 February 2017)

interpretation.<sup>55</sup> During the meeting, international organizations, consultative bodies and national NGOs elaborated the issue from the human rights perspective by reflecting the negative impact of the already existing national family reunification regulations on the lives of the immigrants and defend less restrictive rules. However, they did not support the reopening of the Directive due to their weak position to cope with the national tendencies for restrictive family reunification policies in EU decision making process. All these discussions that I have participated draw my attention to the divergence in perspective of different actors on family reunification.

My PhD project is focusing on the family reunification and integration and asks how family reunification and integration interact with each other in the context of family reunification of second generation Turkish Dutch (SGTD) from Turkey. I decided to highlight the different actors (intergovernmental organizations, Netherlands and individuals) involved in the different phases of the process. In this context constructionist approach seemed to me a more comprehensive way of understanding the process. The social reality about the process of family reunification is “constructed in different ways in different contexts” (Silverman, 2013, p. 137). Therefore, the qualitative research by using “data triangulation” likely provides rich data on the interaction between different levels of analysis (Flick, 2014). Before entering the field, I was planning to use three data sets: qualitative interviews with second generation Turkish Dutch who got married from Turkey and representative of Turkish origin NGOs and analysis of documents.<sup>56</sup>

In this part, I am telling my experience during the field research in the Netherlands within the Turkish community in the Netherlands between October 2014 and October 2015 under the following titles: (1) entry in the field, (2) conducting participant observation and reaching my interviewees, (3) conducting interviews, (4) ethical considerations, (5) analysis of the findings, and finally (6) reflections.

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<sup>55</sup> See Summary of Stakeholder Responses to the Green Paper on the Right to Family Reunification of Third-Country Nationals

<sup>56</sup> As it has been elaborated later in this chapter, after entering the field, I realised the need for employing additional methods: participant observation and expert interviews.

### 3.1. Entering the Field

In order to conduct a field research and use methodological triangulation, I needed to overcome two challenges. First challenge was about the time and resources in order to gather and analyze multiple data sets. I managed to allocate time and resource for qualitative research in the Netherlands with the help of the grant that I received from TUBITAK. It enabled me to conduct my research in the Netherlands at Utrecht University European Research Centre on Migration and Ethnic Relations (ERCOMER) as a visitor researcher for eleven months.

The second challenge was about which sources would be involved to establish the true state of affairs. In order to overcome this challenge before entering the field, I made preparations and followed the issues related with the Turkish community in the Netherlands from historical perspective. I also searched for statistics, problems related with them not only from the academic papers and books but also through the news websites<sup>57</sup>, NGOs websites<sup>58</sup> and social media (facebook groups and twitter). My aim was to understand the dynamics, become familiar with their agenda, the prominent NGOs, and people. I also searched for the contacts that may help me to enter the field. During the preparations before entering the field I contacted with two people: A Turkish social worker, a lawyer and a representative of an umbrella Turkish origin Dutch NGO.

After overcoming these challenges, first I met with experts and redetermine the methods which would be employed in this research. Second, I decided on the sub questions relevant to my main research question and suitable to reflect the realities in the field. Third, I specified the social context for my field research. Finally, I defined the selection method of my interviewees.

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<sup>57</sup> I visited the following website daily in order to follow the agenda of the Turkish community in the Netherlands: [www.sonhaber.nl](http://www.sonhaber.nl), [interajans.nl](http://interajans.nl), [www.haber.nl](http://www.haber.nl), [akajans.nl](http://akajans.nl), [www.turkinfo.nl](http://www.turkinfo.nl), [www.dutchnews.nl](http://www.dutchnews.nl), [www.turkevi.nl](http://www.turkevi.nl),

<sup>58</sup> The web sites of Turkish origin Dutch NGOs' that I followed before entering the field: <http://www.iot.nl/>, <http://www.diyamet.nl/>, <http://www.milligorus.nl/>, [www.dsdf.net](http://www.dsdf.net), <http://www.turksefederatie.nl/>, <http://www.htib.nl/>

### **Expert Meetings and Redetermination of the Methods**

When I entered the field in October 2014, although I had contacts of the Turkish NGO leaders because of my job at Presidency of Turks Abroad and Related Communities, I did not pretend to use my contacts to sustain more objective perspective without any religious or ideological influence. I first wanted to reach insight objective view about the Turkish community and family reunification to adjust my questions and methods. Therefore, I arranged meetings with Turkish social workers, lawyers and academicians who had legal or social expertise about Turkish community in the Netherlands and family reunification in the community. My aim was to explore the social and legal context about my research question and define the main themes of the study (Flick, 2014).

I first got in touch with a Turkish social worker<sup>59</sup> (SW1) who is acquaintance of my colleague to benefit from her expertise about Turkish community. At the meeting with SW1, I realized the importance of the characteristics of traditional collectivistic Turkish culture which has been preserved in the Netherlands. Especially the ones who got married from Turkey were more traditionalist, conservative and religious. As a result of this cultural characteristics, SW1 pointed out that parents, extended family and the acquaintances involve in the family reunification process at different stages with different extent.

Another thing that I figured out with the help of SW1 was the sensitivity of the subject. Since family and family related issues were considered within the private sphere, they were not willing to talk about them outside the nuclear family. This results from the protectionism of the parents towards their children and preventing

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<sup>59</sup> Dutch government had employed Turkish social workers who are well educated at the municipality level during 1980s in order to understand the problems within Turkish community in the Netherlands, to find solutions and also to produce more effective integration policies. However, due to the policy shifts in time first they started to work on the integration of vulnerable groups without making emphasis on the ethnic backgrounds. Starting with 2000s more individualistic perspective has been followed within the context of integration thus many of those social workers became unemployed or shifted their career.

the gossips in the closed community. In addition to this SW1 mentioned the legal but unethically solutions to bypass the family reunification regulations. She warned about their reluctance to share their personal experiences about meeting family reunification regulations.

In the context of these characteristics I realized that it is important to overcome the trust barrier of the community, to be invited to their personal spheres of their lives, to be considered as the new member of the community for reaching the interviewees and the real perspectives of the community. This would also help me to analyze the relations within the community especially the parents.

I gained information about the shifting role of Turkish social workers. Although I was expecting them to play a gatekeeper role to reach the second generation Turkish Dutch (SGTD) who got married from Turkey, I realized that social workers were not involved in the issue anymore due to the shift in policy about social workers. SW1 stated that if it is an intra ethnic marriage, it is not a concern within the community whether it is from Turkey or within the Netherlands. She also revealed the fact that most of the second generation Turkish Dutch got married with each other rather than bringing a marriage migrant in the last ten years due to several reasons. However, they advised me other ways to reach them and give me other contacts from Utrecht municipality, NGOs, lawyers and key figures in the community. After the meeting with SW1, I realized the contribution of the Turkish social workers to my research due to their social expertise related with the Turkish community. Thus I decided to include in my research in order to benefit from their expertise.

With the advice of SW1, I also arranged a meeting with a representative from the *Netherlands Consultative Committee for Turkish People* (Inspraak Orgaan Turken, *IOT*)<sup>60</sup> to receive some information about the perspectives and roles of the Turkish origin Dutch NGOs at the implementation of integration and family

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<sup>60</sup> IOT is an umbrella organization in which nine Turkish origin Dutch NGOs are represented. It has been established with the initiative of the Dutch government in 1985

reunification policies. I obtained their publications<sup>61</sup> which also cover their perspectives on family reunification of Turkish immigrants. They also talked about other Turkish origin Dutch NGOs which are active in the field of family reunification by lobbying or organizing activities about family. He stated the activities of different Turkish origin NGOs: information meetings about partner choice, violence within family, family relations, the requirements for family reunification for Turkish citizens; lobby activities at the governmental and EU level and legal activities for the protection of the rights of Turkish citizens. I obtained the contact information of the representatives of umbrella NGO's which have activities to defend the rights of Turkish citizens in the Netherlands, to inform Turkish community about those rights to discuss the family relations, marriage life and child raising. He also drew my attention to the role of lawyers in the legal side of the issue and revealed that they cooperate with them for their publications, policy briefs and legal processes for the implementation of the rights of Turkish citizens. He played a gatekeeper role to reach Turkish NGO representatives and Turkish lawyers related with the subject.

With the advice of the representative of IOT, I decided to meet with lawyers to understand their roles. I contacted with a lawyer whom I have known for two years. He is member of European Turkish Lawyers Association (L1) and also one of the key lawyers working in relates with the implementation of the rights of the Turkish citizens derived from the Turkey-EU Association Law in the Netherlands. He talked about the role and activities of the lawyers in the process to sustain the enjoyment of rights of Turkish citizens residing in the Netherlands. He highlighted the legal and practical problems experienced by the lawyers at family reunification cases of Turkish community residing in the Netherlands. He mentioned the reluctance of Turkish community to seek their rights legally in the process of family reunification due to the long legal processes. He told that the legal but unethical ways were used commonly by Turkish community to bypass the family reunification

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<sup>61</sup> Soz Hakki is monthly magazine which has been published since 1989 by the IOT.

requirements for faster solutions. I also obtained the contact details of other lawyers who are specialized on the family reunification cases in the Netherlands.

With the advice of L1, I arranged a meeting with Prof. Kees Groenendijk who has a deep legal and academic knowledge and expertise about the family reunification of Turkish people at the national and European level. During the meeting with Prof. Groenendijk I realized the complexity of the issue after his legal explanations about the unanswered questions for the implementation of the Turkish–EU Association Law within the context of family reunification of Turkish citizens (also dual citizens) at the national level. He shared some documents related with family reunification of Turkish citizens which he used at the training of Dutch public prosecutors and judges two years ago. His expert view on the issue also encouraged me to study the interaction between the macro, meso and micro levels and conduct a deeper legal research on the issue. With legal and academic guidance of Prof. Groenendijk and L1, I reached recent academic studies, case laws at national level and decisions of the CJEU and also some reports in Dutch. The meeting with him in which I used tape recording with his permission helped me to understand the relevance of the family reunification of Turkish citizens with other legal questions specific for the Turkish citizens in the EU context.

### **Research Questions and Methods**

As a result of my initial contacts and observations in the field, I accommodated my methodology to the new findings in the field. I decided to discuss the interactions between family reunification and integration at the macro and micro level under separate parts. I determined the following sub-questions in order to answer my main research question:

- How is the concept of “immigrant integration” defined at the international (United Nations), regional (Council of Europe, European Union) and national (Netherlands) level? Are there interactions between them?
- How do international, regional and national perspectives over the family reunification interact with each other? What are the main concerns related with family reunification at the macro level?

- How do second generation Turkish Dutch construct their partner choice from Turkey? Why do they get marry from Turkey?
- How are the Dutch family reunification requirements implemented? How do second generation Turkish Dutch perceive Dutch family reunification requirements? What are their coping strategies? How do the regulations influence their integration during the legal process of family reunification?
- How do the marriages from Turkey influence the integration of the second generation Turkish Dutch?

These questions associated with the research question and the complexity of the issue necessitated the use of different methods and data sources to support each other. Thus I decided to employ additional methods for collecting data. I embraced an interdisciplinary approach (political science, law and sociology) for my qualitative research and used mixed methods by employing six sets of data:

- Participant observations derived from the Turkish community in Utrecht
- Expert interviews with Turkish social workers
- Expert interviews with Turkish lawyers
- Qualitative interviews with second generation Turkish Dutch who got married from Turkey (see Appendices B and C)
- Qualitative interviews with Turkish NGO leaders (see Appendix D)
- Document analysis: the court decisions, directives, reports, guidelines, communications, green papers at the EU level related with integration and family reunification of TCN and EU citizens and rights of Turkish citizens.

Data triangulation – participant observation, interviews and document analysis – would enhance the reliability and validity of emerging themes in the data and give opportunity to analyze possible contradictions in policy making and implementation and individual experiences at the micro and macro levels. It would also make it possible to explore the impact of the macro context on the individuals’

partner choice, family reunification experiences, integration and feeling of belonging and the complex interactive processes between macro and micro levels

### **Selection of Social Context**

After the decision on the methods and selection criteria for the interviewees, the next thing to do was the selection of the social context in which I could gain access to my interviewees and observe the dynamics within the community. According to Dutch Statistics, the Turkish community is mainly concentrated in Rotterdam, Amsterdam, The Hague and Utrecht respectively. However, it is not feasible to conduct such a participant observation in more than one city due to the time and distance restrictions. The previous studies, conducted about Turkish community in the Netherlands and more specifically family reunification, mainly focused on the first three cities. However, Utrecht is an interesting social context. Although it is the fourth largest city in the Netherlands considering the population, when the population density is taken into consideration it is the third city after Amsterdam and The Hague. In addition to this, it is considered within the Netherlands as traditional city which is influenced less by the big cities' disadvantages since it is not a port, cultural or formal capital city.

The Turkish community living in Utrecht province is also heavily associated with the city – Utrecht - since the province is geographically small, located in the middle of the country and Utrecht is the only big city in the province. Considering these characteristics of Utrecht, I expected that the Turkish community in Utrecht would reflect the collectivistic and traditional culture more. In addition to this, considering the time and distance restrictions, Utrecht was the most effective social context for me to gain access.

### **Selection of Interviewees**

Since my research question is directed towards specific concern related with Turkish community in the Netherlands, I decided to employ a purposive sampling process and defined the criteria of the interviewees. Such a selection method enabled me to find the interviewees who are significantly relevant to my research question (Bryman, 2012, p. 418). The main data was collected through the qualitative

interviews with the Turkish social workers, lawyers, and representatives of Turkish origin Dutch NGOs and second generation Turkish Dutch who got married from Turkey.

Considering the sensitivity of the subject and complexity of the issue, I realized the importance of the contribution of expert interviews to establish “true” state of affairs. I became aware of the fact that the SGTD sponsors and representatives of Turkish origin Dutch NGOs could not have the knowledge about the legal context and could have been reluctant to reveal their real stories and role of their parents in their marriage processes objectively. Therefore, I decided to conduct separate sets of semi-structured expert interviews with Turkish social workers who focused on the Turkish community in the Netherlands and Turkish lawyers whose expertise was family reunification and/or Turkey-EU Association Law. This would enable me to collect context information and complementing insights. In addition to the interviews with second generation Turkish Dutch who got married with a partner from Turkey and Turkish origin Dutch NGOs’ representatives, I thought that I may have needed also interviews with other groups.

The fourth group that I would have conducted interviews was the second generation Turkish Dutch (SGTD) who got married from Turkey after 2006. The main criterion for defining the SGTD interviewees was that getting married from Turkey after 2006. This criterion needed to be clarified in three aspects. First, in this research I defined marriage in a broader context relevant with the family reunification regulation as it has been discussed in previous chapter in the analysis of marriage migrant. Registered partnership and long term relationship without formal registration have been considered similar to marriage by the Netherlands (Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014). Thus it has been possible for the couples to apply for family reunification without being legally married with proof of the already existing relationship (mainly the photos). It has not been exceptional for the Turkish community to apply for family reunification without a legal marriage (generally with religious marriage though). In this context I considered both cases as marriage and did not make any differentiation.

Second, bringing the partner from Turkey was also an important criterion since they became subject to different regulations in the process of family reunification. In this context, the marriages within the Turkish community who were already legally residing in the country and the transnational marriages between Turkish immigrants residing in the EU countries were excluded. In addition to this, the transnational marriages of SGTD with a partner who is national of third country were not included under the scope of this study since, percentages of second generation Turkish Dutch's marriages with other third country nationals are negligible (Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014).

Third, the time limitation was also considered as an important aspect to understand the recent incentives, experiences and perceptions of the second generation Turkish Dutch related with the family reunification regulations. Although I considered limiting my talks with couples who got married after 2010, after entering the field I realized that the marriage is a complicated process for them because of the legal and cultural considerations as it is discussed in Chapter 6. Therefore, I decided to be more flexible about the time consideration in order to reflect different perspectives and experiences. I determined the marriages which takes place after 2006 for selecting participants since the initial reactions to the restrictive Dutch family reunification regulation, which had started to be implemented in 2004, supposedly got over.

The final group for the qualitative interviews was the representatives of Turkish origin Dutch NGOs in order to understand their role between macro and micro levels relevant to my research question. My main concern in the selection of these NGOs was their activities related with family relations, partner choice and rights of Turkish citizens in the Netherlands. I also consider their representatives, capacity for the Turkish community in the Netherlands.<sup>62</sup>

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<sup>62</sup> See Appendix D for the list of Turkish origin Dutch NGOs included in this research.

### **3.2. Conducting Participant Observation and Finding the Interviewees**

Since the interviews and documents would play prominent role in my research, observations would not be my main source of data. Thus, I participated minimally in the core activities of the Turkish community in Utrecht and make observations (Bryman, 2012).

In the field I did not make participant observation, reach the interviewees or conduct different sets of interviews consecutively. On the contrary, while making participant observations in the field, I simultaneously reached the interviewees and conduct the interviews. During my contacts I introduced myself as a PhD student and explained my research about family reunification. I had overt role in order to prevent ethical problems and also to build a trust relation. I took field notes during my field research about my observations and highlighted the issues. I preferred to take jotted notes in my notebook during my contacts. I sometimes took my notes right after my contacts since detailed note taking during interview may have disturbed the people and naturality of our dialogues (Bryman, 2012). I scratched the key words, little phrases and small quotes in my notebook as a reminder for myself. After I left the place, I used to check my jotted notes and add some more reminders to fill the gaps in my notes. I used to write memos over my field notes about the relevant themes I determined and reference to the literature to make it easier to situate the notes in my research during the analysis.

While I was arranging initial meetings with the experts in the field I was also searching for the places where Turkish immigrants and enterprises concentrated in Utrecht. I wanted to enter the field through individual contacts in their daily settings. Due to the sensitivity of the political context for the Turkish community in the Netherlands I was expecting them to be more suspicious about strangers and researchers. Visiting the neighbourhoods (Lombok, Overvecht and Kanaleneiland and Zuilen) in Utrecht where Turkish markets, bakeries, restaurants are concentrated were my first attempts to gain access to the field. I hung around those places and tried to build relationship with the Turkish community.

Since they were a closed community within the immigration context, they did not trust and include me to their social networks. Although they made daily

conversations with me, I could not receive insightful perspectives and reach the interviewees through them. There were different reasons for their reluctance to participate in the study. Trust barrier for the new comers related with being a closed community, the social and legal sensitivity of the issue, misunderstandings of the individualistic cultural point of view about the issues relevant to the collectivistic culture and social and political context for the Muslim immigrant communities in the Netherlands were considered the main reasons for their reluctance. At the later stages of my research, I learned that another reason for their reluctance and their distrust to my research at the beginning was related with the previous researches conducted by the Dutch institutions during the process of tightening of the family reunification regulations. They were interpreting the tightening of the regulations as a result of the findings of those researches.<sup>63</sup> They felt abused since they were thinking that their wordings had been warped. In addition to this in those researches, the researchers had offered money of ten euros or gifts for each participant. When I contacted with them they were also asking me what I was offering them in return of the participation.

Although I decided to focus on Utrecht province for reaching individual interviewees, I was traveling to different cities (Amsterdam, Rotterdam, Eindhoven, Nijmegen and Maastricht) to reach and conduct interviews with Turkish lawyers and Turkish origin Dutch NGO representatives. I was also participating in their activities relevant to my research in different cities to understand their role at the meso level. I attended an informational meeting organized by Turkish origin Dutch NGO in Rotterdam about the marriage life, communication between partners and with children and child rearing (Hollanda Diyanet Vakfi, 2014). The meeting contributed to my research by understanding the perceptions of Turkish community in the Netherlands about family, partner choice, task division within the family and the

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<sup>63</sup> They clarified that they had already told their experiences and feelings on the restrictive family reunification regulations open heartedly in these researches. They reasoned their honest answers as the belief to be heard and understood by the Dutch government. Thus they expressed their hopes of introduction of more liberal conditions for family reunification in order to prevent the feeling of being excluded within the Turkish and Moroccan communities. On the contrary of their expectations, they claimed that their statements had been twisted in the context of these researches and used by the Dutch government in order to block the coping strategies of Turkish Dutch and introduction and implementation of more restrictive family reunification requirements.

dimensions of the collectivistic traditional culture. In addition to this, I realized the relevance of the partner choice decision of the SGTD with my research question and decided to include it as a separate theme for the interviews with individuals, social workers and NGO representative.

I also tried to receive the contact details of SGTD who got married from Turkey Netherlands from lawyers and social workers. However, it was another unsuccessful attempt, even the ones who accepted the appointment for interview did not pick up their phones. I got used to hearing rejection from participants in the research with the statements of: “There is no need.” and “I do not have time.” I realized the importance of the working in tandem with gatekeepers to gain the trust of not only the individuals but also Turkish community. I focused only in Utrecht for the participant observation, applied for the help of more than one gatekeeper to reach the field and also to find interviewees since the social setting for Turkish community in Utrecht is so diversified.

My first gatekeeper in the field was Turkish bicycle repairman whom I visited frequently. I started to hang around at his shop, make tea and become familiar with his agenda so meet with other Turkish people who are visiting the shop. Although his clients were mainly Dutch, Turkish friends were visiting to chat and have tea. He started to introduce me to them and his family so played a mediator role. His wife introduced me to the women’s branch of a Turkish NGO (Nederland Turkish Federation) and I started to go to the women’s gatherings on Friday and Saturday nights at Turkish Cultural Center. I participated the cooking activities with them. We prepared food to sell at the NGOs’ charity bazaars for raising fund to the mosque. In addition to this, their son and daughter at their 20s also contributed to my research by providing insight perspectives and introducing me to their friends.

In time, I managed to gain their trusts and they started to consider me as if I was a member of the Turkish community in the Netherlands and discuss more about the life in the Netherlands rather than Turkey. They defined my role in their social context as their daughter or sister since most of my initial contacts were with first generation immigrants or marriage migrants who are 30-60 years old. They were proud of me since I was a well-educated Turkish women who is travelling alone for

the research about them. They trusted me and told private spheres of their lives and gossips about Turkish community in Utrecht, introduce to their family and friends and invite me to their houses and other social settings. They were telling me that they were feeling comfortable with me since I was not looking down on them and participating in daily things without surprising or judging.

After my meeting with the SW1, by using the traditional method of “snowballing” I received contact details of two other female Turkish social workers (SW2 and SW3). Although I was expecting to reach contact details of the second generation Turkish Dutch who got married from Turkey with their help, it did not work out since family reunification and marriages from Turkey was not on their agenda. Thus interviewees from second generation Turkish Dutch who got married from Turkey after 2006 has not come to their mind. Although they said they would call me back by phone if they remember, they did not call me back. However, they advised me of other ways to reach them and give me other contacts from Utrecht municipality, NGOs, lawyers and key figures in the community. In addition to this, when we came across with them in different social settings, they played a gatekeeper role and introduced me and my research to the people who may contribute. This introduction helped me to gain their trusts and overcome the barriers faster.

With the advice of the social workers I tried to reach marriage migrants through the Dutch language courses which were compulsory for the marriage migrants. I got in touch with a Turkish worker at the Utrecht municipality whom I received her contact details through SW3 in order to receive information of the Turkish participants of the Dutch language courses. However, my request was refused since they do not share the contact details of the participants with the third parties due to the ethical reasons. I tried to go to one of those courses and get in touch directly to Turkish family migrants in order to reach their second generation partner but was unsuccessful. However, with the court decision Turkish marriage migrants were not subject to the civic integration exam in Turkey and compulsory language courses in the Netherlands since 2011. After this court decision, most of the marriage migrants have not attend them at all or attend less hours since they ask for participation fee from them. They participate in the courses with the other immigrant

groups. Even the ones that I reached through the course did not talk with me or help since they did not trust me.

I also reached a Turkish marriage officer in the Netherlands through phone call. During phone call he told that nearly all the marriages in which marriage migrant was involved actually took place in Turkey due to family reunification regulations. According to the information he gave, although they could have brought their partner from Turkey for cohabitation (*samenwonen*) and get married later in the Netherlands, they generally prefer marriage related with the cultural and religious considerations. He also added that the ones who come for cohabitation (sometimes with religious marriage which is not legally accepted in Turkey) also got married legally in Turkey soon. He explained that marriage officers in the Netherlands are responsible for all marriages under the Dutch legislations so he sometimes handles the marriages of second generation Turkish Dutch. He explained that before the ceremonies, the couple meet with the officer and tell their story for his speech during the ceremony. However, whether the partner arrived to the Netherlands for cohabitation or not is not registered. Although the information I received through the telephone conversation contributed to my field research, I could not manage to reach any interviewee.

I also received the contact information of a retired male social worker (SW4) living in Utrecht through a friend of mine in Turkey. His parents were one of the first Turkish immigrants who settled in Utrecht. Therefore, he was familiar with the immigration and integration process which Turkish Dutch passed through and have personal contacts with the community. Although he has not associated with any NGOs and religious groups he has been respected, trusted and a popular person within the community. He had an important role in my study as a gatekeeper. The conversations that we had, helped me to analyze what I heard from different stakeholders and read from books and articles more objectively.

He allocated time to help me to gain access to the Turkish community and to the participants. He showed me the places where Turkish community socialized, introduced me to them, mentioned about my research and helped me to reach interviewee. We visited Turkish businesses in Lombok and old ladies' tea hours at

the local house together. He introduced me to the other prominent Turkish families in Utrecht. Being introduced by him and using his surname at the first contacts after his advice helped to build trust and it played an icebreaker role. My contacts with different age groups helped me to understand the perceptions of Turkish community about family and family relations, the Dutch integration policies, their experiences of family reunification in a historical context.

SW4 also introduced me to Ahmed<sup>64</sup>, a high educated second generation Turkish Dutch who is member of the board of Ulu Mosque association which is one of the oldest mosque associations in Utrecht. It has been situated at the center of Utrecht, across the Utrecht City Hall and at the corner of Lombok. Since it is one of the two mosques of Diyanet in Utrecht, it has been reaching important amount of Turkish community with its cultural and religious activities. As a second generation Turkish Dutch at his mid-20s who has been active in the Turkish community in the Netherlands, he played a gatekeeper role for the entering the field, finding and convincing interviewees to participate in my research.

Charity bazaars organized by the mosque associations in order to raise fund was an important social setting for me to meet with new people especially younger generations. Although young generations who are married do not frequently participate in the activities of NGOs, they were coming to the charity bazaars to have Turkish food and also to socialize. The charity bazaar of Ulu Mosque which takes place during the Christmas time (25-28 December 2014) was the turning point for my research to reach participants and meet with Turkish people from different religious groups or without any religious affiliation. Since it was during Christmas holiday, many of them were not working and they came to the charity bazaar. I came across with my previous contacts at the bazaar and they introduced me to many people. SW1, SW4 and Ahmed played key gatekeeper role to introduce me and my research to new people at the charity bazaar. Their introduction and the opportunity to talk with Turkish Dutch at the charity bazaar contributed to build their trust faster.

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<sup>64</sup> His real name is not used in the study due to the ethical considerations.

I also met with second generation Turkish Dutch suitable to the criteria of my research and with the help of my gatekeepers they accepted to participate in my research. In addition to this through the snowball sampling I received contact details of other interviewees from second generation Turkish Dutch whom I met at the charity bazaar.

I realized that since the marriage migrants do not speak Dutch during their first years and did not attend the education in the Netherlands, they could not find skilled jobs even if they were highly educated. Working at the cleaning sector at their initial years in the country was common for the marriage migrants. In this context I was hoping to reach working at the cleaning sector. Therefore, through Ahmed, I contacted with a manager of a cleaning company to reach the interviewees through their Turkish marriage migrant partners. However, my attempt did not work out since the company that I had contacted had the workers coming from Turkey during 1990s and beginning of 2000s before the implementation of the strict family reunification regulations. Therefore, I decided to use the snowball sampling to the partners of interviewees that I reached. Since they were attending the language courses until 2012 in Turkey and 2013 in the Netherlands, they were meeting with other Turkish marriage migrants at the courses and became friends. In addition to this generally marriage migrants were working at the same companies and similar jobs which did not require language skills. This method worked out and I managed to reach many interviewees however most of them were women.

Meanwhile I was also visiting other Turkish businesses, mosques, coffee places, markets and bakeries. While at the beginning it was not working, at the later stages my presence within Turkish community had been heard due to the characteristics of closed community. Since I also received some reference names within the community, met with the experts and followed the recent regulations related with family reunification of Turkish people, our initial conversations were more interesting for them. During supermarket shopping I met with a first generation Turkish Dutch whose son was in the process of family reunification. He is interested in my research since I also gave information to them about the recent regulations according to which age requirement for family reunification of Turkish people is

decreased from 21 to 18 years old. He told me their lawyer whom I already heard her name in the field. With his help I met with their lawyer (L5) and reached his son and other interviewees by snowball sampling.

I reached a Turkish Dutch father in his late 40s who was well aware of the family reunification regulations and bypassed them since his eldest daughter brought her husband from Turkey through Belgium route. They applied to this solution since they did not meet the age and income requirement. When I met with them, his younger daughter was in the process of family reunification as well. Although she was married for nearly two years and had a baby, they could not apply for family reunification due to the age requirement of 21 and was still living with her parents. I had the information about the regulations, way to bypass them and their experiences in their two daughters' family reunification process from both father and his two daughters. Since he was the one who is actually following the legal dimensions of the process, he was helping Turkish people in similar position about the "Belgium Route". He told that he also helped a native Dutch girl who married a guy from Turkey at holiday to bring him to the Netherlands through Belgium Route just for charity.

In order to reach interviewees and conduct participant observation about marriages and partner choice I detected the Turkish wedding ceremony halls in which wedding ceremonies, circumcision feasts, women parties and henna nights are organized. I started to visit those places on Friday and Saturday nights. I was an uninvited stranger who appeared everywhere. They became familiar with my face. I had limited communication with them at the beginning. In a month with the help of the introduction of my gatekeepers they started to consider me as part of the community and invite me to social gatherings such as wedding ceremonies, henna nights, women's party, information meetings organized by NGOs, to watch Turkish football matches and charity bazaars of the mosques, Turkish days at the local houses which belongs to Turkish municipality. At those social gatherings I had opportunity to observe the weddings of second generation Turkish Dutch, their perceptions about family, expectations about marriage life, meeting opportunities of second generation Turkish Dutch in Turkey and in the Netherlands and their preferences for partner

choice. I also met with different people which helped me to enter different Turkish NGOs' and local houses.

After spending some time in the field and having continuous relations, I started to get invited to dinners at their houses where I came together with their second or third generation children and friends. By inviting me to their houses, they were taking me to their inner circle at their social network. The conversations and the issues we talked about families, marriages, divorce, family related issues, and concerns of second generation were more intimate. I realized that the family problems of Turkish people were not spoken out of the house. It was common to talk about the young generation's lifestyle, friendships, love relations, their employment conditions, education, nightlives, drug addictions, alcohol consumption living separately when none of the family members were present in those social setting. However, families used to deny and hide the realities about their children even from the Turkish community and draw a happy family portrait as a consequence of the Turkish culture. In order to express that they do not let it go out of the room, they were using the traditional Turkish expression “kol kırılır yen içinde kalır.” Therefore, I realized the importance of the closed contacts with the Turkish community and tried to attend all the invitations for the houses.

One of the families that I met at such a dinner meeting also played a gatekeeper role for me. Aslan who is one and half generation Turkish Dutch brought his wife from Turkey nearly twenty years ago. His father was one of the prominent religious leaders in Utrecht before he died. I became friends with him and his family and continued to visit their houses for dinners or tea. Since they were frequently having guests from the extended family and friends, I had opportunity to meet with new people and talk about their perspectives on family relations, partner choice, integration policies, and family reunification regulations. Aslan's wife introduced me to the second generation Turkish Dutch at the marriage age – aged between 18 and 27 – and invited me to the women's tea parties which is common in Turkish culture. Women from different generations were attending those tea parties. It was an important setting for me to observe the relationship between mother and daughter, the difference in their perspective for marriage and the support of the mother for their

daughter to attend to higher education make their own choice for partner. In addition to this I also realized the protective way child rearing in the context of Turkish community in the Netherlands.

Since Aslan and his family were respected by the community, his mediation helped me to reach the religious group that his father was actively working for. He introduced me to the imams of the relevant religious group. He arranged two meetings with different imams to talk about the partner choice, family relations of Turkish community in the Netherlands and the roles of the imams in these settings. One of the imams explained that they were giving general information at the meetings with reference to religion. But other than that they were not involved since they were considering the issue at the very private sphere. They explained that they were only playing the role of mediator between the families in dispute if they have been asked. Imams helped me to reach interviewees as well since they know the families and have the capacity to convince them to participate in my study.

Although I meet with Turkish women easily and became involved in their setting quickly, it was hard to reach Turkish men and talk with them. Therefore, I searched for the social settings where Turkish men were dominant. I visited Turkish football clubs in Utrecht (Ardahan Sports Club and Türkiyem Sports Club). Since I met with people from Ardahan Sports before (at a circumcision fest), they told me to come at the election night of the administrative board of the club on Sunday to reach more people at one time. With their mediation I managed to have an access to the male dominant setting. Although I was the only woman at the meeting, they welcomed me. After the election of the new president of Ardahan Sports Club, I found the opportunity to have conversation with those related with my research, their living experiences in the Netherlands, lifestyles, family relations, their perspectives on integration and family reunification. There were Turkish men from different generations, age groups and occupations. I also had a chance to talk with the highly educated Turkish Dutch who are active in Unions and Dutch political parties. The social setting at Ardahan Sports Club was a turning point for my research to reach perspective of men and also male interviewees. I watched football matches and had tea with them to have opportunity to talk and observe. They were treating me as their

guest and tried to help me. I had the impression that their offer for help was a part of collectivistic Turkish culture and protective culture for women.

I also visited the Turkish mosques of different religious groups in Utrecht at the Friday prays to observe male settings and reach insight views of men about my research question. Generally, they were selling Turkish Doner or Turkish Pizza at the exit of the Friday prayers to raise fund for the mosque. I used to eat there to observe them and talk about my research. Although it did not work out immediately, when we started to come across at different social contexts later, they started to have a more positive attitude. Since we had common acquaintances to start conversation, it helped me to learn their perspectives about integration and family reunification and to meet with the important religious figures in the religious groups mainly elders and imams

During my field research I continued to attend charity bazaars of different mosques in Utrecht to communicate with Turkish people whom I was already familiar with and to meet with new people especially the second generation. Generally extended family was coming together at those social settings. Thus the parents were generally introducing me to their children and mentioning my research, so they were more open to have conversation with me.

I talked with second generation Turkish Dutch who have not got married yet at those settings about their perceptions on partner choice, relations within the extended family, and roles in the family, family reunification regulations, integration policies. My observations in the field and the conversations with them were valuable contributions to my research. They also helped me to find interviewees. They posted Facebook messages and send emails to their social networks and groups about my research and my contact details in order to contribute to my research. However, nobody returned back to me through that circulation. They also called and arranged meetings with their friends who fits my selection criteria for interviews. Asya who is second generation Turkish Dutch played the gatekeeper role for my research. I met with her through one of her sisters. Since she had also conducted field research in Turkey during her university education, she was aware of the difficulties that I was experiencing and offered me help. She was actually living in Soest, a different city

in the Utrecht province closed to Utrecht. She arranged interviewees for my research from her closed social network and hosted me and the interviewees in her house.

I also attended the Cultifestijn which took place in Utrecht on 14-17 May 2015. The night and day activities such as fairs, grand bazaar, concerts, dance performances, singing contests, children's activities, conferences, lectures and workshop mainly associated with Turkish culture targeted the Turkish community from different age groups and expectations. I had opportunity to find the publications about Turkish community in the Netherlands in English and Turkish. The food court at the festival provided me the opportunity to meet and have conversation with different people.

I also visited Türkiyem Sport for the meeting that they organized to talk about the discrimination at the employment sector that the second generation immigrants faced with on 19 May 2014. The meeting was held in Dutch and one of the NGO representative made translations for me during the meeting. I had chance to meet with different people from Turkish origin NGOs and also second generation Turkish Dutch. With contacts at the meeting, I realized an important reason why I experience difficulties to find second generation Turkish Dutch: They do not feel belonging to any of the Turkish origin Dutch NGOs. They generally attend the activities of different NGOs and different religious groups since they have connections with many of them for pragmatic reasons.

Participant observation, contributed to my analysis about the process of family reunification (partner choice, meeting family reunification requirements and the participation after their partners arrived) and association of it with the collectivistic culture of the Turkish community in the Netherlands. In addition to this, during the process of participant observation, I manage to find interviewees who fits the purpose of my research.

### **3.3. Conducting Interviews**

Before conducting the interviews, I prepared the semi-structured interview guides for each data set separately by keeping in mind the information that I needed to answer each of the research question. Thus a list of questions relevant to the interviewees has been drafted (Appendix A). I mainly used nine different kinds of

questions as suggested by Kvale (1996, pp. 133-136): introduction, follow-up, probing, specifying, direct, indirect, structuring and interpreting questions and silence.

Although I was flexible during the interview process, nearly all the questions were asked and similar wording was used for each interviewee. However, the flow of the interview changed depending on the responses of the interviewees. I spoke in Turkish with all my interviewees. I conducted the interviews of different groups face to face simultaneously between December 2014 and June 2015. In order to make them feel comfortable I made the appointments according to their time and setting preferences. Thus, I needed to travel to different cities mainly for the interviews with the lawyers and NGO representatives. I used a voice recorder during the interviews with the consent of the interviewees. Audiotaping served certain advantages such as overcoming the natural limitation of the memory, repeated examination of interviewees' responses during the analysis phase. As it is discussed at the ethical considerations I gave detailed information to the interviewees about my research, anonymity, and audio-recording. In addition to the voice recorder, I also took notes about the interview setting, their gestures and the third party comments not only during but also before and after the interviews. While analyzing my data I benefited from those notes.

Through snowball sampling I reached and conducted the semi-structured interviews with the social workers, lawyers, second generation Turkish Dutch who got married from Turkey after 2006 and representatives of Turkish origin Dutch umbrella organizations simultaneously. As a first data set, four social workers (three women and one men) aged at their mid-forties and fifties participated in my research. Since they shifted their career or retired due to policy changes, we met at their houses with the women social workers due to their preference. Two of them were also high educated marriage migrant who had migrated to the Netherlands in 1980s. The other one was the second generation Turkish Dutch who got married from Turkey in 1990s. Therefore during the interview, I needed to remind them frequently that I was questioning the issues for the second generation Turkish Dutch who got married after 2006. With the male social worker, I talked at the local house of the municipality

where he was working before his retirement. He was one and half generation Turkish Dutch who received his higher education in the Netherlands and got married with a Turkish women from the Netherlands. During the interviews with the social workers, I mainly questioned the social issues relevant to the family reunification in the last ten years, the recent problems within the Turkish families, their observations about the marriages from Turkey and issues relevant to the second generation Turkish Dutch and parental influence on the children (see Appendix A). Each interview took approximately two hours. I audiotaped all the interviews.

The second set of data is collected through the interviews with six lawyers (two women and four men). I reached them through snowballing in the Turkish community and NGOs. They were all practicing law as lawyer and holding cases on family reunification and/or Turkish citizens' rights. I mainly questioned the rights of Turkish citizens derived from Turkey-EU Association Law and their implementation in the Netherlands (see Appendix A for in the interview guides). It was not easy to arrange appointment with them since they were so busy. I conducted the interviews which take approximately one and a half hour each. I used their offices as an interview setting. Due to their busy schedule, many times our interviews were interrupted with the phone calls. Since during the field research new regulations which had a direct influence on the family reunification of Turkish citizens had passed, the information related with the regulations received from the lawyers changed. However, I did not need to make new appointments with the ones that I had already met since the information I had already received were covering the expectations about those changes.

The third set of data was the interviews with second generation Turkish Dutch who got married from Turkey after 2006. My interview guidelines (see Appendix A) were focusing on three main themes partner choice, their coping strategies with and perceptions about regulations and the relevance of their partner choice with their integration. After drafting the interview guideline, I searched for interviewees. It was not easy to find the people who fits the criteria since according to the CBS statistics the marriages from Turkey had been decreasing sharply since 2004. As it has been discussed in the previous section, I found, contacted and managed to convince them

to participate in my research while conducting participant observation. Even after finding the people, I had a hard time convincing them to participate in my research. I used to hear rejection: “There is no need.” and “I do not have time.”. Therefore, I found the participants one by one and after spending some time in the social setting. I tried to make an appointment which is suitable for them for the interview. Thus I let them to define the interview time and setting for snugging them in order to open up their private life and tell their real stories of partner choice and overcoming the family reunification regulations.<sup>65</sup>

I conducted six pilot interviews (three women and three men) to see the relevancy and the clarity of the questions for the interviewees and to understand whether the guideline was enough to cover the research questions. Thus afterwards I changed the wording of some questions and improved the guidelines by omitting some irrelevant questions and adding the new ones especially follow-up questions. Some questions were too broad for them to answer. For example, at my initial guideline my introduction question about partner choice was formulated from affirmative perspective: “Please tell me about what were your main considerations for a partner before getting married?” Since I could not receive an answer or received very broad answers I reformulated it: “Please tell me your big words before your marriage about the partner that you would never get married?” Their preferences about a native Dutch, Moroccan and Turkish Dutch partner were also noted as follow up questions.

Satisfying and consistent answers were also hard to be received about their social life when I asked open ended introduction questions. They were talking about a setting and preferences which they assumed it is expected from them rather than explaining the real situation. Therefore, I added some more direct and concrete questions as introduction question: “How many of the numbers recorded on your phone belong to Turkish, Dutch, and Moroccan or other ethnic groups in the Netherlands?” And as follow up questions I asked the frequency of talking with them

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<sup>65</sup> The interview setting for the individuals has been discussed broadly at the reflections part of this chapter.

before and after marriage, their close friends and shift in their social setting after marriage. Moreover, I also added different questions relevant to my research questions since I realized that my interviewees are not very talkative with open ended introduction questions (see Appendix A for the final version of the interview guide). During the interviews, I had difficult times with some male interviewees since they only response to the questions with one word or one sentence. Therefore, in order to understand their perceptions, I sometimes asked with examples or I listed the experiences and perceptions from other interviewees.

After the pilot interviews, I also realized the importance of discussing the feeling of belonging separately and add a section about their feeling of belonging. Although there were some questions within the context of cultural integration, I had the impression that they are considering feeling of belonging as separate issue different than Dutch integration policy perspective. During my field research I come across second generation Turkish Dutch who both consider themselves integrated to the Dutch society define their feeling of belonging both to the Dutch and Turkish societies and experience their own collectivistic culture and religion at their private sphere.

I tried to get in touch with my first interviewees second time in order to ask the additional questions. While with two of them I managed to meet face to face second time, with two of them I talked on the phone. However, I could not reach two of them since their contact details have changed. In total forty-five individuals have participated in semi-structured qualitative interviews. However, five male interviews were not suitable for the criteria since they come to the Netherlands when they were teenagers (aged between 14 and 18 years old) with the family reunification to their parents. Although I benefited from those interviews during my analysis, I did not include them to the coding of the data related with the second generation Turkish Dutch.

During the interviews I had the impression that their perceptions about the family reunification policy and regulations were not reflecting their feelings at the time when they were in the process of application to the family reunification. During the interviews the third person in the setting (sister, father, mother and their partners)

were reminding their feelings and stresses at that time since they did not remember the difficulties they had experienced. They were saying that they did not want to remember those times. Therefore, I conducted four of the interviews (two men and two women) with the ones whose partner has not arrived to the Netherlands yet since their family reunification applications were still examining by the IND. Those interviews helped me to have a better understanding about their feelings and experiences during the process. The information of the female and male interviewees about their demographic characteristics and their family reunification processes are listed in separate tables (See Appendices B and C). Although I did not define a geographical location in the Netherlands as a selection criterion for interviewees, all of my interviewees were living at the province of Utrecht since I reached most of the interviewees through the network I built during my participant observations in Utrecht.

As a last set of interview data, I talked with the Turkish origin Dutch NGO representatives. As it has been discussed in this chapter at the part on selection of interviewees, I only made appointments with umbrella organizations which are active and relevant to my research question (See Appendix A). Due to the political context during my field research (see part 3.6 Reflections), I tried to focus at the meso level – interviews with NGO representatives – in March and April. At the meso level, either the NGO's leaders or the relevant person depending on the NGOs' decision participated in my research. Representatives from fourteen Turkish origin Dutch NGOs involved to my research (See Appendix D). The interviews took between one hour and two hours. The content of the interviews was diverse since the aim, mission and vision of the NGOs were different. In addition to this, the flows of the interviews were also dispersed due to the sensitive political and social context in the field. Related with my research questions, I mainly focused on the following themes: general information about the NGO; their perspective and activities about partner choice and family relations; family reunification policy and finally integration policy (See Appendix A for interview guide). During the interviews, I sometimes took a copy of the relevant documents that they shared with me. I conducted two sets of interviews – lawyer and NGO representative – with two of the

participants in this data set since they contribute to my research with their both affiliations. Relevant questions for both data set were posed to them. Their participation to the research were important since they were the key figures who establish the main link between macro context and micro context and support the Turkish origin NGOs with their legal expertise, organize the Turkish lawyers to struggle against the violation of the rights of Turkish community in the Netherlands.

### **3.4. Ethical Considerations**

While conducting the participant observation in the field in order to prevent ethical considerations I had the overt role. I explained my research and myself why I am in the Netherlands in order to overcome their suspicions. However, they were also questioning the results of my research and for whom I was doing this research. Therefore, I explained my PhD thesis, the grant that I received from TÜBİTAK, my relation with Utrecht University, the role of my hosting professor in the research and my perspective while studying my research question. I let them know the aim of my presence in the field and the contribution of my observations to the study.

The most important ethical consideration for the interviews was the “freely given informed consent” of the interviewees (Bryman, 2012). My research was already started to be known in the field while conducting participant observation. Nevertheless, I presented the purpose and the content of my research and interviews before getting their consent. The participation was purely on voluntary basis. I also informed that they can change their decision at each phase. Before the interviews I also explained that they do not have to answer the questions if they do not feel comfortable and withdraw from participation at any point. During the interviews, I had the impression that the SGTD who got married from Turkey did not give direct answers to some of the questions since they were reluctant to talk about the private issues. None of the interviewees left the interviews unfinished although sometimes we needed to give breaks due to emotional moments and interruptions such phone calls, babies or visitors.

I also asked for the consent of all the interviewees for the audiotaping the interview. Although a few of them were not comfortable with the voice recorder at the first ten minutes since they cared about their Turkish they also accepted the use

of it. I explained that the use of voice recorder would help me to concentrate on the conversation rather than taking notes. In addition to this I assured my interviewees about the confidentiality and anonymity during the transcription and analysis. Throughout my thesis in order to keep the unanimity I refer to the interviewees with symbols (SW1, L1, M1, F1) and sometimes different nicknames have been used for the gate keepers. I also informed them before the interviews that although I would not reveal their identity by using their names, I would use the direct quotations which may uncover them for the people who know them. For the interviews with Turkish NGOs' representatives, I informed them that although I would not use their names personally, I would use the name of the relevant NGO in order to stress the differentiation of their roles depending on their ideological and religious identity and target group.

### **3.5. Analysis**

During the analysis phase of my qualitative research, I followed the following steps: (1) transcription of the interviews, (2) coding of the interviews, (3) analysis of documents and case law and (4) document analysis and (5) memos about field notes.

#### **Transcription of the Interviews**

I transcribed the interviews verbatim looking for emerging and relevant themes as planned. In order to pay attention more on the themes highlighted by the interviewees and have a more comprehensive knowledge about the data, I conducted all the interviews and made the full transcription of them personally. Although I tried to make the transcription simultaneously with the interviews, I needed to spend more time for the participant observation and finding interviewees in the field. Thus I mainly made the transcription after finishing the interviews.

Due to the number of the interviewees and the dimensions covered within the research, the text material produced through the transcription was immense, time consuming and physically tiring. I mainly used the programme of Sound Organizer to listen the audiotapes while making transcriptions. However, for fifteen of my interview I tried to benefit from the transcription/dictation application – Dragon Dictation – which was compatible with the Turkish due to the physical exhaustion

of typing and saving time. Although the application helped me to diminish the physical exhaustion, it did not save much time since I had to re-listen the interviews and correct the text after dictation to cover the missing parts and mistakes in spelling and punctuation since they were changing the meaning of the written text. In addition to this by using the dictation programme, listening the interviews and dictating at the same time was impractical and mentally tiring. Due to the interview settings, it was not easy to understand the statements of the interviewees. There was the media volume at the interview setting since there were other people in general their children at the interviews with women and with the male participants in general I conducted the interviews at public settings.

### **Coding**

Silverman (2013) argues that the hope for revealing the “whole picture” through different sources is not always best way to discuss due to the risks it carries. There is a risk of under-analyzing overarching data from different resources. In order to prevent this, I adopted a thematic approach at the analysis part of my research and employed the computer assisted qualitative data analysis – CAQDAS – to code the transcripts and management of my data. In this context, defining the themes and categorizing the data under these themes were the major concern for the analysis phase of my qualitative research (Bryman, 2012, p. 591).

In order to ease the analysis of large amounts of empirical data sets, I used the qualitative analysis software, NVivo, for mainly coding of my interview materials. I first indexed all the transcripts in order to group all the data under certain themes. Themes in general refer to the codes in this process. Although it took some time for me to learn the software at the beginning, in the long run it saved time during the analysis. It increased my familiarity with my data and analytical thinking by naming and grouping the data. It expedited the processes of “handling, managing, searching and displaying data and related items like codes or memos, in links to the data” (Flick, 2014, p. 463). It facilitated the coding and retrieval processes. The use of the NVivo also increased the quality and transparency of the research and validity of the analysis and protected the confidentiality of the data derived from the interviewees and participant observations.

I developed analytic memos after conducting each interview during the data collection period. I put them together with the verbatim transcripts into NVivo. Since I had some general ideas about the themes covered in the research before using NVivo, pen and paper were used in conjunction with the software. Before start coding at NVivo I also consulted to my hosting professor at ERCOMER about general themes.

As a preparation for coding I first read the transcriptions and field notes and my notes related with the documents to become familiar with my data and concerns of the people relevant to my research questions. At the end of this first readings I jot down general notes about interesting and significant issues briefly. For example, the different dates in their family reunification process for their legal marriage, wedding ceremony, family reunification and start of the marriage life in order to meet the requirements was interesting finding for me. I read through my data again in order to make a table about the characteristics of the interviewees from second generation Turkish Dutch<sup>66</sup> (See Appendices B and C). In this second reading I also coded the transcription of the second generation Turkish Dutch<sup>67</sup> under the general themes which were determined at the interview guide (partner choice, coping strategies with the regulations, impact of marriage from Turkey on their integration after their arrival – social, cultural, economic, and political - their feeling of belonging) and take some notes for defining the subthemes. After this initial coding I read each section separately and did the detailed coding under sub themes with the help of the notes. Later I grouped them under some titles in order to reflect the theoretical perspective. For example, under the theme of partner choice I tried to group the issues under the subthemes of meeting, preference, opportunity, and third party. However, there were

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<sup>66</sup> The tables which are prepared separately for male and female participants includes the information about their age, home city, education, occupation, migration history, marriage year, year of the family reunification, number of children and also age, home city, education of their partner who is a marriage migrant from Turkey. In addition to this, although they had different considerations for the arranged and kin marriages, they are also tried to be indicated at the Appendices B and C.

<sup>67</sup> The four interviews conducted with the individuals who were left out of the scope of the participants are not considered at the coding. However, the information derived from those interviews are reflected to the analysis through the memos.

additional subthemes since this conceptual framework was not enough to understand all the issues revealed by the interviewees.

After coding transcripts of the interviews with the individuals, I read through the transcriptions of the NGOs' representatives and experts by paying attention to detect the corroborative, complementary and challenging information. After finishing the first reading in order to analyze the different sets of data through holistic view and prevent the risk of under-analysis of them I also structured the content of the research and defined the issues raised by the experts and NGO representative with relevance to my research questions. I made the second reading of the transcriptions of the interviews with lawyers, NGO leaders and social workers and defined the general themes.

For the NGOs' representatives I defined the following themes: general information about the NGO (mission, vision, identity, target group, activities), diaspora (perceptions about Turkey's policy towards Turks abroad and Ankara Agreement), family reunification policy (legal and political activities, relevance of family reunification and integration, perceptions and impact of the regulations), their understanding about integration (definition, dual citizenship, discrimination, their role), perceptions about integration policy (current developments, shift in the policy). Under these themes, there were additional subthemes as well. I coded the transcriptions of the interviews with lawyers under the themes of administrative fees, age requirement, Belgium route, civic integration exam, Dutch position, Dutch government strategies, decisions of ECtHR and CJEU, Dutch family reunification policy, income requirement, misorientation of individuals, MVV visa, *samenwonen* and other. For social workers, I made less detailed coding. I benefited from their interviews while defining the main themes at the interviews of individuals and NGOs through the memos written while conducting the interviews. While the legal themes and policy analysis were drafted from the interviews with lawyers, the anecdotes about the implementation of the policies, cultural shift in Turkish community, generational differences, and the features of the collectivistic culture were highlighted at the transcriptions of the social workers.

## **Document Analysis**

As it has been stated at the methods part in this chapter, document analysis is also used in this research in order to discuss integration policies and family reunification policy perspectives at the macro level. In this context in addition to the human rights treaties relevant to scope of this study, the reports of the UN treaty based bodies and Council of Europe, the Directives and policy papers at the EU and Dutch level (see Appendix G) and the judgments of the CJEU, ECtHR and Dutch Courts have been analyzed (see Appendix F).

For discussing the integration and family reunification policies in the context of Netherlands, I focused on the Dutch annual integration reports and other relevant reports and statistics published by the Netherlands Institute for Social Research (Sociaal en Cultureel Planbureau – SCP) and Central Agency for Statistics (Centraal Bureau voor de Statistiek – CBS). Dutch coalition agreements will be analyzed in addition to the secondary sources – already existing literature. The documents and information that I obtained during the interviews with Prof Kees Groenendijk and Turkish origin Dutch lawyers who have participated in my research also contributed my legal and policy analysis on Dutch policies on integration and family reunification. In order to make better discussion about these issues I had to rely on the secondary sources due to the language restrictions while elaborating legal documents in Dutch.

I also had a chance to work with Turkish origin Dutch law intern on some legal documents and reports relevant to my research. To clarify the current regulations which Turkish citizens are subject to, we drafted a questionnaire addressing to the Immigration and Naturalisation Service (IND) under the Ministry of Security and Justice. She posed the questions through email as a part of her thesis at the university. Although, the government institutions have to cooperate in these circumstances with the Dutch students, rather than answering the questions, they sent the information which was already available at their official website. The school and the law office that she was working as an intern made a complaint about the situation. I understood the difficulties to receive information from Dutch institutions about the privileged rights of Turkish citizens by experiencing.

### **Memos about Field Notes**

From the beginning, I determined the data collected through interviews and documents as the main source. Therefore, field notes derived from the participant observations were the complementary data in my research. The memos that I wrote down in my notebook by pen to associate my observations with the themes and literature while conducting participant observation helped me a lot during the analysis of the data gather during participant observation. I transferred the issues from my field notes and notes about interviews which were directly relevant to my research question and themes as memos at NVivo. Rather than typing all the information I gave references to my handwritten field notes at the process of coding. The digital and handwritten memos would catalyze the analysis of the data coming from different sources, the emerging themes, the understanding of the complex relations between different actors and the stress on the role of the collectivistic culture in the process of family reunification.

### **3.6. Some Conclusions and Reflections**

The role of values and politics in social research is an issue under debate for a long time. It is hard to separate the researcher from the social context in which she is interacted throughout the whole process of his/her qualitative research (Smith, 2005). The knowledge of the researcher about his/her research question derived from the constant interactions and relations with the people and institutional orders in the field. From the social constructionist point of view, researchers interpret their subject and context through their personal experiences, knowledge and similarly the participants also interpret the research or researcher according to their own point of view. They reflect their interpretations to their behaviors and speeches during the research.

In this context although I accepted the impossibility of complete objectivity, I tried to sustain objectivity and reliability as much as I could do. I did not overtly allow my personal values, culture, experiences, knowledge and theoretical and ideological perspectives to influence the conduct of the research, data derived from the field and the analysis. However I, being a researcher, had an influence on the data

I derived. The participants talked about their experiences which do not exist until they told to me since they are generated in the process of telling me, at a certain time and place (Smith, 2005). So in this paper I do not have the claim of being objective since I am presenting my own perception of participants' experiences. Thus following issues had reflections at different degree during the field research: (1) Coming from Turkey, (2) being female Turkish researcher, (3) my job in Turkey, (4) language used during the field research, (5) interview setting, and (6) political context.

### **Coming from Turkey**

Since I came from Turkey, they showed empathy with me in the context of living in a different country, society and culture. I was the newcomer not only to the community but also to the country. Since I do not have family or any acquaintance I was reminding them their first arrival to the Netherlands. Since the first years in the Netherlands were not easy for them, as a reflection of the solidarity within Turkish community they were willing to help me by talking about the life in the Netherlands, cultural differences and their living experiences. Since I already made preparations before entering the field, I managed to impress them. I was careful about my dressings, reactions, questions and behaviors and took their sensitivities into account. At the beginning they like my presence since they want to talk about life and politics in Turkey. They were telling me that through our conversations they were feeling as if they were in Turkey.

Although coming from Turkey was something positive to establish contact with first generation and one and a half generation Turkish Dutch, at the beginning it was something negative for the second generation as it is already discussed. They were more distant to me due to their perceptions about cultural differences between Turks in Turkey and in the Netherlands and lack of self-confidence. Although they stress their Turkish identity during the field research, I had the impression that they feel less Turkish while they are talking with me. Their insufficient command of Turkish and unfamiliarity to the life in Turkey were the main reasons of this. In addition to this they had less common subjects with me since we were not sharing the same social environment, did not attend to similar schools and experienced similar

difficulties. However, in time they started to feel more relaxed since we found common subjects to talk about.

I was expecting to face with the references of the Turkish community to cultural differences with “us versus them” dichotomies and being discriminated feeling by state and also society. In order to understand the abstract cultural differences, they would refer and have a more objective point of view, it seemed a good idea to share a house with a Dutch girl and experience the expedited version of socio-cultural integration process of Turks in the Netherlands. Therefore, I rented a room in the house of a Dutch girl closed to the shops which are run by Turkish immigrants in Utrecht. I was hoping to understand the perceptions and experiences of Turkish Dutch better when I am spending time with the Turkish community in the field and sharing the house with a native Dutch. The cultural differences that I was experiencing in the house with my housemate were an interesting subject to talk about for them. They had the opportunity to concretize their feelings and values.

### **Being Female Turkish Researcher**

Being female researcher who is coming from Turkey was an advantage for the entrance to the field at the beginning. I was invited to the women’s meetings and had a chance to conduct participant observations and interviews with my target group. However, at the later steps being female turned out a disadvantage to reach the perspectives of the men since it was hard for me to enter some social settings for men especially more conservative and religious ones. Although I managed to enter those social settings, they were still not comfortable with my presence and behaving me as an outsider. It was not related with my identity as a researcher but my female identity since in general I was the only woman in those settings. While trying to convince second generation Turkish Dutch men to conduct interviews, they gave me hard times as well. They were more reluctant to participate and less talkative even if they participate. Although in the literature it is stated that with such qualitative researches similar problems had been experienced with the male participants, I had the impression that being female researcher also lead further concerns.

During the field work I mainly built relationship with older generations. It was not a conscious choice. Since second generation Turkish Dutch have busier life

with working and/or studying and have a more diverse social networks, it was not easy to reach them. Even if I reach them they were not willing to allocate time for me and for my research. The older Turkish Dutch aged at between forties and sixties were mainly dominant at the cultural and/or religious social settings. Therefore, I built closer relationship with them. They started to worry for me in time as a young female researcher being around all day and night to reach participants for my research at the social settings where Turkish people attend. Since I was visiting the houses of people that I just met to conduct interviews generally at night and traveling with my bicycle within the city and to the closed cities. Therefore, they gave me references to prevent possible danger at the strange social settings and guided me about the social settings where men used to attend.

I realized later that my initial contacts with parents also helped me to reach the interviewees. When I thanked to the participants for their participation to my research, some of them said that they accepted due to their parents', family members' or spouses' encouragement to help me. With the reference of my gatekeepers second generation Turkish Dutch trusted me and my research and accepted to arrange time for participation to my research in their busy life. One of my gatekeepers helped me to reach many interviewees since she was well aware of the difficulties in a field research due to her own experience. She told that she had also conducted a field research in Turkey two years ago and overcome the difficulties she faced with the help of the people mainly academicians she just met. When I thanked for her help with my research, she explained that it was a kind of paying off and feeling responsibility since it was easy for her to empathize with me.

### **My Job in Turkey**

I am working at Prime Ministry of Turkish Republic Presidency of Turks Abroad and Related Communities (YTB) as an expert. Although I did not give reference to my job since I did not have any economic or social connection with my employee during my field research in the Netherlands, some of the NGO representatives referred me as an expert at YTB a few times. During the interviews it took also some time to make them focus on the subject of my research since they were willing to share their own problems sometimes with the hope to be reported to

Turkish government. In addition to this I had to listen their complaints about either noninvolvement or over-involvement of Turkish government about the Turks living abroad. Some of the individuals I had contacts during the field research also googled me and after learning my employment in Turkey their perception of me and trust relation that we built has shifted. While some of them considered it as a more positive and trusted more with the pragmatic considerations and concerns about being blacklisted by the Dutch government, some of them worried to be blacklisted by Turkish government. However, as I already discussed after some time in the field I managed to overcome these concerns and they started to consider me as a PhD student and one of them in the field.

### **Language**

Another issue which needs to be stressed is the language used in the research. I had carried out my field research mainly in Turkish, conducted and transcribed the interviews in Turkish. Although it was considered as the native language by second generation Turkish Dutch, they did not have good command of Turkish. They told during my contacts that since they got married with a partner from Turkey they improved their Turkish with the help of their partner in time. However, I had the impression that they were not feeling comfortable with speaking in Turkish during the interviews. I realized from observations in the field although they could understand and talk in Turkish, they used to speak mixed language in general. They were starting the sentence in Turkish but end in Dutch not only with me but also between each other. Therefore, they were feeling comfortable only when they are speaking with Turkish Dutch. At the beginning sometimes I needed the help of someone from first generation about the translation of the Dutch words in the conversation. In order to make them feel more comfortable and understand their perceptions I learned the main words and institutions they keep on using in Dutch such as “afspraak,” “druk,” “formule”.<sup>68</sup> However, due to the limited vocabulary of

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<sup>68</sup> Dutch words “afspraak,” “druk,” “formule” means respectively “appointment”, “busy” and “form” in English.

second generation Turkish Dutch who had low education, they were not good at expressing their feelings both in Turkish and Dutch and constructing full meaningful sentences.

Since I carried the field research in Turkish, I had to translate the quotes to English during the analysis part. Their poor command of Turkish led to several difficulties during the analysis while translating them to English. Although I paid attention to protect the meanings in the original text and make them understandable, it is highly possible that some of the meanings were lost during the translation. Thus Davies (Davies, 2008) points out the risk of influence of the theoretical and personal perspective of the researcher on the translations.

### **Interview Setting**

As I already discussed at this chapter, I conducted the interviews at the setting where the interviewees preferred after giving the choices of my house, a restaurant or tea house, mosque, local houses, or any other place they would offer. I arranged all my life according to their schedule since they were determining the times for the appointments. Thus I generally conduct the interviews during day time with women at their houses. Since they were taking care for their children who were below four years old during day time, our interviews interrupted several times with baby noises. With working female participants, I either conducted the interviews at their work place or at night at their houses or friends house.

During the interviews at their houses sometimes their family members (husband, mother, father or sister) were present, at the beginning I was thinking this could have influenced their answers and offered a different setting or timing for the interview. But they said they were comfortable with the setting and told that their family members who were in the setting already knew the issues and their experiences and feelings in the process. During the interviews I experienced many contributions from the family members which approved their explanation. The family members were completing and even sometimes correcting their stories since they forgot the difficulties they had experienced during the process. Although I was expecting them to be reluctant to talk about their previous relations before marriage, they were also open to talk about them. Even in one interview a father reminded his

daughter her relationship with a Dutch man before her marriage by giving reference to his approval at that time.

With the male participants, I conducted the interviews either at their working place, at the cafes, at my house, at the cultural centers and their houses. I observed that they preferred their own houses for interviews less frequently since most of them –especially the ones who preferred a different setting – were living with their parents. In addition to this as a result of their breadwinner role they hardly arrange time to participate in my research generally late at night or weekends and religious holidays of the Netherlands. When their parents were at home, they generally used to leave me with my interviewee and his wife during the interview in general. Therefore, related with their preference for setting I had the feeling that they did not want to involve mainly their parents to the conversation about their partner choice preference and marriage process. They were also more reluctant to talk about their previous relations and partner choice preferences which may be related with the cultural codes.

### **Political Context**

The developments in the political arena of the Netherlands also influenced my field research. Just before my entrance to the field, in September 2014 Minister of Social Affairs and Employment Lodewijk Asscher had announced that four Turkish origin Dutch NGOs<sup>69</sup> that he suspected of hindering integration would be scrutinized (Interajans, 2014; Haber Utrecht, 2014). He stemmed his arguments to a report (Sunier & Landman, 2014) which actually supports their positive impact on the integration of the Turkish community (Chadwick, 2014). Although the report highlights the contribution of these four Turkish origin Dutch NGOs in education, he sent a letter (Asscher, 2014) to Lower House in which he accused of these organizations as building a parallel society to the and called for additional measures

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<sup>69</sup> Four Turkish origin Dutch NGOs which were suspected of hindering integration, thus subjected to investigation were listed as following: ISN (Islamitische Stichting Nederland), NIF (Nederlandse Islamitische Federatie), Platform INS (Gülen Beweging), SICN (St. Islamitische Centrum Nederland).

for their activities. This has drawn reaction of not only the target NGOs but also other Turkish origin Dutch NGOs and most of the Turkish community in the Netherlands.

After a short while, aftershocks of the reports had been experienced in the political scene. Two Turkish origin Dutch members of parliament were thrown out of their party (Labour Party- PvdA) since they openly criticized the Minister (Dutch News, 2014a; Hürriyet, 2014). This aftershock also drew reaction of the Turkish community to the Labour Party and also to the Dutch governments' understanding of integration. During the field research people were constantly referring to these events by referring the ambiguity about "integration" They were confused since they could not understand when and how they would be considered as integrated.

Social affairs minister Lodewijk Asscher brought forward the research carried out by Motivaction group which claimed that 80% of Turkish Dutch had seen nothing wrong in jihad against non-believers just before the parliamentary debates on integration in November 2014 (Dutch News, 2014b; Press Medya, 2014). The results draw the worries and reactions of both the political parties and the public opinion. Although there were some academicians and media coverages which questions the research about being scientific, still the general fear and worries about the possibility were dominant. During the field research Muslim community in the Netherlands started to face more discriminatory treatments and social exclusion from Dutch society in this period. The report also drew the reaction of the Turkish community since they had been slandered. During the field research I realized that after the announcement of the report there were more Turkish men with more Islamic appearance (with beards and clothes) from the young generation. When I talked with them I learned that they changed their appearance as a reaction to the report and the Dutch society who believed it. They were saying that "if they would make us feel uncomfortable at our houses and neighborhoods with lies, then they should feel uncomfortable and under threat because of the same lies."

The religious figures in the Netherlands tried to calm the Turkish Dutch youth down. Although the Turkish origin Dutch NGOs' reacted the report and the stance of the government, they had a constructive perspective. After these claims spokesperson of Foreign Ministry of Turkey responded to a question about Dutch

government initiatives against Turkish Dutch (being under scrutinizing of four Turkish origin Dutch NGOs and the Motivaction report) with the following wordings: “This aggressive tone and accusations with racist characteristics against Turks who are part of the Dutch society and friendly and allied country are unacceptable and could not be excused under any circumstances” (Türkiye Cumhuriyeti Dışişleri Bakanlığı, 2014).

These statements led to the diplomatic tension between Netherlands and Turkey. Thus Dutch foreign minister Bert Koenders interpreted the response of the spokesperson of Turkish foreign ministry as “direct interference by a foreign power in a democratic debate in the Netherlands is inappropriate” (Dutch News, 2015a). Prime Minister of the Netherlands Mark Rutte also involved in the discussions by stating that “The Netherlands has made it clear that it decides its own policies and has ‘no interest in advice from Turkey’” (Dutch News, 2015b). However, during the field research I observed that in general Turkish Dutch welcomed the statements of Turkey defending the Turks in the Netherlands. I concluded that these incidents had a negative impact on the perspective of Turkish Dutch on the Dutch integration policies, perceived discrimination and feeling of belonging to the Netherlands while their feeling of belonging to Turkey and Turkish society consolidated.

The terrorist attack on Charlie Hebdo in France which left twelve deaths also influenced the political and social climate in the Netherlands against Islam and Muslim people residing in the country. The initial reactions of the popular newspapers and news bulletins were careful about associating the terrorist attack with Islam as a religion and whole Muslim community. They used the headline of “An Attack on Democracy” (Dutch News, 2015c). However, with the speeches of the right wing parties mainly Freedom Party (PVV) which showed the Islam and the Muslims as the main reason of the terrorist attacks (Youtube, 2015), the public opinion has been shaped in a limited extent. The Turkish origin NGOs which has strong reference to Islam condemned the attacks and framed their concern about the rise of Islamophobia in the Netherlands. Muslims in the Netherlands started online campaigns in which Turkish community residing in the Netherlands were also leading. A campaign titled “Not my Islam” (Niet mijn Islam) which receives eleven

thousand people's support at its very first day was one of those campaigns (World Bulletin, 2015).

Another issue in the political context which had an influence on my field research was Turkish general elections of 2015. Turkish citizens residing in the Netherlands voted for the general elections of Turkey at the two locations in the Netherlands. Although the elections held on 7 June 2015 in Turkey, voting in the Netherlands had held on 29-31 May 2015. Since most of the community have Turkish citizenship, they have the right to vote. Therefore, the Netherlands like Germany, France and other countries where Turkish citizens are residing became electoral district where the political parties targeted their campaigns in a limited extent. The participation rate to the elections were 31.44% in the Netherlands (Seçim Haberler, 2015).<sup>70</sup> In this context former Prime Minister of Republic of Turkey Ahmet Davutoğlu announced ten promises of the AK Party at his meeting with European Turks in Dortmund on 3 May 2015 before the election (Son Haber, 2015).<sup>71</sup> The political and social agenda of Turkey started to be heavily discussed in the context of the general elections and discussion about the government talks within the Turkish community in the Netherlands. The voting of the second generation Turkish Dutch for Turkish election are criticized in the public opinion and at the television.

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<sup>70</sup> Out of 243.346 Turkish voters residing in the Netherlands, 76.502 had voted for the general elections of Turkey at the ballot boxes in the Netherlands. However, the votes that Turkish Dutch gave at the custom gates are not included in this percentage (Seçim Haberler, 2015).

<sup>71</sup> To decrease the amount of the military service by payment from six thousand euros to one thousand euro; to decrease the Turkish passport fees, from 217 euros to 100 euros; to increase the staying duration in Turkey of the vehicles coming from abroad to two years; to double the using duration of the telephones brought from abroad; 20% discount for the flights to Turkey with three people; to give 500 euros scholarship for bachelor degree and 700 euros for Master's degree; to provide the recognition of the court decisions in two countries; to provide the right to be elected in Turkish elections; to give the maternity benefit and finally to give child benefit to the mothers living abroad 300TL for the first child, 400TL for the second child and 600TL for the third child (Son Haber, 2015).

## PART 2: MACRO LEVEL ANALYSIS

### CHAPTER 4

#### IMMIGRANT INTEGRATION AT THE MACRO LEVEL

How many roads must a man walk down  
Before you call him a man?  
How many seas must a white dove sail  
Before she sleeps in the sand?  
Yes, how many times must the cannon balls fly  
Before they're forever banned?  
The answer my friend is blowin' in the wind  
The answer is blowin' in the wind.  
BOB DYLAN

We can raise many questions for immigrant integration. However, some of them are similar to Bob Dylan questions: How many requirements need to be fulfilled by an immigrant before you call him integrated? How many generations need to be passed before you consider them as part of the society? As Bob Dylan stated in his famous song “the answer is blowin’ in the wind”, but no one is willing to pick up the answer when it comes to down.<sup>72</sup> The main reason for this reluctance to pick up the answers for immigrant integration is the divergence in problem

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<sup>72</sup> After the publishment of the lyrics at the Sing Out! Magazine, Dylan states the main inspiration for his song “Blowin in the Wind” with the following words: “Too many of these hip people are telling me where the answer is but oh I won’t believe that. I still say it’s in the wind and just like a restless piece of paper it’s got to come down some time. (...) But the only trouble is that no one picks up the answer when it comes down so not too many people get to see and know it . . . and then it flies away again. (...) I still say that some of the biggest criminals are those that turn their heads away when they see wrong and know it’s wrong.” (Gray, 2006, p. 64).

definition and policy solutions between perspectives based on human rights and nation states' concerns.

The main aim of this chapter is to give an overview of the international, the European and Dutch perspectives on the immigration and immigrant integration with references to policy measures, legal documents and significant case law. This part also discusses the interaction between the international, European and national levels in the context of immigrant integration. While the international and supranational context reflect human rights based perspective for immigrant integration, the nation states mainly have tendency to reflect the national concerns and pursue the overall interest of the society which is mainly defined by taking the majority into consideration. Nevertheless, the norms, standards and rules set by international mechanisms are embraced by the national and local governments despite of their two important restrictions. First they are not functioning independent from the nation states. Second, since immigrant integration is held mainly as a domestic issue, it is mainly under the competence of the nation states.

In this study the immigrant integration perspective will be discussed at the macro level with reference to UN, Council of Europe, EU and the Netherlands. First, UN perspective will be highlighted with reference to the impact of three UN instruments -International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR); International Convention on the Elimination of Racial Discrimination (ICERD) – on integration of immigrants. Second, the European Court of Human Rights (ECtHR) for the implementation of the European Convention on Human Rights (ECHR) will be highlighted with reference to case law on the expulsion and family reunification.

Third, the EU level policy formation and understanding on immigrant integration will be covered at three legal categories: non-national EU citizens, third country nationals (TCNs) and Turkish citizens. With the increasing cooperation in the field of immigration at the EU level starting from 1990s, the immigrant integration became one of the issues under scrutinize in under the Justice and Home Affairs (Block & Bonjour, 2013). Although this does not mean the loss of control of Member States, the EU and international perspective gained impetus in the area of

immigrant integration. Thus it is started to be defined as an important platform which has a direct or indirect influence on the integration policies of the Member States. In addition to this, the privileged status of Turkish citizens stemmed from Turkey-EU Association Law is safeguarded by the EU institutions mainly Court of Justice of the European Union (CJEU) against the misinterpretations at the national level. Finally, at the national level, the Dutch immigrant integration policy will be analyzed and the shift in immigrant integration policy will be discussed.

#### **4.1. The International Human Right Mechanisms: Focus on ICESCR, ICCPR and ICERD**

There is not any legal definition of the concept of “integration” in international law. International norms referring “right to integration of migrants” and/or “duty of states to integrate immigrants” are absent (Kalin, 2003). International law on human rights is oblivion to the integration and/or assimilation of immigrants. Thus it neither prohibits assimilationist state measure nor defines standards which would force states to take measure to facilitate integration of immigrants. Although international law does not determine the responsibilities of the states for the immigrant integration, human rights law contribute indirectly to the immigrant integration perspectives of the nation states through the standards it set for human rights (Murphy, 2013). In this study, the concept of immigrant integration has been discussed under three categories of rights with reference to UN treaty bodies, ICESCR, ICCPR, and ICERD:<sup>73</sup> economic, social and cultural rights; civil and political rights and right to equality and non-discrimination.

##### **4.1.1. Economic Social and Cultural Rights**

*Economic, social and cultural rights* play crucial role in order to facilitate mainly the structural integration of immigrants. Social, economic and cultural rights defined in the international conventions (ICCPR, ICESCR, ICERD, ICRMW and

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<sup>73</sup> Although the ICRMW is considered as ambitious document to protect the rights of the both legally and illegally resident migrant workers and relevant with the immigrant integration, it is not analyzed in the scope of this study since none of the EU member states are party to it (Nafziger & Bartel, 1991).

ECMW) mainly refer to the areas of education, work, housing and health and protection of family life. Although the obligations of states in relation to the economic, social and cultural rights differ depending on the treaties, they are sometimes defined under three types, levels or headings (respect, protect, fulfill) which could be interpreted as relevant to immigrant integration framework. First, they mainly refrain from interfering with the enjoyment of the rights which would facilitate their integration. Second, states must protect the enjoyment of the rights by the immigrants to integrate against the interference by third parties. Third, states must actively promote immigrant integration by facilitating and providing relevant goods and services. Although the responsibilities of the states are defined in theory, there is lack of clarity in practice due to the limited sanctions for the implementation of international human rights law. In addition to this, practical limitations of social, economic and cultural rights on immigrant integration could be associated with two reasons. First, according to the Article 2(1) of the ICESCR, the rights referred in the treaty are expected to be achieved progressively depending on the available resources of the State parties. Secondly, the nondiscrimination clause in ICESCR Article 2(2), as in ICCPR Article 2(1) does not explicitly prohibit discrimination on the grounds of citizenship or nationality (Weissbrodt, 2008). When the implementation of ICESCR through the observations and recommendations of the Committee on Economic, Social and Cultural Rights is analyzed, it could be suggested that the main aim of the convention is to ensure the implementation of the rights provided in the state parties without discrimination (Murphy, 2013). Since citizenship or nationality is viewed as reasonable and objective justification for differential treatment, it is hard to mention an ambitious focus on the immigrant integration in the context of ICESCR.

#### **4.1.2. Civil and Political Rights**

*Civil and political rights* referred within the International Covenant on Civil and Political Rights (ICCPR) could be considered as relevant to the cultural assimilation of immigrants, thus socio-cultural dimension of immigrant integration (Kalin, 2003). It has two challenging faces. On the one hand, it guarantees for everyone including the immigrants to choose cultural identity and traditions by

safeguarding freedoms of religion, language, association, marriage, thought, expression, right to privacy and family life. Thus it stresses the importance of recognition of different cultural identities and allows for the cultural diversity. “Article 27 ICCPR together with Article 15 ICESCR and Article 5(a) ICERD, prohibit forced assimilation. National integration policies may not therefore force members of a minority to forsake their culture, language or religion in favor of that host state without violating these provisions. This sets minimum standards for integration policies” (Murphy, 2013, p. 124).

On the other hand, the cultural diversity challenges with the equality and non-discrimination principles since law put into practice in the same way with the same principles to the all cultures. In this respect, the need for common basic principles and some degree of social cohesion is also accepted. In the context of immigrants, the CCPR appears to conceive of integration issues as primarily related to equality and nondiscrimination (Article 26 ICCPR) rather than minority and cultural rights (Article 27 of ICCPR) which is referred for the national minorities (Murphy, 2013, p. 104). In this context, similar to the ICESCR, it could be concluded that the immigrant integration is not one of the main focus of the ICCPR when the concluding observations of the Human Rights Committee are analyzed.<sup>74</sup>

#### **4.1.3. Prohibition of Discrimination**

*Prohibition of discrimination*, one of the principles of fundamental human rights in many international human rights conventions<sup>75</sup>, is considered as an important safeguard for the rights of the immigrants during their integration process in terms of both structural and socio-cultural dimensions. It prevents their exclusion by prohibiting the denial of their access to the labour and housing markets, education, health services on the basis of religion, race, color, language, national origin etc. (Kalin, 2003). The distinctions made between citizens and noncitizens are not

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<sup>74</sup> Only in its few cases, Human Rights Committee explicitly referred to immigrant integration in its European country reports (Murphy, 2013, pp. 110-111).

<sup>75</sup> Articles 2(1), 26 of ICCPR, Article 2 of 1948 Universal Declaration on Human Rights, Article 2(2) of ICESCR, Article 2(1) of CRC, and Article 14 of the ECHR, Protocol No. 12 to the ECHR.

prohibited through the non-discrimination clauses at the international documents. In addition to this, distinctions among migrants with different countries of origin could also be justifiable due to the close relations between states. Despite of the broad range of reasonable justifications, non-discrimination principle unintentionally contributes to the integration of immigrants by preventing their exclusion from the society.

Although nondiscrimination principle is discussed through their limited role in facilitation of the integration of immigrants in the society (Kalin, 2003), the concluding observations and recommendations of the Committee on Elimination of Racial Discrimination (CERD) frequently refer to different dimensions of immigrant integration and emphasize the rights needed to be defined in integration policies. It requires multiculturalist integration desire from the states party to the ICERD and prohibits the forced assimilation.<sup>76</sup> It refers to the access to nationality, political participation and protection of economic and political rights as key aspects of integration. It also stresses that the maintenance of cultural identity by minority members should not be discouraged by the integration policies.<sup>77</sup>

Committee expressed its discomfort from the privileged status of European immigrants compared with the African immigrants<sup>78</sup> or non-Western immigrants<sup>79</sup> in the context of integration policies of EU MS. Discrimination is considered by the committee as a factor which hinders the immigrant integration.<sup>80</sup> The committee, has

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<sup>76</sup> Germany, UN Doc CERD/C/DEU/CO/18 (21 August 2008), para. 20.

<sup>77</sup> Denmark, UN Doc CERD/C/DEN/CO/17 (19 October 2006), para. 22.

<sup>78</sup> In relation to Portugal, the committee states: “The Committee recommends that the State party take all possible measures to promote and ensure the enjoyment of equal opportunities to all immigrants in the country, irrespective of their origin”. Portugal, UN Doc CERD/C/65/CO/6 (10 December 2004), para. 11.

<sup>79</sup> The committee has criticized the discriminatory application of civic integration tests for family reunification in the Netherlands by making explicit reference to the discrimination on the basis of nationality between “Western” and “non-Western” state nationals. The Netherlands, UN Doc CERD/C/NLD/CO/17-18 (25 March 2010), para. 5.

<sup>80</sup> The committee in its concluding observation to France states: “The Committee notes with regret that, notwithstanding recent policies to combat racial discrimination in housing and employment, persons of immigrant origin or from ethnic groups, within the meaning of the Convention, continue to be the target of stereotyping and discrimination of all kinds, which impede their integration and

repeatedly emphasized the two-way nature of the integration in its concluding observations on different countries.<sup>81</sup> In this respect, the committee has drawn attention to the maintenance of appropriate balance between the responsibilities of the State and immigrants in the process of immigrant integration.<sup>82</sup>

CERD considers the integration programmes including language courses, and naturalization as issues facilitating integration. Different from the nation state perspectives which considers naturalization as a reward<sup>83</sup> for completed integration, the committee views naturalization as an important step for integration which could be acquired even without having proficiency in the language.<sup>84</sup> In addition to this, the committee supports the participation of the non-citizens who are residing in the country for a long time to the local elections to facilitate their integration process.<sup>85</sup>

To sum up, the international human rights mechanisms, Committees on ICESCR, ICCPR, ICERD, develop an understanding on immigrant integration by mainly concentrating on equality and state responsibilities to sustain social inclusion and cohesion in the society. Therefore, it could be suggested that international human rights law approach on immigrant integration challenges the current national perspectives on the concept which considers it as a part of the border control policy, condition to citizenship and a barrier to the entry of migrants and their families (Murphy, 2010). However, the UN perspective on immigrant integration has important degree of limitation in application due to the limited sanction mechanisms for the implementation of the rights defined in UN human rights treaties and the wide

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advancement at all levels of French society”. France, UN Doc CERD/C/FRA/CO/17-19 (23 September 2010), para. 13.

<sup>81</sup> The Netherlands, UN Doc CERD/C/NLD/CO/17-18 (25 March 2010), para. 4; Switzerland, UN Doc CERD/C/CHE/CO/7-9 (13 March 2014) para.18.

<sup>82</sup> The committee also stress the the role of the majority community in the integration process in its concluding observations to Switzerland and call the States to “adopt additional measures targeting the majority community to combat racial discrimination”. Switzerland, UN Doc CERD/C/CHE/CO/7-9 (13 March 2014) para.18.

<sup>83</sup> Germany, UN Doc CERD/C/DEU/CO/18 (21 August 2008), para. 20.

<sup>84</sup> Norway, UN Doc CERD/C/NOR/CO/18 (19 October 2006), para. 19.

<sup>85</sup> Latvia, UN Doc CERD/C/63//CO/7 (10 December 2003), para. 12.

margin of appreciation determined for the states in the matters related with the first entry and residence of non-nationals. For the immigrant origin nationals though all the rights could be taken into consideration relevant to their integration considering the ICERD perspective on citizenship.

#### **4.2. The Council of Europe: Analysis of ECtHR Case Law**

The references of the ECtHR to the concept of integration in its case law make an important contribution to the debates on the definition of the concept and also to the construction of the legal framework for the integration policies at the EU and national level. The concept of integration is discussed in this part through the analysis of the ECtHR case law which assess whether the expulsion of integrated immigrants who committed criminal offences was in breach of Article 8 of ECHR on right to private life and family life. The Court challenges the claim that long term immigrants who were born in the country which their parents had immigrated or who arrived there during early childhood could not be expelled on the basis of their criminal record.<sup>86</sup> However, the paragraph 2 of Article 8 of the ECHR allows for the exceptions for the general right stated in the first paragraph on the right to respect to private life and family life. While determining the justifiability and proportionality of the deportation decision as an exception under Article 8(2), the Court provide privileged position to the integrated aliens compared with the foreigners by evaluating their structural and socio-cultural integration (Steinorth, 2008; Lambert, 2007). At the same time the Court sometimes refer to the ties of the integrated aliens with their or their parents' country of origin in order to justify the expulsion decision.

The Court considers each individual case on its own merits by taking the severity of the offences and degree of integration of the person and his/her family members into account. This leads to the criticisms which raises the concerns about the consistency of the case law of ECtHR (Steinorth, 2008). In his Dissenting Opinion in *Boughanemi v. France*, Judge Martens defined the case-by-case approach

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<sup>86</sup> See paragraph 55 in *Üner v. The Netherlands* and Concurring Opinion of Judge Rozakis in *Kaya v. Germany*.

of the Court as “lottery to national authorities” and considered this as “the source of embarrassment for the Court”. Due to the fact that integration is not the primary focus of the Court, its analysis on the concept differ in each case. Its considerations on the family unity and integration is limited since it leaves wide margin of appreciation to the states in right to entry and stay in the country as it is highlighted in the paragraphs 54 and 55 of *Üner v. The Netherlands*.<sup>87</sup> In this part only the Court’s assessment on the degree of integration of the immigrants will be discussed.

Integration does not lead to the formation of separate legal category despite of the arguments of some of the judges in ECtHR which defends the protection of long-term immigrants from deportation due to their ties with the country of residence at the initial years of the case law. Therefore, independent from their integration or from the length of their stay in the country of residence, all legal immigrants are considered under the same legal category as “aliens”, if they are not naturalized (acquired the citizenship of the country of residence).

The Court make references to the concept of integration while deciding on the right to remain in the country/expulsion and family reunification. The higher the integration level of the immigrants is, the higher the possibility to gain more protection for immigrants in expulsion cases depending on the severity of their crime. The Court makes reference to the “integrated alien” without calling the state responsibilities in the process of integration. The Judge Morenilla in his partial dissenting opinion in *Nasri v. France* underlined the need to consider the immigrant integration as a two-way process and admit the responsibilities of the countries of residence in the process. However, the perspective of Judge Morenilla did not reflect the general understanding of the Court considering the case law. In this context, it

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<sup>87</sup> “The Court reaffirms at the outset that a State is entitled, as a matter of international law and subject to its treaty obligations, to control the entry of aliens into its territory and their residence there (see, Abdulaziz, *Cabales and Balkandali v. the United Kingdom*, para. 67; *Boujlifa v. France*, para. 42). The Convention does not guarantee the right of an immigrant to enter or to reside in a particular country and, in pursuance of their task of maintaining public order, Contracting States have the power to expel an immigrant convicted of criminal offences. However, their decisions in this field must be in accordance with the law and necessary in a democratic society, that is to say, justified by a pressing social need and, in particular, proportionate to the legitimate aim pursued (see *Dalia v. France*, para. 52; *Mehemi v. France*, para. 34; *Boultif v. Switzerland*, para. 46; and *Slivenko v. Latvia*, para.113).”

could be argued that the Court considers integration of immigrants as an end goal rather than a two-way process. Thus it could be concluded that the Court's integration perspective mainly lay the whole burden on the immigrant and ignore the responsibilities of the States.

The Court developed some criteria in its case law to assess whether the expulsion decision and the refusal of residence permit is necessary in a democratic society and proportionate to the legitimate aim pursued under the Article 8 of the Convention.<sup>88</sup> However, these criterions do not prevent the complexity and thus the inconsistency in case law. In cases related with the Article 8 on protection of private and family life, the Court make analysis on the integration of the applicant to the country of residence. The private life has been interpreted through a broader perspective which views not only the cohabitation with family members but also “the network of personal, social and economic relations” (Thym, 2008). The proportionality test for the decision of protection of private and family life is a complex process in which both the integration of the applicant to the country of residence and transnationality is assessed as challenging concerns by the ECtHR. The Court consider the integration into the country of residence by highlighting labour market participation, dependence on social assistance, language proficiency, naturalization, criminal behavior and transnational ties by underlining the presence or absence of links with country of origin (knowledge of the language, having close relatives, frequency of the visits, nationality of the partner). Duration of stay of the individual and the period of life time spent (whether spending the childhood or not) in the country of residence are two of the factors which could be considered to influence both the structural and socio-cultural dimension of integration.

#### **4.2.1. Structural Dimension of Integration**

While assessing the expulsion decision in the case of severe crimes and refusal of residence permit of the immigrants, the Court needs to take the structural

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<sup>88</sup> In *Üner v. The Netherlands*, the Court further contributed the eight criteria set in *Boultif v. Switzerland* and stated ten criteria (see *Üner v. The Netherlands* paras. 57 and 58, *Palanci v. Switzerland* paras. 51).

dimension of integration into consideration. The labour market integration and dependency on social assistance, having the nationality of the country of residence, education history are the issues that the Court make reference in its consideration over the structural dimension of immigrants including second generation immigrants.

#### **4.2.1.1. Labour Market Integration and Dependency on Social Assistance**

Employment or the position of the immigrant is considered as one of the spheres or indicator for the structural dimension of integration as it has been discussed in the previous chapter of this study. The ECtHR also makes reference for the employment situation and dependency on social assistance of the applicants in relation with their structural integration. In *Kaya v. Germany*, although the Court admit the fact that the applicant who had born, raised, received vocational education as car mechanic in Germany have strong ties with the country residence, it highlights that he had not integrated to the labour market but lived for a certain period of time from the earnings he had forcefully extorted from his former partner. In the paragraph 123 of the case of *Slivenko v. Latvia*, The Court has drawn the attention to the personal, social and economic ties of the applicant in Latvia by making reference to his employment in Latvian companies after the independence of Latvia.

The Court also refers to the positive situations in which the applicants contribute to the labour market considering *C. v. Belgium* (paragraphs 34-35), *Boultif v. Switzerland* (paragraph 51) and *Keles v. Germany* (paragraph 61), *Sisojeva and Others v. Latvia* (paragraph 95). In the paragraph 53 of case of *Palanci v. Switzerland*, one of the factors that the Court convinced of his integration is the employment of the applicant in the receiving country. The Court sometimes makes reference to the individual circumstances which prevents the applicant's involvement in the labour market and the effort paid by the applicant to participate in the labour market. For example, in *Udeh v. Switzerland*, the Court did not call the Government's allegations about the lack of professional integration of the applicant since they are out of scope of the dispute between parties. However, it made

reference to the efforts of the applicant to overcome the reliance of benefits despite of his illness (tuberculosis).

In this context it could be derived from the case law that the Court gives high weight to the labour market inclusion and economic ties of the applicants while elaborating their integration to the country of residence. However, the ECtHR case law reflect one-sided integration perspective since it comments neither on the structural causes of the unemployment in the country nor the higher unemployment rate of the immigrant communities compared to the natives in the country. The ECtHR's case law could be criticized that while it has a tendency to consider the lack of involvement in the labour market, in few cases it made positive reference to the applicant's employment situation as a sign of their integration and difficult to remove them from the country.

#### **4.2.1.2. Nationality/ Naturalization**

Nationalities of the various persons concerned is one of the criteria set in the case law of the Court for the assessment on the proportionality of the expulsion decision. Having the nationality of the country of residence provide the applicant more secure residency status in the expulsion cases according to the international law. In addition to this fact, acquiring the nationality of the country of residence is also considered as an important step for integration by the international agreements.

Holding citizenship of the country of residence or showing desire to acquire nationality (naturalization) is considered as one of the issues taken into consideration by the Court while discussing the ties of the applicant with the country of residence.<sup>89</sup> Judge Martens defend the need for similar legal position for the integrated aliens with the nationals in his dissenting opinion to the *Boughanemi v. France*. However, his perspective does not reflect the general tendency of the Court decision. The Court explicitly stressed the fact that even if the applicants holds strong residence status

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<sup>89</sup> See for example *Kaya v. Germany* para 64, and *Baghli v. France* para 48.

and attained high degree of integration, the contracting states have power to expel aliens.<sup>90</sup>

In *Üner v. The Netherlands* paragraph 50, although the Dutch Government admitted that the applicant had strong ties with the Netherlands, it also noted that he had chosen not to opt for Netherlands nationality even though he had been eligible to do so since 1987. The Court did not make any specific assessment on this concern since it called the previous jurisprudence explaining margin of appreciation that the States have for differential treatment between long-term residents, aliens and nationals.

#### **4.2.1.3. Education**

Education is considered as one of the issues considered within the context of structural integration. Receiving education in the country of residence is also viewed by the Court as a factor which contribute to the development of their own identity and their links with the country of residence.<sup>91</sup> In the paragraphs 31 and 36 of *Benhabba v. France*, the ECtHR stated that the applicant spent most of his life in France and received all his education while concluding that most of his social ties are in France. In the paragraph 58 of *Üner v. The Netherlands*, the Court stated that it would have regard the “situation of aliens who have spent most, if not all, their childhood in the host country, were brought up there and received their education there” as special. As it is already discussed in *Kaya v. Germany*, the Court drew attention to the vocational education the applicant received in Germany to reflect his integration. In his dissenting opinion to *Bouchelkia v. France*, Judge Palm also stressed the fact that the applicant received all his education in France, in addition to the age he had arrived to France (2 years old), the duration of his stay in the country and his participation to the labour market. The Court assessed that despite of the illegal residency in Latvia the applicants have integrated to the country in *Sisojeva*

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<sup>90</sup> See for example the cases of *Moustaquim v. Belgium* and *Üner v. The Netherlands*.

<sup>91</sup> See for example the cases of *Benhabba v France*, *Üner v The Netherlands*, *Kaya v Germany* and *Bouchelkia v. France*.

*v. Latvia* (paragraph 95) by highlighting the fact that one of the applicants has been able to complete a course of higher education and obtain a degree. The Court also gave positive reference to the applicant's secondary education in Germany in order to illustrate his integration to country of residence.<sup>92</sup>

#### **4.2.2. Socio- Cultural Dimension of Integration**

The Court make emphasis on the socio-cultural dimension of the integration while deciding on the proportionality of whether expulsion fails to respect private and family life of the individuals. Thus it assesses the socio-cultural ties of the applicant to the country of residence. It mainly assesses the language skills, partner choice (whether coethnic or native), social relations and social identity and finally transnational ties and relations of the applicant in order to decide on their socio-cultural integration.

##### **4.2.2.1. Language Skills**

In *Udeh v. Switzerland*, the Federal Court raised its concern that the applicant could not speak German very well and socialized mainly with his compatriots in order to argue his lack of integration to the country. Although the Court did not assess this concern directly, it called the criterion set in *Üner v. The Netherlands* (paragraph 57) while deciding on “whether an expulsion measure was necessary in a democratic society and proportionate to the legitimate aim pursued”. Therefore, according to the final criteria “the solidity of social, cultural and family ties with the host country and with the country of destination” has been taken into consideration by the Court.

The Court also made reference to the language skills of the children and the partner of the applicant in the context of their integration to the country to be expelled due to the concerns over the unity of family and best interest and well-being of the child. In *Üner v. The Netherlands*, the Court states the lack of knowledge of the children in Turkish as a concern which could hamper their integration to Turkey in the case of family unity in Turkey. However, their age is considered as an important

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<sup>92</sup> See, for example, *Keles v. Germany* para. 61.

factor to learn and adapt to the country especially for the children younger than the school age. For the situation of the partner, only the lack of knowledge of the language of the country is not a sufficient concern for the proportionality test.

#### **4.2.2.2. Native Partner**

As it has been discussed in the previous chapter coethnic marriages or marriages is considered as a sign of higher degree of integration of the immigrants. In addition to this the assimilationist integration policies of the European countries problematize the coethnic marriages of immigrants from their country of origin or their parents' country of origin. Therefore, it is important to highlight the Courts assessments about the partner of the applicants. It is common that the Court assess the nationality and immigration background of the partner in expulsion cases. If the applicant got married from his country of origin the Court generally have tendency to interpret this as the proof of social and emotional ties with the country of origin.<sup>93</sup> In this context although it is hard to relate the concerns raised by the Court on the immigration background of the partner only to the integration of the applicant, it is important to highlight the Court's assessments which associate the coethnic partner choice from country of origin with the transnational ties and lack of integration.

#### **4.2.2.3. Social Relations and Social Identity**

The Court started to take the social ties which the applicant has established in the country of residence into consideration in its assessments in expulsion cases since *Boultif v. Switzerland*. In *Benhebbba v. France*, the Court stated that due to the duration of their stay in the country of residence, most of their family ties and other social, economic ties of the second generation immigrants are established with the country of residence. According to the Court perspective the nationality may be the only the link they had with their parents' country of origin by referring to the lack

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<sup>93</sup> See for example *Keles v. Germany* paragraph 62, *Boultif v. Switzerland* and *Üner v. The Netherlands*

social relations with the country of origin.<sup>94</sup> Social ties and individual's social identity is considered in the context of private life and taken into consideration by the Court.<sup>95</sup>

#### **4.2.2.4. Transnational Ties**

It could be suggested that the ECtHR view the transnational ties and identities as challenge to the integration of immigrants. However, since the main focus of the cases discussed in this part is expulsion, the Court mainly analyses whether the person who committed a crime and his/her family could manage their life in the country of origin if they are expelled. Therefore, it actually assesses whether their integration is possible to their country of origin in the case of expulsion and/or whether their expulsion would lead to severe difficulties and breach of human rights (for example family unity, best interest of the child). In this context transnationality and integration is analyzed as a zero sum game.

The Court states in the paragraph 58 of *Üner v. The Netherlands* that “the longer a person has been residing in a particular country, the stronger his or her ties with that country and the weaker the ties with the country of his or her nationality will be”. The following analysis of the case law of ECtHR illustrates this perspective in detail. The Court in the paragraph 58 of its *Üner v. The Netherlands* (2006) judgment reflected “the solidity of social, cultural and family ties with the host country and with the country of destination” as one of the criteria to assess whether an expulsion measure was necessary in a democratic society and proportionate to the legitimate aim pursued. In this context, it could be interpreted that the maintenance of transnational ties is an alternative to the integration of the applicant to the country of residence from the Court perspective. Therefore, it could be concluded that the

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<sup>94</sup> Paragraph 33 of the case of *Benhebbba v France* states that “...Born or arrived in the host country because of the emigration of their parents, they usually have their main family ties there. Some of these immigrants have not even kept any link with their homeland except for the fact of nationality.”

<sup>95</sup> See for example the assessment of the Court in *Palanci v. Switzerland* (paragraph 50):

Court view the relation between integration and transnational lives and identities as either/or situation.

The Court also tries to determine whether the nationality of country of origin is just a legal issue or there are also emotional and social ties besides nationality. Speaking mother tongue, maintaining social and family relations in the country of origin, serving military service, spending holidays in the home country are the facts which leads to the conclusion of the Court that the applicant maintains his ties with his country of origin (his parents' country of origin). For example, in *Baghli v. France*, the ties of the applicant with the country of origin have been elaborated with reference to these concerns although he has lived in France for twenty-seven years starting from the age of two until his expulsion and had had all his schooling and participated in the labour market in France (paragraph 48). The knowledge of the language of the country of origin is one of the main concerns that the Court makes reference to prove the links with the country of origin. In *Kaya v. Germany*, the Court considered the letters in Turkish the applicant sent from the prison to his mother as a proof for his knowledge of Turkish despite of the applicant's denial with the claim that he dictated them. In the dissenting opinion of Judge Palm to *Bouchelkia v. France*, in addition to the issues concerning to the integration of the applicant, the judge highlighted his weak transnational ties with his country of origin, Algeria, by stating that he had no close relatives in the country besides his uncle and his lack of language ability (Arabic). However, this fact did not constitute necessary weight in the decision of the Court about the proportionality test.

There is some exceptional case law in which the Court accept that the applicant did not have any links other than nationality. For example, in *Mehemi v. France*, the Court concluded that he had no links with Algeria other than nationality by highlighting the facts that the applicant had French nationality when he has born but lost at the age of one due to lack of formalities; was married with French national and had three children with French nationality. Similarly, in *Beljoudi v. France*, the Court considered the Algerian nationality of the applicant as just a legal fact. Although he had French nationality until the age of thirteen, he lost it due to the fact

that his parents did not make the declaration of recognition of French nationality. In addition to this the Court also highlighted that the applicant does not know Arabic.

The Court considers the transnational ties including the nationality of the country of origin as one of the grounds which eases the expulsion decision for second generation immigrants who committed severe crimes. Thus it could be suggested that the Court and the receiving countries continue to view second generation immigrants in the context of immigration rather than integration and they could be subject to differential treatment compared with the natives. The Court considers integration of the immigrant and preserving transnational ways of being and living as challenging to each other. However, if the immigrant is naturalized their expulsion move to another context and they receive similar treatment with natives since holding a dual nationality and preserving social, economic ties with the home country has been promoted by the Parliamentary Assembly of the Council of Europe (PACE) Resolution 1696.<sup>96</sup>

To sum up, considering the case law of ECtHR, the Court leaves certain margin of appreciation for the States' integration policies and concerns about the long-term residents. The Court takes the structural and socio-cultural integration of the immigrants into consideration for its decision on expulsion of the immigrants who commit severe crimes. The Court mainly examines the structural integration of the applicants by assessing their labour market integration and dependency on social assistance; nationality and naturalization and education. The language skills, native partner, social relations and social identity and transnational ties of the applicants are the main concerns of the Court for its considerations over the socio-cultural integration of the applicant.

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<sup>96</sup> In the paragraph 4 of Resolution 1696 (2009) of the PACE on Engaging European Diasporas, "the Assembly considers it essential to strike and maintain a proper balance between the process of integration in the host societies and the links with the country of origin. It is convinced that seeing migrants as political actors and not only as workers or economic actors enhances the recognition of their capacity in the promotion and transference of democratic values." In the paragraph 3 of the PACE Resolution 1696 states that "there is nevertheless a growing understanding in Europe that labour mobility, if well managed, can be advantageous both for destination countries and countries of origin."

### 4.3. The European Union

The EU does not have a coherent perspective on the concept of integration since it changes depending on the legal classification of the immigrant concerned (Kostakopoulou, Carrera, & Jess, 2009; Murphy, 2013). In this part different integration perspectives of the EU will be examined under three legal categories of immigrants: immigrants who are citizen of another EU MS (EU citizens who enjoy the right to free movement within the EU), immigrants from outside the EU (Third Country Nationals – TCNs) and Turkish citizens legally residing in the EU MS.

EU guarantees that EU citizens are not target of the integration policies when they used their right to free movement (Lavenex, 2006).<sup>97</sup> The right to free movement and non-discrimination for the EU citizens is the main reason of their exemption from the restrictive immigration and integration policies. However, the TCNs are subject to immigration and integration policies of the EU. In addition to this, the EU does not provide a safeguard for the exemption of TCNs from national integration policies since their right to enter and reside in the EU MS is not under the sole competence of the EU for the TCNs (Mügge & van der Haar, 2016). While integration of EU nationals is considered mainly under the competence of Directorate General (DG) Employment, Social Affairs and Inclusion, integration of TCNs is assessed under the competence of DG Migration and Home Affairs (Groenendijk, 2012). In this context, due to Turkey-EU Association Law, Turkish citizens could enjoy with more rights compared with TCNs since they could fall under the competence of EU law. Therefore, they are influenced less from the impact of strict national policies on immigration and integration policies. This increasing policy differentiation between these legal categories is mainly resulted from the Europeanization through the development of free movement right for EU nationals within the EU, national sovereignty concerns in the areas of immigration outside the

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<sup>97</sup> After the enlargement of the EU, the citizens of the new Member States had faced with certain limitations in practice in order to enjoy their free movement right within the Union. However, this is not discussed in this study.

EU and integration of TCNs and association of immigration and integration with the security concerns.

### 4.3.1. EU Citizens

The concept of integration is rarely employed for the EU migrant citizens at the EU context since 1993. This is associated with the principles of free movement and non-discrimination enshrined in the EU law in order to fulfill the economic and socio-political objectives of the Union. In 1960s, only the free movement of workers has been sustained.<sup>98</sup> The extensions of the personal scope of the free movement has been sustained by the case law of the CJEU during 1970s and 1980s.<sup>99</sup> In the early 1990s, with the introduction of EU citizenship in Maastricht Treaty, the right to free movement has been extended for the non-active economic actors (Article 21 TFEU, Article 18 TEC) on two conditions: possession of sickness insurance and self-sufficiency (Barnard, 2014). Through the case law of the CJEU, the interpretation of right to free movement and rights of EU citizens has expanded more after Maastricht Treaty. Maastricht Treaty (Article 18 TFEU, Article 12 TEC) also contribute to the equal treatment of EU citizens not only in the workplace but also in other domains of life in the host country and facilitate their structural<sup>100</sup> and socio-cultural<sup>101</sup> integration (Jesse, 2011).

Integration through equal membership go beyond the national perspectives and it goes even further with the understanding of social solidarity regardless of

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<sup>98</sup> See, for example, Regulation No. 15 in 1961 and Regulation No. 38/64/EEC in 1964. Council Regulation 1612/68 on free movement for workers within the Community.

<sup>99</sup> The CJEU cases related with the free movement of workers with income lower than the minimum required for subsistence, student, tourist and jobseekers are respectively the following: C-53/81 *Levin*, C-293/83 *Gravier*, C-186/87 *Cowan*, C-292/89 *Antonissen*.

<sup>100</sup> Equal treatment of Community nationals in access to employment, conditions to employment, social and tax advantages, vocational school, training centers and education, housing, exportable social security benefits and retirement, voting rights in local elections facilitates the structural dimension of integration (Craig & de Búrca, 2011; Chalmers, Davies, & Monti, 2010).

<sup>101</sup> Equal treatment in access to the right to family reunification (see for example Case C-249/86, *Commission v Germany*), right to participate in trade unions and right to stay in the host MS after retirement, industrial accident or disease could be considered under the context of socio-cultural integration of EU citizens in the host country (Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014).

nationality with the EU citizenship (Kostakopoulou, Carrera, & Jess, 2009). By constructing the European identity above the national identity, the social cohesion is not restricted in the national territories (Kostakopoulou, 2001). In this respect commitment to the host country, acceptance of national values or embracement of way of life of the host state are not considered as necessary for integration. Therefore, neither the naturalization nor competency in host society language<sup>102</sup> are on the agenda for the assessment of their integration.

The EC Directive on Free Movement of Citizens 2004/38/EC (Free Movement Directive) has been constructed in order to codify the case law and further extended the rights of the EU citizens and their family members to move and reside freely within the territories of the Member States. It creates enhanced residence rights and protection from expulsion for the EU citizens. They could even benefit from the social assistance system of the host country without constituting unreasonable burden. The CJEU assess the integration of EU citizens to the host country with reference to the length of residence and settlement<sup>103</sup> while examining the access to the social benefits. The Court also refers to the participation to the employment market as a sufficient link for integration which could be replaced with the residence requirement for the frontier workers who work and reside in different MS.<sup>104</sup>

The employment of the concept of integration by the CJEU for the transfer of social benefits reflects transnational perspective. The Court accepts that the applicants who were raised and completed their schooling in their home country satisfied the degree of integration to the home society; thus they have right to transfer

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<sup>102</sup> Linguistic requirements for employment are ruled as discriminatory by the CJEU in C-379/87 *Groener* if the post does not necessitate such a linguistic competency.

<sup>103</sup> See, for example, C-456/02 *Trojani* paragraph 43. Although in C-209/03 *Bidar*, the Court considered three year residence in UK as sufficient for demonstration of integration into the host society from EU migrant students for their access to social benefits, in the paragraphs 52 and 58 of C-158/07 *Förster* it concluded that “a condition of five years’ uninterrupted residence in the Netherlands is appropriate for the purpose of guaranteeing that the applicant for the maintenance grant at issue is integrated into the society of the host Member State”.

<sup>104</sup> In the paragraphs 65 and 66 of C-542/09 *European Commission v. The Netherlands*, in the context of access to and transfer of social benefits, the Court relates the integration of the migrant EU workers with the taxes they pay in the host country as a virtue of their employment.

the study grants to the EU MS where they continue their study.<sup>105</sup> The Court reflects more cultural perspective while discussing integration of EU citizens to their home countries; thus calls for the need to assess integration of the applicant with reference to his/her nationality, educational history, family, employment, language skills and the existence of other social-economic factors.<sup>106</sup> However, the assimilation to the cultural or political values of the host country is not considered as a requirement for integration of EU migrants to the host country. On the contrary the Court assessed that refusal of the cultural demand of EU migrants who wants their children to have surname according to the Spanish law<sup>107</sup> by the Belgian authorities with the argument of facilitation of integration of the children in Belgium as inappropriate for promoting integration of nationals of other MS within their State of residence.<sup>108</sup>

It could be concluded that the main concern of the EU on the integration of EU citizens to the MS other than their nationality focus on the equal treatment and non-discrimination with the nationals of the hosting MS in order to facilitate the right to free movement of EU citizens. Thus it assesses the length of residence and the structural dimension (economic integration) rather than cultural one. “Equal treatment, social inclusion and equal participation” are considered as the key concerns for the integration of EU immigrants. In this context, the integration perspective of the EU for the EU citizen migrants is in line with the perspective of UN Human Rights Treaty monitoring committees which has been discussed in the first part of this chapter. The EU also discuss the integration of EU citizens to their country of origin for the transfer of the study grants. In this context in addition to the

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<sup>105</sup> See, for example, Joined Cases C-11/06 and C-12/06 *Morgan and Bucher* paragraph 45. In its recent case law, the Court finds sole condition of predetermined residence disproportionate to the objective of integration for the access of the nationals to the portable study grants and violation of right to freedom of movement of the EU citizens. See, for example, Joined Cases C-523/11 and C-585/11 *Prinz and Seeberger*, C-220/12 *Meneses*, C-359/13 *Martens*.

<sup>106</sup> See, for example, Joined Cases C-523/11 and C-585/11 *Prinz and Seeberger*, paragraph 38 and C-220/12 *Meneses*, paragraph 38.

<sup>107</sup> In the Spanish law, the children of married couple have surname which is composed of both their father and mother’s surname. They have first the surname of their father and second their mothers’.

<sup>108</sup> See for, example, C-148/02 *Garcia Avello*, paragraph 45.

duration of residency or settlement, the structural and socio-cultural dimensions of integration have been highlighted by the Court in order to make their life easier and protect loss of their rights resulting from their free movement within the Union.

#### **4.3.2. Third Country Nationals (TCNs)<sup>109</sup>**

Idea of post-national citizenship for the EU citizens influenced the origins of the EU perspective on the integration of TCNs. The Tampere Agenda emphasized equality and equal opportunities as the key aspects of integration of TCNs. However, it moved away from this perspective in time. Nevertheless, the conflicting conceptual and legal frames became dominant in the context of integration. Thus later EU policies on integration stressed the responsibilities and obligations of immigrants. This policy shift on integration of TCNs at the EU level will be highlighted in this part under four periods: Tampere Programme (1999-2004), The Hague Programme (2004-2009), Stockholm Programme (2009-2014) and Integration Action Plan (starting from 2014).

##### **4.3.2.1. Right-Based EU Approach: The Tampere Programme**

EU cooperation on the integration of TCNs has developed since Tampere Programme<sup>110</sup> in 1999 due to the legal background provided through the Treaties of Maastricht<sup>111</sup> and Amsterdam<sup>112</sup>. For the construction of dynamic policies to ensure the integration of TCNs legally residing in the EU, the Tampere Conclusions (1999) called for the principles of fair treatment and non-discrimination guaranteeing rights and obligations for TCN closer to those of EU citizens (Malena & Morano-Foadi,

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<sup>109</sup> In the EU, TCNs are defined as the persons who are citizens of countries which are not member of the EU and residing in the EU MS. Although the asylum seekers and illegal immigrants could be also considered under this concept, in this study, the concept is used only with reference to the legal immigrants.

<sup>110</sup> Tampere Programme was set in the Presidency Conclusions of the Tampere European Council on 15-16 October 1999

<sup>111</sup> Maastricht Treaty 1993 introduced the possibility of new forms of cooperation between MS on asylum and migration issues by identifying areas of “common interest” (Murphy, 2013).

<sup>112</sup> The shared competence between the EU and MSs for immigration and integration policies has been provided through Amsterdam Treaty in 1999 (Carrera, 2014)

2012).<sup>113</sup> In this context the EU has reflected a right-based inclusion perspective as an integration model for TCNs.

The Directives of Family Reunification and Long Term Residents are two main legal documents which have been adopted in line with the Tampere commitments to facilitate the rights to TCNs comparable to the EU citizens. Family Reunification Directive<sup>114</sup> which is the first EU legislation on migration and integration (Jesse, 2011) provides not only conditional right to family reunification for TCNs but also rights for the family members to access to labour market and equal treatment (Groenendijk, 2004). The Long Term Residents Directive (Directive 2003/109) contribute to the EU perspective on integration by providing rights for the TCNs after five years' lawful residence in the EU MS.<sup>115</sup> Although both Directives are hard law instruments which are binding, they leave certain margin of appreciation to the MS due their non-committal language preference by using “may” clauses instead of “shall” (Lavenex, 2006). It is mainly the result of the national sovereignty concerns of the MSs in the field of immigration and integration.

The EU fall behind the aim to develop solid legal framework for immigrant integration and follow its Tampere commitments due to the tension between the Europeanization of immigrant integration policies and national sovereignty concerns.<sup>116</sup> This tension mainly became important in Commission proposal to use

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<sup>113</sup> Four main commitments relevant to the integration of TCNs were determined in Presidency Conclusions of the Tampere European Council: (1) more vigorous integration policy granting them rights and obligations comparable to those of EU citizens (Paragraph 18); (2) fight against racism, xenophobia and discrimination in economic, social and cultural life (Paragraphs 18 and 19); (3) approximation of national legislations on the conditions for admission and residence of TCNs (Paragraph 20); (4) granting rights to long-term resident TCNs as near as possible to those enjoyed by EU citizens including the access to the nationality of country of residence (Paragraph 21).

<sup>114</sup> Family Reunification Directive (Directive 2003/86/EC) is discussed in the following chapter.

<sup>115</sup> It determine rights under three issues: secure residence status for TCNs (Article 9); equal treatment with EU citizens in the fields of employment, education, social security, tax advantages, freedom of association and freedom of movement in the country (Article 11); looking for employment, working and living in another EU MS (Articles 14-23).

<sup>116</sup> EU policy making in the field of immigration and integration is an interesting research topic which has inevitably driven important degree of attention of the scholars (Guiraudon & Lahav, 2000; Guiraudon, 2000; Bonjour & Vink, 2013; Roos, 2013).

Open Method of Coordination (OMC)<sup>117</sup> for the Community Immigration policies through its Communication of 2001 - COM (2001) 387. However, this Communication did not received attention of the Council with the impact of the September 11 terrorist attacks and increasing reluctance of MS to relinquish their power to the EU in the field of immigrant integration policy. Therefore, immigrant integration situated between laws and politics and out of the scope of the Article 79(4) TFEU (Malena & Morano-Foadi, 2012).

#### **4.3.2.2. Obligation of Immigrants: The Hague Programme**

The renewed immigrant integration perspective of the EU with The Hague Programme<sup>118</sup> stressed both the rights and the obligations of the immigrants by considering the immigrant integration as a two-way process requiring efforts from both immigrants and host society. In this period, right based approach on immigrant integration established by Tampere Commitments lost its dominance and the stress on the obligation of immigrants gained weight. There are two significant developments which reflect this perspective shift: European Framework on Integration and Common Basic Principles.

#### **European Framework on Integration: Dominance of Soft Law Instruments**

Soft law instruments became the main policy tool for immigrant integration at the EU level with the European Framework on Integration. With the creation of common framework for the integration of TCNs in 2005 by the Commission Communication, COM (2005) 389 final, the EU has determined its role as building soft law instruments for establishing a platform for exchange of national

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<sup>117</sup> OMC is a form of intergovernmental policy-making and a form of soft law which does not result in binding EU legislative measures and does not require to be transferred to the national laws. In this OMC process, apart from the European Commission's limited role, none of the EU institutions take part.

<sup>118</sup> "The Hague Programme: Strengthening Freedom, Security and Justice in the European Union" has been launched with the Presidency Conclusions of Brussels European Council on 4-5 November 2004

perspectives, policies and best practices of immigrant integration.<sup>119</sup> The Commission has been supported by the MSs in this effort with the adoption of CBPs. Eleven principles presented by the CBPs as recommendatory non-binding guide or soft-law/policy element could be considered as reflection of absence of legislative competence of the EU and understanding of cooperation on immigrant integration at the EU level (Gross, 2005). This “quasi-open method of coordination” in the field of immigrant integration prefers benchmarks and indicators as tools for the implementation of the policies rather than binding hard law instruments (Carrera & Wiesbrock, 2009). EU Framework on Integration establishes new supportive EU mechanisms to facilitate the fulfillment of the integration targets set by the CBPs: *The National Contact Points on Integration (NCPI) in 2003, Handbooks on Integration in 2004, 2007 and 2010, European Integration Fund for the period of 2007-2013, European Integration Forum in 2009, and European Web Site on Integration in 2009*. Although EU Framework on Integration supports the soft law policy instrument character; it has potential to influence the legal position of TCNs directly or indirectly through its employment by the CJEU for the interpretation of integration clauses in the EU Directives (Carrera, 2014). However, the policies adopted through this process mainly reflect the restrictive immigrant integration perspectives of the MS which make emphasis on the obligations and responsibilities of the immigrants rather than their rights.

### **Common Basic Principles (CBPs)**

Adoption of Common Basic Principles for Immigrant Integration in the EU (CBPs)<sup>120</sup> which is “considered as the first programmatic statement of an EU policy on immigrant integration” (Mulcahy, 2011, p. 33) determined the EU perspective on

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<sup>119</sup> The origins of the EU Framework on Integration dates back to the intergovernmental resistance to the adoption of OMC after the Tampere commitments. Initial attempts for the framework was made at the Justice and Home Affairs Council meeting on 14-15 October 2002 with the reference on the need for coordination of EU actions and strengthening the coherence of the national integration policies of the MSs. The National Contact Points on Integration (NCPI) have been established in 2003 as a reflection of this perspective.

<sup>120</sup> CBPs was adopted by the Council of Justice and Home Affairs on 19 November 2004.

integration. Integration has been defined through CBPs as a dynamic, two-way process of mutual accommodation by all immigrants and residents of the MS (CBP 1). Eight areas have been referred in CBPs for the facilitation of structural<sup>121</sup> and socio-cultural<sup>122</sup> integration of TCNs. When they are considered through the explanation provided in the Annex of the CBPs, they signal the shift in integration perspective of the EU from fair treatment and facilitation of their participation by the governments to migrants' obligations. The dominance of structural dimension of immigrant integration has also shifted to the socio-cultural one - mainly cultural - considering the strong references to the obligations to adapt and adhere to the basic values of the EU and MSs' laws. MS started to look for the proof of the immigrants' commitment to the host society through citizenship ceremonies, declaration of strong attachment, show their willingness and capacity to integrate through participation to the language and integration courses or passing integration tests<sup>123</sup> (Kostakopoulou, Carrera, & Jess, 2009). Considering the pre-departure integration measures implemented by the EU MS, it could be suggested that the assimilationist national integration approaches of MS gained ground in the EU and externalized the integration process.

#### **4.3.2.3. New Legal and Policy Context: The Stockholm Programme**

The policy context for integration of TCNs has been renewed with the EU multiannual strategy for an area of freedom, security and justice adopted in

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<sup>121</sup> Employment (CBP 3), education (CBP 5), equal access for immigrants to institutions, as well as to public and private goods and services (CBP 6), and the participation of immigrants in the democratic process especially at the local elections (CBP 9) could be considered as the priorities set by the EU through CBPs for the structural dimension of immigrant integration.

<sup>122</sup> It could be suggested that the four of the CBPs refer to the socio-cultural dimension of integration: respect for the basic values of the EU (CBP 2), basic knowledge of the host society's language, history, and institutions (CBP 4), frequent interaction between immigrants and Member State citizens (CBP 7) and safeguard the practice of different cultures and religions which are in line with the inviolable European rights or with national law (CBP 8).

<sup>123</sup> The Third Annual Report on Migration and Integration, COM (2007) 512, drew the attention to the spread of integration programmes for the immigrants and highlighted the fact that they were mandatory in Austria, Belgium, Denmark, France, Germany, Greece and the Netherlands.

December 2009 by the European Council – Stockholm Programme (2010-2014)<sup>124</sup> – in 2009. Despite of the busy political and institutional agenda of the EU, the Stockholm Programme made a specific stress to the rights of TCNs and their integration. Shift in decision making mechanism on immigrant integration, EU indicators for immigrant integration and three-way immigrant integration approach of the EU need to be highlighted in the context of the Stockholm Programme.

### **Legal Shift in Decision Making**

Lisbon Treaty – Treaty on the Functioning of the European Union (TFEU) – provides new legal basis for the immigrant integration. The Lisbon Treaty introduced the ordinary legislative procedure (former codecision procedure or community method) instead of open method of coordination (intergovernmentalist method) in the field of legal immigration policies.<sup>125</sup> Ordinary legislative procedure led to the shift in the balance of power between the actors involved in the decision making process: European Council, European Parliament and European Commission.<sup>126</sup> The issues related with the legal entry, residence and rights of legal migrants coming out of the EU has started to be agreed in the Council through qualified majority voting (QMV)<sup>127</sup> rather than unanimity. The legal change in decision making system of the EU with the Lisbon Treaty led to the communitarisation of migration policies.

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<sup>124</sup> The Stockholm Programme –An Open and Secure Europe: Serving and Protecting the Citizens – has been adopted on 2 December 2009

<sup>125</sup> According to the Article 79 (4) of TFEU “The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States”. Only exception for the ordinary legislative procedure in the field of immigration is the event of sudden inflow of TCNs (Article 78.3 TFEU).

<sup>126</sup> The European Parliament gained the same weight with European Council in the decision making on immigrant integration.

<sup>127</sup> The adoption of acts by the Council requires the approval of 55% of Member States (72% if the act has not been proposed by the Commission), which must represent at least 65% of the EU's population (currently approximately 328.6 million of a total 505.5 million). To limit the possibility of larger states joining together to stop proposals, a blocking coalition must include at least four Member States representing at least 35% of the EU's overall population. Until 31 March 2017 any member of the Council can request, on a case-by-case basis, that the old voting rules be applied

Therefore, the role of MSs in policy making started to diminish and EU institutions mainly the Commission and CJEU involve more in the process by interpreting the already existing hard law and soft law instruments (Lavenex, 2006).

### **EU Indicators for Immigrant Integration: Dimensions of Immigrant Integration**

In line with the Stockholm Programme which called for the development of indicators for immigrant integration in order to compare the national experiences on integration policies<sup>128</sup> and Europe 2020 Strategy<sup>129</sup> the Zaragoza Declaration, defined four main policy areas of relevance for monitoring the outcome of integration policies: employment, education, social inclusion and active citizenship. In order to achieve the goal of increased comparability of national policies, the indicators have been defined in each policy area.<sup>130</sup> The indicators under these four policy area could be considered mainly under the structural dimension of integration. In addition to them, the Zaragoza Declaration also referred to some indicators<sup>131</sup> which could be considered under the context of socio-cultural dimension of integration. In 2013 “Using EU Indicators for Immigrant Integration” grouped most of these indicators of socio-cultural dimension of integration under the title of “welcoming society” and

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<sup>128</sup> It is stated that “The objective of granting comparable rights, responsibilities, and opportunities for all is at the core of European cooperation in integration, taking into account the necessity of balancing migrants’ rights and duties” (Section 6.1.5 of the Stockholm Programme).

<sup>129</sup> Europe 2020 Strategy which was adopted by the European Council in March 2010 refers three areas relevant to the immigrant integration within the EU wide targets: increasing the labour force participation, improving education levels and promoting social inclusion. Since their main concern is stated as the employment policies of MS, the strategy mainly consider the structural dimension of immigrant integration

<sup>130</sup> The main indicators referred for the employment policy area are employment rate, unemployment rate, activity rate, over-qualification and self-employment; for education policy area are highest education attainment, tertiary attainment, early school leaving and low achievers; for social inclusion policy area are at risk of poverty and social inclusion, income, self reported health status and property ownership; and finally for active citizenship policy area are naturalisation rate, share of long-term residence, share of elected representatives and voter turnout (Huddleston, Niessen, & dag Tjaden, 2013).

<sup>131</sup> The following indicators are considered as important despite of the lack of comparable data: language skills, perceived experiences of discrimination, trust in public institutions and sense of belonging.

add some new indicators in all policy areas (Huddleston, Niessen, & dag Tjaden, 2013).

The Stockholm Programme draws attention to two perspectives related with integration: close connection between migration and integration and the cultural dimension of the integration with reference to the fundamental values of the EU values. Murphy (2013) states that the nexus between integration and EU values stressed in the context of the Stockholm Programme mainly requires the acceptance of universal human rights principles, democracy and rule of law. Therefore, it could be suggested that the Stockholm Programme combines the perspective of the Tampere and Hague Programmes by giving emphasis on fair and equal treatment of TCNs and responsibilities of the TCNs in integration process through the adoption of EU values. However, MSs distort the value reference of the EU in the process of integration in order to legitimize their national perspective on integration as a “mandatory process” and “tool of immigration law”. The national perspectives which leave the onus of the integration to the TCNs with the implementation of policies defending the “conditionality of integration” and “sanction based approach” started to spread between the EU MSs and dominate the EU policies on integration (Kostakopoulou, Carrera, & Jess, 2009). In this context, the EU started to move away from the vision set in the Tampere Programme towards more restrictionist integration perspective.

### **New Integration Approach: “Three Way Process”**

The renewed European Agenda for Integration of TCNs, COM (2011) 455 introduced a third actor in integration process: the country of origin.<sup>132</sup> Thus

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<sup>132</sup> It could be considered as the result of the external line of expansion of the definition immigrant integration with the impact of two newly introduced paradigms (Penninx & Garcés-Masareñas, 2016). First, renewed international initiatives such as High Level UN Dialogues on Migration and the Global Forum on Migration and Development started to highlight the migration and development nexus by referring the position of the countries of origin and transit countries (King & Collyer, 2016). Second, in the context of coping strategies in controlling and regulating immigration, European countries resorted to the countries of origin and transit through bilateral agreements on issues such as cooperation on admission, improved facilitation of regular temporary migration (Garcés-Masareñas, 2012).

immigrant integration has started to be defined as a three-way process rather than a two-way. The role of countries of origin has been defined under three concerns by the European Commission: (1) preparation of immigrants for the integration before departure; (2) supporting immigrants after their migration in Europe through Embassies (3) preparation of return of immigrants by acquiring experience and knowledge.<sup>133</sup> The Global Approach to Migration proposes the dialogue and cooperation with the partner countries in the EU Neighbourhood and further afield.<sup>134</sup> It could be suggested that this change in integration perspective reflect externalization of the concerns over integration of TCNs through a shift of responsibilities from the EU to the countries of origin.

To sum up, the Stockholm Programme is widely considered as less effective in the field of immigrant integration than previous programmes – the Tampere and The Hague Programmes. It has focused on the review and reform of the already existing legislations on immigrant integration rather than constructing new policy framework. Although EU institutions gained strengthened competence with the shift in decision making for migration and integration related policy from unanimity to qualified majority voting (QMV), the impact of their strengthened role has not been reflected through adaptation of hard law policy instruments. The programme reflects intergovernmentalist characteristics considering the practical cooperation attempts such as the Immigration Pact and indicators of immigrant integration. In addition to this, with the Stockholm Programme, immigrant integration has been suggested as three-way process by referring responsibilities of the country of origin. It could be suggested that the integration perspective introduced through the Stockholm Programme widened the gap between EU citizens and TCNs considering its reference to the aim to serve and protect citizens in the title of the Programme.

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<sup>133</sup> COM (2011) 336 final, p. 10

<sup>134</sup> COM(2011) 743 final, p. 21

#### **4.3.2.4. Integration Action Plan of TCNs: Strategic Guidelines**

At the end of the Stockholm Programme the concerns about refugee crisis and irregular migration become dominant in the EU migration policy considerations with the political developments in North Africa and Middle East. Integration of TCNs residing in the EU MS seems fall out of favor in the EU. In this context, strategic guidelines for the areas of freedom security and justice has been agreed under Juncker Commission for the period of 2014 -2019 by the Conclusions of the European Council of 26/27 June 2014.

EU Integration Action Plan of TCNs<sup>135</sup> - COM (2016) 377- provides a common policy framework to support integration policies on TCNs of the MS with the employment of concrete policy, operational and financial support at EU level. Although the Action Plan which is based on five key policy priorities<sup>136</sup> mainly focuses on the integration of refugees, it makes three key references to the integration of legal immigrants. First, when the Action Plan has been analyzed, it could be concluded that it is the continuation of three-way process approach to the integration set in the Stockholm Programme. The novelty is its reference to the pre-arrival measures to help in preparing receiving communities and countries for the arrival of third country nationals, contributing to building empathy and understanding to overcome prejudices and fostering an open and welcoming attitude. Second, the Action Plan refers to the language education programmes at the earlier stages of arrival. Third, the Action Plan refers to intercultural dialogue including interreligious dialogue between faith communities for active participation and social inclusion of TCNs mainly refugees. The aim to fight against discrimination to facilitate social inclusion through the adoption of anti-discrimination directive is explicitly stated in the plan.

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<sup>135</sup> European Commission Communication, Action Plan on the Integration of Third Country Nationals, COM(2016) 377, 7.6.2016, p.5

<sup>136</sup> Five key priority areas in the Action Plan are pre-departure and pre-arrival measures; education; employment and vocational training; access to basic services; and active participation and social inclusion.

It could be suggested that the Action Plan fall behind creating a common EU immigrant integration policy and does not go beyond an EU attempt to support the coordination of different actors working in the field of immigrant integration and strengthen the national integration policies of MS. It defines the fundamental responsibilities of immigrants as embracing the EU values and learning the host country language. The responsibility of hosting country in the Action Plan has been referred as offering TCNs “meaningful opportunities” to participate in the economy and society of the MS where they settled.

To sum up, although the Tampere Programme (2000-2005) set the integration perspective as fair treatment to TCNs and rights to long-term resident TCNs as near as possible with EU citizens, it has shifted in time with the dominance of MSs. Thus the conditionality of integration and sanction based approach has been introduced in the discussions on integration of TCNs through The Hague programme. Rather than the right based approach the EU stressed the obligations of immigrants and overlooked the implementation of national integration policies with assimilationist perspective. The Stockholm Programme introduced multidimensional feature of immigrant integration involving countries of origin in addition to immigrants and receiving societies. Thus this shift also become influential on the stress on the dimension of integration. While at the initial phase structural integration was the main concern for immigrant integration at the EU level, the socio-cultural dimension of integration became dominant starting from The Hague Programme. Today, the cultural and identificational aspects have been highlighted for the integration of TCNs and the cultural and religious differences are stressed as ground for being subject to integration conditions.

#### **4.3.3. Privileged TCNs: Turkish Citizens**

The second legal category for the implementation of immigration and integration policies is created by the association, cooperation and partnership agreements between EU and countries outside the EU (Groenendijk, 2014). Although these agreements are drafted mainly as a tool to shape the external relations of the EU, they also provide more favorable treatment to relevant TCNs. In the scope

of this study, the additional rights that the Turkey –EU Association Law<sup>137</sup> provide for Turkish nationals residing in the EU compared with TCNs will be discussed in the context of immigrant integration. Due to the candidate status of Turkey, Turkish citizens are considered as TCNs in the EU and thus under the scope of the immigration and integration policies of the EU MS. Nevertheless, Association Law provides Turkish nationals privileged status (comparing with the TCNs) and rights closer to the EU citizens (Tezcan, 2015).<sup>138</sup>

Turkey-EU Association Law does not contain any specific provision for the integration of Turkish citizens living in the EU. However, it could be claimed that CJEU determines the EU perspective on the integration of Turkish nationals due to the general aim of Turkey-EU Association Law on the integration of Turkish nationals to the EU. First, the analogous interpretation of Association Law by the CJEU, the Court's rulings on the non-discrimination and standstill clauses and social security benefits in Association Law which provides privileged status for Turkish citizens will be mainly highlighted relevant to the structural dimension of integration. Second, the socio-cultural dimension of integration of Turkish nationals will be discussed with reference to the case law on dual nationality.

#### **4.3.3.1. Association Law and Structural Integration of Turkish Nationals**

##### **Analogous Interpretation of Legal Concepts**

With the Court's wide application of "so far as possible" approach, the CJEU's have a tendency to make analogous interpretation of the principles and concepts in Turkey-EU Association Law with the law on free movement of EU workers due to the usage of almost identical wording in the provisions of both legal contexts (Martin, 2012). This provides more rights to Turkish citizens comparing

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<sup>137</sup> Association Agreement between Turkey and the EU signed in 1963 in Ankara and its instruments: Additional Protocol which was signed on 13 November 1970 and put into effect on 1 January 1973, Turkey-EEC Association Council Decisions No. 2/76, 1/80, 3/80 constitutes Turkey – EU Association Law and determines the legal status of Turkish citizens.

<sup>138</sup> This privileged status has been stated by Advocate General Darmon in his Opinion to *Kus* Case (C-237/91, paragr 64-65): "Turkish workers cannot be assimilated to Community nationals. (...) But Turkish workers are no longer in the situation of nationals of other non-member countries."

with other TCNs and closer to EU citizens. The Court also stressed in the article 79 of its *Birlikte* judgment (C-171/01) that the analogous interpretation creates appropriate framework for the gradual of integration of Turkish workers. Although the analogous interpretation of Turkey-EU Association Law mainly contributes to the structural dimension of integration, it also facilitates the socio-cultural dimension in a limited sense.

First in the context of structural dimension of integration, in *Abatay and Sahin* (Joined Cases C-317/01 and C-369/01), the Court held that due to the Article 14 of Ankara Agreement and objective of the Turkey- EU association “the principles enshrined in Articles 55 of the EC Treaty (now Article 45 EC) and 56 of the EC Treaty (now, after amendment, Article 46 EC), and in the provisions of the Treaty relating to the freedom to provide services, must be extended, so far as possible, to Turkish nationals to eliminate restrictions on the freedom to provide services between the contracting parties.” The court also reflects “so far as possible approach” in the interpretation of the concepts which may be considered relevant to the structural dimension of integration: “legal employment”<sup>139</sup> and “worker”<sup>140</sup> in Article 6 of Decision No.1/80, and “public order exception”<sup>141</sup> in Article 14 of Decision No.1/80.

The limitations of the application of “so far as possible” approach set by the case law of the CJEU could be interpreted as the borders of structural dimension of the EU’s integration perspective for Turkish nationals. First, in the case C-434/93the *Ahmet Bozkurt*, the Court determined the conditions for analogous interpretation of Association Law according to which there should be provisions in the Association Law addressing the issue for the implementation of “so far as possible” approach. Second, in the *Ziebell* (C-371/08) judgment, the Court considered Turkish citizens

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<sup>139</sup> See, for example, C-188/00 *Kurz* paras. 48-61and C-1/97 *Birden* paras. 55-69.

<sup>140</sup> See, for example, C-1/97 *Birden* paras. 23-32, C-188/00 *Kurz* paras. 30-36, C-434/93 *Bozkurt*, and C-14/09 *Havva Genc*, paras. 17-20 and 23.

<sup>141</sup> See, for example, C-340/97 *Nazli*.

out of the scope of protection from expulsion depending on the rights provided by Directive 2004/38 for EU citizens and their family members.

To sum up despite of the limitations, the EU approach for Turkish citizens closer to the EU citizens through analogous interpretation leads to the exemption of Turkish citizens from many restrictive integration requirements of the EU MS for TCNs and determination of more rights which contribute to their integration mainly under the structural dimension.

### **Standstill**

Standstill clauses in Article 41 of Additional Protocol and Article 13 of Decision No 1/80 prohibits the introduction of “new restrictions” on the freedom of establishment and freedom to provide services after the date of their entry in the relevant MS (C-16/05 *Tum and Dari*).

In addition to this, if the MSs introduce less restrictive measures in the relevant field after the implementation of Association Law containing standstill clauses, they are not allowed to return back to more restrictive policies (Joined Cases C-300/09 and C-301/09 *Toprak and Oğuz*). Most of the integration requirements did not exist at the date of entry into force of the Ankara Agreement and Decision No 1/80. Thus the restrictive measures relevant to the integration of Turkish nationals is one of the application grounds for the standstill clauses under mainly three categories: freedom of establishment,<sup>142</sup> the right of residence in the Member State,<sup>143</sup> and on the implementation of high fees for the issue and extension of residence permit<sup>144</sup> (Yılmaz, 2012). The judgments of the CJEU under the scope of

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<sup>142</sup> See, for example, C-37/98 *Savaş* para. 46 and 64.

<sup>143</sup> See, for example, C-37/98 *Savas* para. 69, Joined Cases of C-317/01 and C-369/01 *Abatay and Sahin* paras. 62 and 66, C-16/05 *Tüm and Dari* paras. 49 and 52.

<sup>144</sup> The Court precludes the introduction of disproportionate fees for the issue and extension of residence permit for Turkish nationals by referring to standstill and non-discrimination clauses of Association Law in C-242/06 *Şahin* and C-92/07 *Commission v. Netherlands*.

standstill clauses could be considered as relevant to the structural dimension of integration.<sup>145</sup>

First the standstill clauses in Turkey-EU Association Law does not confer the right to freedom of establishment and residence to Turkish nationals. It depends on the rights determined by the domestic immigration laws of the MSs since the date of entry of the Additional Protocol and Decision No 1/80 (Case C-37/98 *Savas*). In addition to this, the scope of the standstill clause in the Article 13 of Decision No 1/80 has been stipulated to the minimum one-year lawful residency of Turkish workers “for a sufficient period to allow them progressively to become integrated there” in the paragraph 117 of the joined cases of *Abatay and Sahin* (C-317/01 and C-369/01)<sup>146</sup>. Since Turkish workers in the EU MSs had had the unconditional right of continued employment and residence after one-year employment until 1980s, the implementation of recent national integration measures which are required to be fulfilled by Turkish nationals after the initial year of residence in the MSs violates the Association Law, the standstill clause. In addition to this, the application of Article 6 (about the definition of worker and freedom of movement of the workers) and Article 13 of Decision No 1/80 has been associated with the intention of the Turkish workers for the integration to the employment market (Karayığit, 2011). However, the standstill clause stated in the Article 41(1) of Additional Protocol could be invoked for the freedom to provide services in the same case. The difference in application of two standstill provisions mainly results from the absence of reference to the integration of Turkish workers into the territory of MS or in the employment market in the one in Additional Protocol for the freedom to provide service in MS (Ball, 2014).

Second, regarding the administrative fees for residence permit, the Court concluded in *Şahin* (C-242/06) that the Article 13 of Decision No 1/80 precludes

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<sup>145</sup> The case law of CJEU on standstill clauses in Turkey-EU Association Law relevant with the family reunification applications are discussed in the next chapter.

<sup>146</sup> The case was about the issue of work permit for the lorry drivers who would reside in the territory of EU MS for a limited period of time.

novel restrictions such as the introduction of requirement for administrative fees for the extension of residence permit of Turkish workers legally residing in the EU MS. In the paragraphs 49-50 of the judgment of *Commission v. Netherlands* (C-92/07), the CJEU ruled that standstill clause is also applicable for the conditions of permissions (including the fees) for first entrance of Turkish citizens to the EU MS (Karayiğit, 2011).<sup>147</sup>

To sum up, when the interpretation of the Court on standstill clauses in Turkey-EU Association Law has been scrutinized, it could be concluded that they facilitate the integration of Turkish nationals in the hosting MS mainly under the structural dimension by precluding the restrictive assimilationist and/or excluding policy implementations. This could be associated with the shift in the immigrant integration perspective of the EU MS towards more restrictive and one sided approach in time while EU still reflect more liberal two-sided integration approach.

### **Non-discrimination**

Article 9 of Association Agreement prohibits discrimination on the grounds of nationality. Article 37 of Additional Protocol and 10(1) of Turkey-EU Association Council Decision No. 1/80 further determines the application of this principle to Turkish workers regarding to their conditions of work and remuneration. In the paragraph 68 of its *Commission v. Netherlands* judgment (C-92/07), the Court clarify the facilitator role of the principle of non-discrimination in the Association Law for “the progressive integration of migrant Turkish workers and Turkish nationals who move for the purposes of the establishment or in order to provide services in a Member State”. The principle of non-discrimination on the grounds of nationality provides the framework for Turkish nationals to be considered closer rights to the EU nationals and being exempt from the restrictive integration requirements. In this

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<sup>147</sup> This judgment is very important since it reflects a shift in CJEU perspective (Groenendijk & Luiten, 2011, p. 13). The previous case law concluded that regulating the conditions for first entrance and employment of Turkish citizen in EU MS is under the competence of Member States rather than the EU law (including the Association Council Decision No 1/80). See, for example, C-237/91 *Kus* para. 25.

part the impact of non-discrimination principle in the Association Law on the access to education, establishment of social security for Turkish nationals will be discussed.

First, the application of non-discrimination principle has been strengthened with the determination of the equal right to access to education for Turkish nationals with the citizens of MS. In the paragraphs 40 and 41 of C-210/97 *Akman*, the Court ruled that according to the Article 9 of Decision No.1/80, Turkish children legally residing in EU MS have a right of access without discrimination to education and training in the host Member State even if their parents are not working in that MS anymore. Second, non-discrimination principle has been enshrined in the Association Council Decision No 3/80 for the establishing the social security scheme for Turkish workers and their family members who are lawfully residing in EU MSs (Minderhoud, 2013; Eisele, 2014).<sup>148</sup> In this context, the Court highlighted the obligation of MSs for the equal treatment of Turkish nationals covered by Decision No 3/80 with the nationals of host MSs by ruling direct effect of Article 3 of Decision No 3/80.<sup>149</sup>

#### **4.3.3.2. Socio-Cultural Dimension of Integration**

The Court's interpretation by analogy, non-discrimination principle and standstill contributes to the socio-cultural integration of Turkish nationals in addition to the structural dimension of integration. However, the Court's interpretation of these principles is more entwined in the context of issues relevant to socio-cultural integration of Turkish nationals such as political trade union rights, feeling of belonging, family reunification.

First, the analogous interpretation of the Court on non-discrimination principle of the Association Law, mainly Article 10 of Decision No 1/80 contributes to the entitlement of Turkish workers for the political trade union rights. The Court referred to the non-discrimination clauses of the Association Law in its two

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<sup>148</sup> Turkey-EU Association Council Decision No 3/80, 19 September 1980 regulates the social security schemes of the MSs to Turkish workers and their family members.

<sup>149</sup> See, for example, C-262/96 *Sürül*, Joined Cases C-102/98 and C-211/98 *Koçak and Örs*, and C-373/02 *Öztürk*.

judgments – *Birlikte* (C-374/03) and *Commission v. Austria* (C-465/01) – in order to determine the political trade union rights of Turkish workers in the EU MS. In these judgments the Court ruled that Article 10 of Decision No. 1/80 guarantees the right to active and/or passive participation in the works councils and general assemblies of workers’ and employees’ chambers for Turkish workers duly registered as belonging to the labour force of the host Member State. The guarantee of such a right relevant to the political participation of Turkish workers could be considered as important for the facilitation of socio-cultural integration of immigrants since it abolishes the restriction over the social participation of Turkish workers.

Second, it could be suggested that the perspective of the Court on non-discrimination based on nationality and interpretation of the rights and principles in the Association Law by analogy contributes to the socio-cultural integration of Turkish nationals. Their feeling being excluded diminishes and their feeling of belonging increases with the help of the equal treatment compared with the EU nationals and nationals of hosting EU MS. This could be unintentional consequences of the Association Law.

Third, the CJEU considers the family reunification as an “essential way of making family life possible” and it also refers to its “contribution both to improving the quality of their stay and their integration in those MSs and therefore, promotes social cohesion in the society concerned.”<sup>150</sup> In its *Kahveci and Inan* judgment (Joined Cases C-7/10 and C-9/10), the Court ruled that dual nationals holding the nationality of Turkey and EU MS could invoke the rights derived from their Turkish citizenship for family reunification.<sup>151</sup> AG Sharpston highlighted the complex and long-running nature of socio-cultural dimension of integration in his opinion in *Kahveci and Inan* (Joined Cases C-7/10 and C-9/10) by referring in the paragraph 61

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<sup>150</sup> See, for example, C-451/11 *Dülger* paras. 41 and 42

<sup>151</sup> In the Joined Cases C-7/10 and C-9/10 *Kahveci and Inan* paragraph 42, the Court ruled that “Article 7 of Decision No 1/80 ... must be interpreted as meaning that the members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State can still invoke that provision once that worker has acquired the nationality of the host Member State while retaining his Turkish nationality.”

to the socio-cultural dimensions of integration (“questions of language, family links, culture, religion and education”) in addition to the structural ones (“social and employment field as well as in the context of naturalization and nationality”). In the paragraph 63 of his opinion, AG Sharpston discords with the Dutch perspective viewing the acquisition of nationality as the pinnacle of integration and reflects his transnational perspective on the process of immigrant integration.<sup>152</sup>

Introduction of new restrictive family reunification regulations for Turkish workers and self-employed Turks who are lawfully resident in a MS could be justified through the restriction test and the proportionality assessment (C-561/14 *Caner Genç* and C-138/13 *Naime Doğan*). The new restrictive regulations for ensuring and facilitating integration of family migrants are questioned before the CJEU. The Court mainly invoked Article 79(4) and stated that the objective of ensuring the successful integration of third-country nationals in the Member State may constitute an overriding reason in the public interest in its *Caner Genç* judgment (C-561/14, paragraphs 55 and 56). It held that the application of the integration requirement<sup>153</sup> of potential for successful integration (for minor family migrant) and of achieved integration (for the sponsor parent) has failed from the proportionality assessment due to implementation of two year deadline

In this context it is concluded that Association Law results in the integration perspective for Turkish nationals residing in the EU MS far away from the MS’s policy perspective which have tendency to consider Turkish nationals under the same

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<sup>152</sup> “It is true, obviously, that naturalization is likely to represent a step in that process. Plainly, that step may be a highly important one. In many cases, it reflects a strong desire on the part of the naturalized person to play a fuller part in the society of the host Member State, and an acceptance on that State’s part that he should do so. But to say that once the Turkish worker has obtained the nationality of that State, he has thereby, and without more, become fully integrated into that State and has, by the same token, severed all meaningful contact with his State of origin cannot, in my view, be correct. For a person to become integrated in that way may take many years — rather than the five years laid down under Netherlands law in order for an application for naturalization to be competent. Indeed, the process may take more than a single generation to achieve. Where such a worker has become naturalized, it may well be right to say that he is on the path, and even well on the path, to integration. That is not the same as saying that he has become completely integrated.”

<sup>153</sup> These requirements are applied if more than two years pass from the moment a parent becomes eligible to apply for family reunification.

legal category with TCNs. Interpretation of Association Law by analogy with EU nationals, application of standstill clause and non-discrimination principle facilitates their social participation and contributes to their feeling of belonging to the society they live in. In addition to this, Court's interpretation of Association Law urges on the need for patience for socio-cultural integration which may take more than one generation. In the process the Court's ruling on dual nationality can be viewed as respectful to the transnational ways of being and living of Turkish nationals residing in the EU (even the Turkish nationals with dual nationality) in the long process of integration.

#### **4.3.3.3. Transnational Perspective**

It could be argued that Turkey-EU Association Law reflect transnational perspective on integration of Turkish nationals residing in the EU MSs considering the legal framework it creates for the transfer education grants and social security benefits. First, in *Gürol* (C-374/03), the Court guarantees the non-discriminatory right to access to education grants for Turkish nationals even if they continue their higher education in Turkey. Since it is related with the equal treatment consideration, the condition of the right to transfer the education grant to Turkey by Turkish children residing in EU MS depends on whether “the host Member State offers its own nationals the opportunity of receiving an education grant for studies pursued a broad” (C-374/03 *Gürol*, paragraph 44).

Second, Article 6(1) of Decision No 3/80 on waiving the residence requirement guarantees the transfer of certain social benefits to Turkey when they returned back.<sup>154</sup> It mainly refers to the invalidity, old-age or survivors' cash benefits and pensions for accidents at work or occupational diseases. The application of this

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<sup>154</sup> Article 6(1) of Decision No 3/80 of Turkey –EU Association Council: “. Save as otherwise provided in this Decision, invalidity, old-age or survivors' cash benefits and pensions for accidents at work or occupational diseases, acquired under the legislation of one or more Member States, shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in Turkey or in the territory of a Member State other than that in which the institution responsible for payment is situated. The provisions of the first subparagraph shall also apply to lump-sum benefits granted in the case of the remarriage of a surviving spouse who was entitled to a survivor's pension”.

article has been further extended with the *Akdaş* (C-485/07) judgment of the CJEU. Thus the Court ruled that Turkish nationals who have returned to Turkey after having worked in an EU member state, can rely on Article 6 of Decision 3/80 in order to claim the transfer of supplementary benefits as well.<sup>155</sup> the Court limits its transnational perspective on the transfer of social security benefit (supplementary benefit) with its *Demirci* judgment (C-171/13) by concluding that Turkish nationals who holds the nationality of hosting MS cannot enjoy more favourable treatment compared with the nationals of hosting MS by applying to the Turkey-EU Association Law. When the Court's interpretations on dual nationality in *Demirci* (C-171/13) and *Kahveci and Inan* (C-7/10 and C-9/10) have been examined, it could be suggested that naturalization has been viewed different for the structural and socio-cultural integration.<sup>156</sup>

Turkey-EU Association Law which creates privileged status for Turkish nationals compared to other TCNs provides special framework for them in the context of integration. Mainly the analogous interpretation of the concepts and principles in the Association Law, non-discrimination and standstill principles in Turkey-EU Association Law results in this status of Turkish nationals residing in the EU MS. This could be associated with the integration perspective of the EU on Turkish workers at the time of signature of Ankara Agreement, Additional Protocol and Association Council Decisions. As a result of the Court's interpretation of

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<sup>155</sup> *Akdaş* judgment leads to more favorable treatment for Turkish nationals compared with EU nationals considering the lack of right to transfer of supplementary benefits for the EU nationals within the EU. However, the main reasoning behind this judgment is the fact that the former Turkish workers who are permanently incapacitated to work are not considered under the scope of Decision 1/80 and thus claim a right to remain in the hosting EU MS. Thus the Court do not interpret its judgment as creating a more favourable conditions for Turkish citizens since they leave the country without their volition and do not have an opportunity to return.

<sup>156</sup> While naturalization of Turkish nationals is seen as the final stage for structural integration in C-171/13 *Demirci* since they are entitled to equal rights, it is analyzed as an important step in the process of socio-cultural integration in Joined Cases C-7/10 and C-9/10 *Kahveci and Inan*. Therefore, while Turkish nationals with dual nationality could rely on the privileged rights derived from Association Law according to the latter case, they need to be considered only under the scope of national jurisdiction in the previous one.

Association Law it could be concluded that while equal treatment to Turkish nationals is the main concern for structural dimension of integration, transnational perspective is prominent for socio-cultural dimension of integration.

To sum up, as the EU citizens are not considered under the scope of integration policies of the EU, the main target of the integration policies are the TCNs. Although Tampere commitments set similar goals for the integration of TCNs with the integration of EU citizens, with the shift in policy the EU is far away from achieving this. According to Luedtke (2005), the failure of the EU in developing unified immigration and especially immigrant policy is associated with the “clash between historically rooted identities and proposed supranationalization of immigration policy”. However, through the increasing supranationalism at the EU level contribute to the transnationalism perspective of the EU (Faist, 2004). In this context, Turkish nationals needs special attention in the assessments of supranationalization of immigration policies. They are perceived in between EU nationals and TCNs due to their rights derived from Turkey –EU Association Law have privileged legal status. Although they have extended rights derived from EU law which necessitates their exemption from most of the restrictive policies for TCNs, they are still considered as one of the target groups of integration policies at the national level. In this context EU constitute a challenge to the national sovereignty considerations of EU MS in the context of immigration and integration. The role of EU could be interpreted as mediator in this period between assimilationist MS integration perspective and immigrants since it defends the EU norms and values (democracy, rule of law and human rights) while sustaining the best interest of the Union (Sassen, 1998).

#### **4.4. Integration Policy of the Netherlands**

Immigrant integration policies have long been constructed at the domestic level since it is an issue highly associated with ideas about national identity. “Context dependency and insufficient clarification of the conditions of generalizability” (Bommes & Thranhardt, 2012) related with the migration research lead in the nation based perspective. In addition to this, how the questions related to immigration and integration are defined and the suggestions offered for these diverse questions vary

widely for different national contexts (Wimmer & Glick Schiller, 2002; Bommes & Thranhardt, 2012). Margin of appreciation to the states left by the international and regional organizations in the context of immigrant integration also contribute to this. Due to the scope of this study immigrant integration perspective of the Netherlands and its impact on Turks in the Netherlands will be pointed with a historical point of view in this part.

The Dutch perspective on immigrant integration has shifted parallel to the EU understanding on integration of TCNs.<sup>157</sup> The Dutch immigrant integration policies are lack of continuity (Entzinger, 2006). Nearly each decade is characterized by a different immigrant integration frame as a result of the different definitions and conceptualizations of integration, categorizations of target groups, different problem definitions and policy suggestions on immigrant integration (Scholten, 2011). Ethnic minority policy introduced in 1983, integration policy in 1990s and new integration policy since 2000s have been shaped by distinct multiculturalist, universalist and assimilationist characteristics respectively. In order to highlight this shift in the integration perspective of the Netherlands from multiculturalist understanding to assimilationist point of view, first the historical background of Dutch perspective on immigrant integration will be elaborated. Flowingly ethnic minorities' policy during 1980s and the integration policy of the Netherlands introduced in 1994 will be discussed. Finally, the new integration policies will be analyzed.

#### **4.4.1. Historical Background**

##### **4.4.1.1. Pillarization (Verzuiling)**

In the literature, Dutch perspective on immigrant integration until 1994 has been considered as a reflection of multiculturalist perspective approach although the term of multiculturalism has never been used by the Dutch government. Dutch

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<sup>157</sup> There are different point of views on reason-result relations of this shift at the EU and national level due to the policy making mechanisms at the EU: horizontal-vertical (Guiraudon, 2000). The MSs have the possibility to shape the EU policies on the immigrant integration and diffuse their national perspective to the other MSs due to the dominance of soft law mechanisms in the context of immigrant integration at the EU. The Netherlands is considered as pioneer of this perspective (Bonjour & Vink, 2013).

multiculturalist perspective on immigrant integration was mainly resulted from the historical Dutch considerations about cultural pluralism as a societal structure – pillarization (*verzuiling*). Since nineteenth century, Dutch society had been organized under three pillars (Catholic, Protestant and secular<sup>158</sup> pillars) by allowing them to create their own institutions (Vasta, 2007; Entzinger, 2014; Kaya, 2009).<sup>159</sup> These groups which have been formed depending on the religious differences have limited contact with each other in the society if they have any. The pillarization is defined by many scholars as a means of allowing tolerance for different religious groups. According to Scheffer (2011) this social structure is the result of Dutch “culture of avoidance”. Thus, the main aim of the pillarization could be explained as an escape from differences to avoid conflicts between different groups by diminishing their contact possibilities in the society. This is also in line with the Dutch talent of mediation and compromise and tradition of consultation. This pillar structure is important to highlight due two reasons. First although these pillars have started to dissolve since the World War II (WWII) mainly after 1960s, the ideology and the experience was reflected to the immigrants, especially Muslim immigrants during 1970s and 1980s. Second, some scholars suggested that due to the pillar structure, the common identity and history of the Dutch society is weak.<sup>160</sup> Thus the assimilationist shift in integration policies during 2000s is consequence of the effort to define Dutch identity of the natives through defining its opposite as Muslim non-Western immigrants mainly in the socio-cultural domain. Through “us versus them” dichotomy and “otherisation” process, the Dutch national sentiments have increased.

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<sup>158</sup> “Algemene zuil” or general pillar covers liberal and seculars by taking socio-economic dimensions and non-religious people and Christians who do not practice their religion by taking the religious concerns into consideration. Some scholars discuss Dutch society in four pillars: Protestant, Catholic, liberal and socialist (Geschiere, 2009).

<sup>159</sup> Pillarization also defined the social structure by dividing all aspects of life within these three pillars: political parties, hospitals, trade unions, schools, newspapers, and leisure activities (Kaya, 2009).

<sup>160</sup> Even most of the 20th century, Dutch people feeling of belonging and identity to their pillars were stronger than the Dutch national identity. Dutch identity was considered by many as the pragmatic issue rather than an emotional national sentiment (Geschiere, 2009).

However, this led to segregation and exclusion of Muslim immigrants rather than social cohesion, integration of immigrants (Geschiere, 2009).

#### **4.4.1.2. From Country of Emigration to Country of Immigration**

According to Dutch statistics of 2016, 12.3 percent of the total population (16.97 million by 2016 million) is non-Western immigrants (including first and second generation). Turks, Moroccans, Surinamese and Antilleans and Arubans are the largest non-Western ethnic minorities respectively.<sup>161</sup> The Netherlands historically known as country of emigration<sup>162</sup> met with mass immigration in the second half of the twentieth century (Entzinger, 2014).<sup>163</sup>

At the initial phase since it was assumed that all immigrants<sup>164</sup> (except the ones from Indonesia) would eventually return to their home countries not only by the government and the general public but also by the immigrants themselves. Return policy and the reception facilities were on the agenda rather than the integration policy. In mid 1970s, the cohort analysis and the migration of family members of guest workers reflected the permanent character of the increasing number of

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<sup>161</sup> According to the CBS statistics of January 2016, the population of the largest ethnic minority groups under the category of non-western immigrants is as following: Turks (397,022), Moroccans (385,761), Surinamese (349,022) and Antilleans and Arubans (150,981). Indonesians who are categorised as south western are also one of the biggest ethnic groups in the Netherlands with 366, 849 population in 2016

<sup>162</sup> Between 1945 and 1961, Netherlands actively supported the immigration of Dutch nationals to overseas countries such as Australia, Canada and the United States.

<sup>163</sup> Between mid-1940s and mid-1960s, the first wave of immigration was from its former colonies mainly from Indonesia and Suriname at a smaller scale. The second wave of immigration to the Netherlands could be categorized as the labour migration from countries around Mediterranean mainly from Turkey and Morocco due to the labour recruitment agreements in 1964 and in 1969 respectively. Netherlands received mass number of Surinamese immigrants in their independency process especially in 1974 and 1975. Rest of the immigration to the Netherlands mainly shaped through family reunification, asylum seekers and irregular immigration due to the decision to stop foreign labour recruitment after the oil crisis in 1974 and introduction of visa system for Surinamese and Turks in 1980 and Moroccan in 1983 (van Amersfoort & Surie, 1987).

<sup>164</sup> Dutch East Indies are considered as a main exception of this perspective. Active assimilation policy has been implemented for them (de Vries, 2013).

immigrants. Nevertheless, the Dutch government did not shift its perspective radically and continued to claim that it was not a country of immigration.<sup>165</sup>

In this respect while it continued to follow return policy, it also started to promote the participation of immigrants to the Dutch society through maintaining their own cultural identity.<sup>166</sup> It could be suggested that Dutch policy makers overcame the challenge between these policies with their historical experience of pillared social structure. In this period, immigrants were kept isolated from the Dutch society to prevent their alienation from their home country and culture and to preserve their cultural identity for their eventual return.

The inclusion of the Native Language and Culture (Onderwijs in eigen taal en cultuur or OETC) courses in the school curriculum for immigrant children could be given as an example of this dual aim.<sup>167</sup> There were also some critics about the stress on ethnic differences (“ethnicization” or “minorization”) since it would constitute an obstacle against migrants’ participation to the Dutch society rather than facilitating it (Entzinger, 2006). Therefore, some scholars defined the Dutch immigrant policy in this period as “exclusionist” (Castles & Miller, 2009).

While the Dutch government supported the immigrant to preserve their ethnic, cultural and religious identity, it also funded the reception facilities such as Dutch language courses and housing (Vasta, 2007; Entzinger, 2006; de Vries, 2013).<sup>168</sup> This period could be labeled with the absence of the coherent immigrant policy due to the denial of the possibility of settlement of immigrants in the country.

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<sup>165</sup> In order to refer immigrants, different terms had been employed such as “repatriates”, “overseas citizens”, “foreign workers” and “minorities” until 1990s.

<sup>166</sup> This also paved the way for the statistical data collection in the Netherlands on immigrants on the grounds of ethnicity (depending on the country birth of the ancestors of immigrants) rather than nationality and country of birth as it has been experienced in other European countries.

<sup>167</sup> Turkish mother tongue classes had been organized in 1974 during weekends and in two years they were included to school curriculum.

<sup>168</sup> Although the Dutch government funded the Dutch language lessons organised by the employers and NGOs, state initiative programmes and course materials had not been provided in this period.

#### **4.4.2. Ethnic Minorities Policy**

The report of the Scientific Council for Government Policy (WRR)<sup>169</sup> on “Ethnic Minorities” in 1979 had drawn the attention to the permanency of the immigrants, their socially disadvantage position and cultural isolation.<sup>170</sup> The government had listened this call coming from the research and start to move away from the idea of temporariness of the immigrants with the introduction of Ethnic Minorities Policy (Ethische Minderhedenbeleid) in 1983. The main aim of the policy was to sustain integration of permanent immigrants through promotion of their cultural identities and providing equal treatment before law and equal opportunities in the structural realm (Entzinger, 2014). It could be argued that the retention of cultural identities was prioritized over the structural integration due to the continuation of some aspects of pillarization.

##### **4.4.2.1. Socio-Cultural Dimension of Minorities Policy**

First in the context of socio-cultural dimension, minorities’ policy paved the way for the maintenance of ethnic, cultural and religious identity. It had been defended that they should have construct their own identity at the individual and group level first and then integrate to the Dutch society. The main expectation was similar to the historical Dutch experience - pillarization, the minorities would have emancipated themselves within their own ethnic cultural and religious identities (Vasta, 2007). Therefore, similar to the other groups, immigrants, especially Muslim immigrants, have received public funding for establishing their own institutions and doing their own activities in education, healthcare, broadcasting and other welfare realms. In this period Islamic schools and mosques had been established despite of the difficulties imposed by the natives in the neighbourhoods, municipalities and urban renewal policies (Böcker, 2000). In addition to these, Dutch language learning

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<sup>169</sup> WRR is a high level independent advisory body which prepares reports to the Dutch governments on social issues including the issues related with the immigrants.

<sup>170</sup> The concept of “minority” used in the report of WRR as collectivity in the society who includes several generations, prioritise minority identity, have disadvantageous position in terms of not only numbers for effective political participation but also socio-economic position (van Amersfoort, 1982).

was referred relatively weak in the context of structural integration of immigrants and their participation in the society. The structural and infrastructural adult education to the immigrants had been organized mainly through limited local voluntary attempts.

#### **4.4.2.2. Structural Dimension of Minorities Policy**

The structural integration of immigrants was pursued in the context of ethnic minorities' policy through the measures on prevention of discrimination, equality before the law and closing the gap in social-economic realm (van Ours & Veenman, 2005). Therefore, the measures had been taken in two main realms: the legal-political and socio-economic. In order to improve the position of the target groups six key initiatives had been taken in this period. First, discrimination has been prohibited by the article 1 of the Dutch constitution of 1983. Second, disadvantageous position of the immigrants due to their foreign citizenship was tried to be eliminated.<sup>171</sup> Third, naturalization became easier especially for the second generation.<sup>172</sup> Fourth, the legal situation of family migrants and long term residents was improved.<sup>173</sup> Fifth, consultative councils was established at the national level in order to facilitate the political participation of different ethnic and/ or national groups (including the immigrants) in 1985 (Andersen, 1990).<sup>174</sup> Finally, in the same year, the rights to vote and stand for the elections at the local level had been introduced for immigrants who had five years residency (Entzinger, 1985; Vasta, 2007).

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<sup>171</sup> The ban on the employment in the public services for the foreign residents was lifted with the exceptions of army and police. The immigrants with the long-term residence status started to benefit from the social policy instruments such as social security system with the same conditions for natives.

<sup>172</sup> In 1985 the legal procedure to opt for Dutch citizenship (naturalization) was introduced for the immigrants who renounce his/her original citizenship. The concept of "civic integration" was introduced in the context of naturalization. It was defined as "the actual participation in Dutch multicultural society" (de Heer, 2004, pp. 179-180).

<sup>173</sup> The expulsion of the immigrants was made difficult by the determination of the conditions and providing right to receive permanent residence right after five years.

<sup>174</sup> Only the Moluccans, a refugee ethnic group acquired the right to establish a consultative council in 1976. This was mainly related with the acceptance of their permanency by Dutch government earlier and their difficulties in the adjustment in life in the Netherlands.

Despite of these measures taken by the Dutch government to diminish the social and economic differences and prevent discrimination, the economic suffering of the immigrants could not be avoided in the context of economic depression in the Netherlands between 1979 and 1983. In this period, the low skilled workers most of whom were immigrants lost their jobs (Vermeulen & Penninx, 2000).<sup>175</sup> Since the long term residence foreigners were granted the same rights and opportunities to benefit from social security they started to be perceived as a growing burden on the welfare state system by the public. However, the increasing anti-immigrant sentiments were not expressed explicitly in this period to be politically correct and to prevent allegations of being racist.

#### **4.4.2.3. Multiculturalist or Segregationist?**

Ethnic Minorities Policy has been widely labelled as multiculturalist by the social scientists and politicians since mid-1990s (Entzinger, 2003). However, the Dutch government never used the term of multiculturalist to refer its ethnic minority policy during the implementation period.<sup>176</sup> The multiculturalist labeling for the minorities policy of the academy and politics could be explained mainly by two concerns. First, the policy prioritized the ethnic and cultural identity retention of immigrants in the Netherlands over their structural integration (Vink, 2007). Second it was result of the pragmatic considerations rather than the normative understanding of multiculturalism. (Geschiere, 2009)

Considering the three features of multiculturalism explained in the second chapter – cultural diversity, equality and social cohesion – it is hard to define Ethnic Minorities Policy of the Netherlands as multiculturalist. Although it provided rights for the recognition of the immigrants as identity groups, it did not construct a symmetrical relation between majority and minority groups in terms of politics of

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<sup>175</sup> The unemployment rate of Turkish and Moroccan communities in the Netherlands at the end of 1980s were expressed as around 40% in the Dutch government reports (Entzinger, 2014).

<sup>176</sup> Ethnic minorities policy never claimed to offer “national multicultural model” in a normative sense. Even the slogan of “integration with preservation of cultural identity” was rejected at its early stage (Duyvendak & Scholten, 2011).

distribution by preventing discrimination and accepting them as equal part of the society (Fleras, 2009). This mainly result from the failure in its implementation. It led to the exclusion of immigrant communities (mainly Muslim communities due to their cultural differences) from mainstream society (Favell, 2005; Entzinger, 2006). Thus it could be suggested that the policy prioritized integration of immigrants to their own ethnic and/or cultural pillars rather than sustaining social cohesion. The social result of this policy was the isolation and segregation of the Muslim immigrant communities. Duyvendak and Scholten (2011) are critical about the use of the multiculturalist labeling for the minorities policy by reasoning it to “disqualify the policies of past” and legitimize the policy shift during 1990s and 2000s. Nevertheless, Ethnic Minorities Policy could be interpreted as the reflection of liberal assumptions which argue that liberal states would refrain from forcible assimilation and opt for the liberal multicultural modes of immigrant integration and defend the group-differentiated rights (Kymlicka, 1998; Triadafilopoulos, 2012).

#### **4.4.3. Integration Policy during 1990s**

In the late 1980s, the policies have started to be condemned for the position of the immigrants. In 1989, the Scientific Council for Government Policy (WRR) report, ‘Immigrant Policy’, criticized the Ethnic Minorities Policy by highlighting two main concerns: its high focus on cultural differences (cultural retention) and creation of high dependency of immigrants on the welfare state facilities due to its groups specific perspective. In addition to the criticisms of the WRR report in 1989 over Ethnic Minorities Policy, in the early 1990s there were also broad public and political debate which associated the failure in the immigrant integration with the cultural and religious differences.<sup>177</sup> The Integration Policy which was introduced in 1994 mainly reflected the scientific perspective of the WRR report in 1989 in diagnosis of the problem related with immigrant integration and its treatment rather

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<sup>177</sup> In 1991 Frits Bolkestein, the leader of the liberal party which was the opposition opened up the debate defending the importance of “cultural assimilation” and incompatibility of Islam and “western values” by perceiving Islam as “a threat to liberal democracy and hindrance for integration of immigrants” (Penninx, Garcés-Mascareñas, & Scholten, 2005, p. 5; Entzinger, 2006; Schedler & Glastra, 2000).

than the populist public discourse. Integration was defined in the policy document as “a process leading to the full and equal participation of individuals and groups in society, for which mutual respect for identity is seen as a necessary condition” (Entzinger, 2003, p. 72). In this part the distinct features of the policy and the concerns and the policy measures taken for the structural and socio-cultural dimensions of integration will be analyzed.

#### **4.4.3.1. Five Feature of the Integration Policy**

The integration policy had five distinct features which result in move away from the previous policy. First, the target group of the immigrant integration policy has been restricted and only the non-western immigrants were considered under its scope.<sup>178</sup> Second, it made emphasis on the structural dimension of integration over socio-cultural one. Thus it viewed the socio-economic participation as a condition for socio-cultural participation (Scholten, 2011). Third, it reflected individual approach to immigrant integration by including the immigrants in the already existing institutional structures rather than constructing parallel ethnic institutions. In this respect it is important to highlight paradox of integration policy in which the opportunities were provided for immigrants at the individual level while their integration level was assessed by the government at the group level with reference to the concept of “ethnic minorities” (Entzinger, 2003). Fourth, the policy mainly focused on facilitation of active citizenship. Finally, it stressed both the civic rights and obligations of the immigrants for their participation and considered integration mainly the duty of the immigrants (de Heer, 2004). The policy shift was detected even through the wording. The concepts of ‘integration’ and ‘allochthonous’ preferred rather than the concepts of ‘emancipation’ and ‘minorities’ which had been used during the ethnic minorities policy (Scholten, 2011; Geschiere, 2009).

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<sup>178</sup> The nationals of the other EU member states were not targeted by the integration policy anymore because they were not in a disadvantageous position in the Dutch society (de Vries, 2013).

#### **4.4.3.2. Structural Dimension of Integration**

The main concerns and policy measures taken in the context of the structural dimension of integration were mainly related with the economic interdependencies, low educational attainment, equal opportunities and nondiscrimination in education and employment, access to citizenship and political participation.

The high unemployment rate and dependency of immigrants on the welfare state benefits at the end of 1980s was considered as the main problem related with the immigrant integration. During the late 1990s due to the growth in the Dutch economy, the unemployment rate of the immigrants has decreased. However, the unemployment rate of Turks and Moroccans were still three times higher than the natives (Vasta, 2007). This resulted in the higher dependency of immigrants on the welfare state benefits. Second, there was a tendency to associate high unemployment rate of the immigrants with their low educational attainment and high school dropout rates. Some researches revealed similar results for the second generation and one and half generation who spent their whole educational life in the Netherlands by associating it to the parental education level and the age of the children when they arrived (van Ours & Veenman, 2003). However, it is vital to take the impact of discrimination and separation against immigrants into account since integration is considered as a two-way process. In this context, the separation of immigrant students in education (Doomernik, 1998), discrimination against immigrants in finding internship (Schriemer, 2004), recruitment processes in terms of selection methods and pay differentials (Houtzager & Rodrigues, 2002) are important to highlight to reveal the anti-immigrant sentiments in the Dutch society and its impact on immigrant integration (Vasta, 2007). Third, in order to combat against discrimination and facilitate the participation of immigrants in the labour market and education, in 1994 the Equal Treatment Act passed and Equal Treatment Commission was established to examine direct and indirect discrimination (Vink, 2007). In addition to the measure on discrimination, with the integration policy, the programs and policy instruments defined the target groups as disadvantaged people or vulnerable groups rather than ethnic minorities or immigrants

Fourth, the access to citizenship started to be considered important tool for strengthening integration of immigrants. Dual citizenship was introduced as an option in 1992 to strengthen the integration of immigrants to the Dutch society and increase the naturalization rate and thus political participation (Vink, 2007). In order to manage this process better, passing the integration test was introduced as a condition for naturalization in 1993 (Besselink, 2009). However, in 1997 the option for dual citizenship has been curtailed after the heated debates in the parliament. The government criticized the use of the dual nationality option only for pragmatic reasons by the immigrants to obtain Dutch passport and drew attention to the lack of loyalty aspect. Thus from the nationalist point of view transnationalist activities and identification of the immigrants perceived as a hindrance to their integration to Dutch society (Snel, Engbersen, & Leerkes, 2006). It could be suggested that while the introduction of the dual citizenship option was mainly resulted from the structural dimensions of integration, its discontinuation (with many exceptions) is mainly related with the concerns over the socio-cultural dimensions of integration. However, it could be suggested that having Dutch citizenship has never been considered as an indicator of belonging of the immigrant to the Dutch society by the Netherlands due to the use of the term “allochtonen” (Geschiere, 2009).<sup>179</sup>

Another policy implementation in this period to facilitate the political participation of immigrants was to give legal basis to the consultative bodies of different ethnic groups. With the law which started to be implemented after 1996 the Dutch government obliged to consult to the representatives of these bodies for the

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<sup>179</sup> The term *allochtoon* had been first used in the academy in order to refer immigrants in the Netherlands during 1970s (Verwey-Jonker, 1971; Geschiere, 2009). However, its first official use had appeared in 1989 in the WRR report, “Allochtonenbeleid” (Policy on Allochthons), on immigration issues (WRR, 1989). The report considered first (foreign born immigrants), second (Dutch born immigrants who have at least one foreign born parent) and third generation immigrants (the Dutch born child of Dutch born parents who have at least one foreign born grandparent out of four). However, CBS use of the term has slightly differed at least in practice by referring only first and second generation immigrants as *allochtoon* at its publicly available statistics. *Allochtonen* are perceived as under the scope of the immigrant integration policy. Thus the use of the term reflects the differentiated understanding of the national citizenship which could be interpreted as the sign of discrimination (Groenendijk, 2007). It is announced in November 2016 that the use of the term by WRR and CBS will be gradually abandoned (Meijer & Sommer, 2016; Trouw, 2016; Bovens, Bokhorst, Jennissen, & Engbersen, 2016).

measures which had an impact on them (Entzinger, 2003). However, this mechanism mainly used mainly for the justification of the government policy due to the limited advisory role of the bodies.

#### **4.4.3.3. Socio-Cultural Dimension of Integration**

In the context of cultural dimension, different from its predecessor, the integration policy did not perceive the maintenance of the cultural identity of the immigrant communities as priority. Ethnic Minorities Policy was criticized due to its static interpretation of culture rather than the dynamic understanding of culture and its stress on the rights and opportunities served for the immigrants for equality rather than unity in the society (Entzinger, 2003). It mainly prioritized the socio-cultural integration to Dutch society through learning Dutch language and values, lifestyle and norms of the Dutch society.

During the early 1990s, the mother tongue courses turned out to a sole language training by eliminating their cultural elements. While the policy goal of the language course during 1980s was to contribute to the identity formation of the ethnic immigrants in the Dutch society, it was perceived as a tool for language transition and facilitator for learning Dutch as a second language in the context of integration policy (Duyvendak & Scholten, 2011). Therefore, mother tongue classes put out of the school curriculum and their voluntary nature were emphasized. In this context, the integration policy prioritizes the Dutch language competence of immigrants for their participation in education and labour market and gaining citizenship. Dutch language and integration courses provided in some cities during early 1990s started to be offered systematically in the whole country for the newcomers who were dependent on social assistance (de Vries, 2013).<sup>180</sup> The requirement to participate in the integration courses for all newcomers upon arrival was introduced in Newcomers Integration Act 1998 (Wet inburgering nieuwkomers) (Besselink, 2009; de Vries,

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<sup>180</sup> According to integration contracts introduced in 1996, the integration programmes offered by the municipalities included social orientation, Dutch as a second language, labour orientation and counselling. According to Social Assistance Act (Algemene Bijstandswet) if the newcomers refuse to fulfill its obligations (participation to the integration programmes), the municipal social services could reduce or suspend their social benefits. (de Vries, 2013)

2013). According to the Act, administrative fines could be imposed on the newcomers who did not report their arrival to the municipalities or participate to the programmes. In 1999 the scope of the Act was extended to the immigrants already living in the Netherlands.<sup>181</sup> During this period, main of the civic integration courses could be interpreted as improving the position of the immigrants in the labour market within the context of structural dimension.

The state subsidies arranged to fund specifically the ethnic and cultural organizations during minorities were halted with the integration policy. Nevertheless, these organizations continued to receive funding from the government for their socio-cultural activities on the same conditions as native organizations. The specific support for the schools, broadcasting facilities and mosques of ethnic minorities as a continuation of pillarization was abandoned in this period and the credentials of them started to be checked stricter (Entzinger, 2003).

To sum up considering the perspective of the integration policy in both structural and socio-cultural dimensions, it aimed to facilitate the integration of immigrants as individuals to the mainstream institutions. In this context, the structural dimension was the main focus of the integration policy. Thus improving the position of the immigrants in the spheres of employment, education and housing were the main objectives. Rather than emphasizing the cultural differences, it stressed the common grounds of the members of the society to underline the unity. In this period culture was mainly considered at private domain of life. Integration policy in this period provided opportunity for immigrants for transnational ways of being and living although this was not specifically determined as a target. The group-based cultural rights perspective of 1980s was abandoned during 1990s due to the so-called economic burden over the welfare state. The focus of integration

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<sup>181</sup> The unemployed people and immigrants with children at the school-age had the priority to benefit from the integration programmes: Although it was not obligatory due to the lack of legal basis, the participation and completion of the programmes became compulsory for the newcomers with the introduction of integration contracts in 2001 and for the already resident immigrants with the introduction of Integration Act in 2007

perspective could be interpreted as the first sign of the shift from welfare state perspective to workfare state one in tune with the neoliberal perspective.

#### **4.4.4. Integration Policy New Style since 2000s**

The assimilationist discourse in immigrant integration started to become dominant in 2000s. The flare of the criticisms against multiculturalist and integrationist policies of 1980s and 1990s were the article of Paul Scheffer (2000), “The Multicultural Drama” in which he defined the major problem in integration of immigrants as the lack of cultural dimension rather than the socio-economic marginalization. International and national events<sup>182</sup> result in the increasing attention for the impact of Islam on immigrant integration. Immigrant integration started to be associated with Islam and Muslim immigrants; thus it became a political issue and a subject for populist politics (Scholten, 2011). Radical right parties raised their public support due to their xenophobic and anti-Islamic populist discourse not only on immigration policy considerations but also on integration and security ones. Although they did not gain a victory in the elections, their point of view on immigrant integration and Muslim immigrants which gained public support result in the shift of immigrant policy perspectives of all parties including the left and center.

The nationalist point of view which considers the immigrants and multiculturalist policies as the scapegoat for the all failures in the society gained ground in the Dutch society and politics. Rather than minorities (in 1980s) or equity (in 1990s) perspectives, during 2000s the government offered an assimilationist perspective for immigrant integration which mainly reflects the point of view of the majority in the society (Vasta, 2007). The ‘New Style’ Integration policy (Integratiebeleid ‘Nieuwe Stijl’) which was introduced in 2003 mainly emphasized the individual responsibility in integration and attachment to Dutch norms and values (de Vries, 2013). Integration of immigrants has been perceived as starting even

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<sup>182</sup> Radical statements of a Moroccan imam (El-Moumni) against homosexuality and gay people, terrorist attacks of September 11, London and Madrid bombings, assassination of Fortuyn related with his anti-Islamic statements, the murder of Theo van Gogh by Moroccan Dutch and Geert Wilder’s statements against Islam and Muslim immigrants could be given as examples of these events.

before their arrival to the Netherlands with the Integration Abroad Act 2006. Integration Agenda which was published in February 2013 focused on three topics: participation and self-reliant;<sup>183</sup> setting limits and education;<sup>184</sup> mutual contacts and internalization of values.<sup>185</sup> All these policies could be interpreted as fostering the prioritization of normative and emotional identification with Dutch society (socio-cultural dimension) over the economic and educational achievements (structural dimension).

#### **4.4.4.1. Structural Dimension of Immigrant Integration**

In this period, socio-cultural integration is considered as a condition of the structural integration. Therefore, the immigrants could access to the rights which could be assessed under the structural dimension of integration only if they prove their socio-cultural integration to the Dutch society. In this process, the Dutch government take minimum responsibility. Reception facilities left its place to the civic integration programmes. When the content of the programmes has been analyzed it could be suggested that it aims to promote the citizen-workers and considers the integration as an end goal which needs to be reached by the individual by fulfilling their responsibilities and disciplining themselves.

The implementation of specific conditions for immigrants in the context of pension rights have been interpreted as structural discrimination against immigrants.<sup>186</sup> The transfer of the social security benefits has been tried to be restricted and/or diminished according to the condition to principle of country of residence. The dual citizenship which was abolished in 1997 has been redetermined in 2003. Considering the requirements to access to dual citizenship, it could be

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<sup>183</sup> Language and integration, rights and obligations of the immigrants in the Netherlands, tackling unemployment of second generation Dutch youth, encouraging social entrepreneurship are the facilities to increase the participation of immigrants to the Dutch society.

<sup>184</sup> Tackling crime and disorder and involvement of parents in education of their children are the two goals under the second topic.

<sup>185</sup> Kamerstukken II, 2013-2014, 32 824, no. 47.

<sup>186</sup> Concluding Observations of the CESCR on the Netherlands, 9 December 2010, E/C.12/NLD/CO/4-5, paragraph 20.

concluded that having dual citizenship has become even harder compared with the situation between 1997 and 2003. The integration exam requirements to obtain long term residence permit and Dutch citizenship (naturalization) constitute obstacle for the immigrants to access equal rights. Before January 2015 immigrants needed to pass five integration exams (reading, listening, writing, speaking and knowledge on Dutch society) within three years after their arrival. Since January 2015 an additional exam on (Orientation to the Dutch labour market exam) has been introduced for the immigrant under the obligation to integrate to grant the long-term residence permit (Dutch Ministry of Education, Culture and Science, 2016).

The high unemployment rate of immigrants has tried to be addressed by some policy measures designed for the disadvantaged groups such as quota system in public sector, the rise of the internship opportunities, special courses to prepare them to the recruitment process and the rights to receive loans to the immigrant entrepreneurs (Froy & Pyne, 2011). According to the reports of the UN treaty bodies, the Netherlands falls behind to take necessary precautions in order to eliminate discrimination against immigrants mainly in the employment, housing, health and education spheres.<sup>187</sup> It could be associated with the perspective of individual responsibility and assimilationist understanding in immigrant integration.

#### **4.4.4.2. Socio-Cultural Dimension**

The novelty of the integration policy was mainly related with its assimilationist perspective which views social and cultural differences as an obstacle against integration of immigrants and sustaining the unity in the society. The feeling of belonging, and identification with the Netherlands are considered as necessity for immigrant integration. Therefore, the unilateral adaptation to the cultural norms and values of the majority of Dutch population and their presentation have been expected from immigrants under the name of integration. The end goal has been determined for “integration” as “forming part of the static and exclusive national identity” (de

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<sup>187</sup> See for example, Concluding Observations of the CESCR on the Netherlands, 9 December 2010, E/C.12/NLD/CO/4-5, paragraph 12; Concluding Observations of the HRC on the Netherlands, 25 August 2009, CCPR/C/NLD/CO/4, paragraph 19.

Vries, 2013, p. 5). The immigrants need to meet the requirement of socio-cultural integration in order to reach equal rights and opportunities in the society. There are four main policy concerns in this period which could be associated with the socio-cultural dimension of immigrant integration: incompatibility of Islam with the Dutch culture and values, lack of language proficiency and knowledge on the Dutch norms and values; transnational identities and lives; and family reunification.<sup>188</sup>

### **Islam and Integration**

In this period, religion (mainly Islam) rather than their ethnic origin is considered as the basis of the socio-cultural differences of the immigrants. Dutch government view Islam as a challenge to integration by stating the common perspective on Islam as contrary to the modernization process of Dutch society.<sup>189</sup> Dutch government started to intervene in religious matters of Muslims in order to foster their integration to the Dutch society by creating ‘moderate Islam’ (van Ysselt, 2015). Three policy measures could be given as an example for handling the Islam in the context of immigrant integration. First, since 2002 religious servants<sup>190</sup> who migrated to the Netherlands were obliged to complete integration programme and specific programme for pastoral services. After a while, the imams’ resident in the country were also asked to take a new course on the Dutch constitution and democracy in the Netherlands after their arrival (de Vries, 2013). Second, in 2005 the Dutch government provide subsidies to the university programmes for creating “‘home grown’ imams.<sup>191</sup> Thus four-year Bachelor programmes and Master’s

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<sup>188</sup> Criminal behaviour of the immigrants has also been considered as the lack of cultural of integration by Dutch government. Thus Dutch Annual Report on Integration 2012 had a separate chapter on the registered crimes. Add to that, integration agenda 2013 also set the goal of tackling crime and disorder as one of the policy priorities (see the Letter from Minister Asscher to the House on the integration agenda on 19 February 2013). However it will not be discussed in detail due to the scope of this study.

<sup>189</sup> Kamerstukken II 2003/04, 28 689, No 17:33

<sup>190</sup> Although the extension of the Act is applied to all religious servants, the main target group consists of imams according to the Parliamentary Papers (de Vries, 2013).

<sup>191</sup> Parliamentary Documents II 2003/04, 29 200 VI, No 155 (motion-Sterk)

programmes has been supported (van Ysselt, 2015, p. 36; Ghaly, 2008).<sup>192</sup> Third, the subsidies targeting the Muslim groups introduced during minorities policy has been cut down. With the decision of the government to halt the confessional broadcasting by 2016, the Muslim Broadcast (Moslim Omroep, MO) which was producing weekly programs also ended (Schuh, 2015). Therefore, it could be concluded that the xenophobia in the Dutch society was disguised as Islamophobia and anti-Islam and resulted in the exclusion of Muslim immigrants rather than their integration (Canatan, 2008).

### **Integration Programmes in the Netherlands and Abroad**

The government related the immigration and integration policies in line with the WRR report in 2001. In this context, two new measures introduced related with the civic integration exams which could be considered under the socio-cultural dimension due to the content of the programmes and exams (Dutch language proficiency and knowledge about the Dutch society, norms and values). First, with the Integration Policy New Style, the obligation of the immigrants to participate to the integration programmes after their arrival replaced with the obligation to pass the integration exam (de Hart, Strik, & Pankratz, 2012). The fines and limited residence permits are implemented in the case of their failure. In addition to this the target group of the integration programmes extended day by day. With the amendments entered into force in 2013, the period to pass the integration exam curtailed from three and a half years to three years after the arrival of the immigrant to the Netherlands. In the case of a failure in meeting the condition, the immigrant would be subject to fines, non-extension or withdrawal of their residence permit.<sup>193</sup> Most

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<sup>192</sup> Dutch government provided funds for three higher education institutions: VU University Amsterdam for Master's Programme in "Islamic Spiritual Care" and the Bachelor's programme in "Islamic Theology" (with the amount of €1.5 million for the period 2005-2011); Leiden University for the Bachelor's and Master's programmes in "Islamic Theology" (with the amount of €2.35 million for the period 2006-2011) and finally for Inholland College for four year Bachelor's programme called "Imam/Islamic servant of spiritual care". The government continue these academic studies under different subsidy programmes (van Ysselt, 2015).

<sup>193</sup> The withdrawal of the residence permit in the case of failure of family migrants in meeting integration exam within three years has been criticized by ECRI since it violates the international

importantly the integration courses organized by municipalities or other authorities left to the free market and the whole costs of the programmes left to the immigrants.<sup>194</sup>

Second, integration abroad exams have been introduced both as part of the restrictive immigration policy and integration concerns with the Act on Integration Abroad which entered into force in 2006. According to the Act, immigrants from non-western countries<sup>195</sup> obliged to pass a civic integration exam which tests the language ability<sup>196</sup> and basic knowledge of Dutch society at the Dutch consulates in order to receive a visa.<sup>197</sup> The responsibility of the Dutch government has been determined as the availability of the preparation facilities for and accessibility of the civic integration exam abroad and determination of the level and content of the exam but not setting up integration courses abroad.

When both measures on integration abroad and in the Netherlands are analyzed, it could be concluded that the responsibility for integration in socio-cultural dimension is left mainly on the immigrants. It punishes the immigrants by

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obligations of the Netherlands under EU Family Reunification Directive and Article 8 ECHR See ECRI Report on the Netherlands, 2013.

<sup>194</sup> The government set up loan system to fund the civic integration examination and course. Thus the applicants need to reimburse the loan after ten years if they have sufficient income. See ECRI Report on the Netherlands, 2013.

<sup>195</sup> Nationals of the EU and EEA MSs and economically developed countries (Australia, Canada, Japan, Monaco, New Zealand, South Korea, Switzerland, the United States and Vatican) are not target group of the Act on Integration Abroad. The main concerns for these exemptions were related not only with the threat to harm the diplomatic and economic relations but also with the perceived closeness with the immigrants from these countries in terms of social, economic and political considerations. Add to that, the family members of the nationals of EU and EEA MSs and Switzerland are also exempted from the integration exam abroad due to the EU legislations from the beginning. Turkish nationals gained exemption from both requirements with the Dutch case law on the grounds of their rights derived from Association Law in 2011 (see next chapter for more details).

<sup>196</sup> The applicants were required to speak and understand Dutch at the A1-minus level of Common European Framework of Reference (CEFR). With the amendments entered into force in 1 April 2011 language requirement level was raised to A1 by including the reading and comprehension test (toets Geletterdheid en Begrijpend Lezen) in addition to the listening and speaking tests (de Vries, 2013).

<sup>197</sup> In order to highlight the individual responsibility in the process, it is also important to note that the costs of civic integration abroad exam (the preparation materials and exam) needs to be covered by the individuals.

restricting their residence permit, access to the welfare benefits if their integration level is considered as “insufficient”. Thus the government attributes itself mainly a monitoring role. In addition to this both requirements are criticized due to their discriminatory implementation. These critics mainly result from the exemptions affiliated to the citizens of certain countries (Walter, 2008).

### **Transnational Identities: Obstacle to Integration?**

The transnational lives and identities of immigrants is perceived as unwanted under the new style of integration policy despite of the WRR reports.<sup>198</sup> In the context of integration policy new style, the dual nationality, dual belongings, dual identities of immigrants and descendants of immigrants are not welcomed. This results in the further limitations for the exemptions which permits dual citizenship. The common citizenship rather than the active citizenship started to be emphasized.<sup>199</sup> In these terms not only the immigrant integration but also the citizenship has gained a new normative understanding and shifted from the civic integration perspective to more cultural, emotional and identificational understanding (Slootman & Duyvendak, 2015). The socio-cultural dimension of the integration policy mainly targets the Muslim immigrants in this period. Even the Dutch citizens with immigrant background (first and second generation) are considered as primary target groups of integration policy. This leads to the stratification of their membership and feeling of exclusion in the Dutch society.<sup>200</sup>

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<sup>198</sup> The reports of the WRR on immigrant integration in 2001 and 2007 offered transnationalist perspective by assessing the dual nationalities, identities, feelings of belongings and transnational activities of immigrants irrelevant from their integration to the Netherlands if not contributing (Duyvendak & Scholten, 2011).

<sup>199</sup> Acquiring citizenship is mainly considered under the structural dimension of immigrant integration considering the rights it provides. However, new style integration policy assesses citizenship in the socio-cultural dimensions with strong emphasis on identity, belonging, and feeling of home to the Dutch society. Thus it leads to the stratification of rights of the citizens on the basis ethnocultural differences (Morris, 2002; Block, 2015).

<sup>200</sup> See for example the report of the Social and Cultural Plan Bureau (SCP), “Worlds of Difference” (Werelden van Verschil) which was published on December 2015 (Huijnk, Dagevos, Gijssberts, & Andriessen, 2015). It mainly discussed the social and cultural position and distance of immigrants

## **Family Reunification and Integration**

The previous perspective on the correlation between family reunification and integration of immigrants has been discarded in this period. Family formation has perceived as one of the obstacles of integration due to its association with the transnational ways of being and living of immigrants. The problematization of the family reunification resulted in the introduction of restrictive family reunification requirement. It could be considered as a result of the group level assessment of integration of individuals by the government. In addition to this, the restrictive conditions for family reunification regulations is considered as a way of controlling the migration to the Netherlands. In this context, restrictive requirements of income, age and employment contract in addition to the integration exam have been introduced and/or risen in this period (see Chapter 5 for detailed analysis).

To sum up, when the immigrant integration has been assessed at the Dutch level, three periods become prominent. At the initial phase, it could be concluded that the initial problem definitions and policy suggestions were highly associated with the national experiences derived from the historical social structure. In this period, the Dutch immigrant integration policy (Ethnic Minorities Policy) had been formed in line with the liberal multiculturalist perspective. With the group based cultural rights perspective, immigrants were socialized within their own ethnic and religious groups. In this context, it resulted in the exclusion of immigrants from society rather than social cohesion. Second, with the shift in integration policy perspective during 1990s, the immigrants tried to be motivated to participate in the socio-economic life in the Netherlands. In this context, opportunities and rights were served in the spheres of employment, education, housing and Dutch language training. Integration policy in this period was silent about cultural differences since it was considered as related with the private domain of life and irrelevant from the integration process. Third, with the securitization of migration and integration policies after September 11 and murder of Theo van Gogh in 2004 by second

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under seven categories: segregation, ethnic isolated, moderate segregation, isolated and oriented in the Netherlands, double bonds, emphasis on the Netherlands and assimilation.

generation Moroccan Dutch, the main consideration shifted to the protection of core values of Dutch society from ‘illiberal putatively dangerous groups’ which were perceived to be represented by the Muslim immigrants in the Netherlands (Triadafilopoulos, 2012). In this respect, utilization of state power in the name of encouragement of autonomy and prevention of threat to individual freedom was legitimized through security perceptions. Integration has started to be considered as the end goal rather than a process. Thus the illiberal means have been pursued through assimilationist immigrant integration policies in order to reach the so called liberal aims which were determined as the adoption of individualistic and autonomy based values (Galston, 1995). Due to the essentialist view of Islamic culture, the collectivistic culture, patriarchal social structure, suppression of women, forced marriages were associated with the Muslim communities in the Netherlands including the second generation Turkish Dutch. Thus the integration programmes since 2000s mainly target the Muslim immigrant population.

#### **4.5. Conclusion**

There was a high degree of interactions between the macro level actors in immigrant integration until 2000s. The UN treaty bodies contributes to the immigrant integration perspective by setting the minimum human rights standards in the context of the economic, social and cultural rights; civil and political rights and right to equality and non-discrimination. However, they have limited sanction mechanisms to sustain the implementation of these rights at the nation state level. Since immigrant integration is not defined as fundamental human rights in ECHR, ECtHR refers to the concept in its case law mainly related with the expulsion of integrated aliens. It refers to the structural (labour market integration, dependency on social assistance nationality and naturalization and education attainment) and socio-cultural (language skills, native partner, social relations, social ties and transnational identities) dimensions of integration in its case law by leaving wide margin of appreciation to the nation states.

The EU perspective on legal categorization for the scope of immigrant integration established in Maastricht Treaty has a direct impact on the MSs. Thus neither at the EU level nor at the MSs’ level, did EU citizens become subject to the

immigrant integration policies. Nevertheless, it could be argued that the Europeanization is not that effective in the field of integration of TCNs considering the inability of the EU to prevent the MSs from introducing the restrictive integration policies and to sustain harmonization of national integration policies. Thus it only plays role in the coordination and cooperation between MSs for immigrant integration measures for TCNs. When the legal subject is Turkish citizens for integration policies, EU has certain degree of legal competence which has been derived from Turkey EU Association Law. Thus it could play a guarantor role for preventing the worsening of the rights and position of Turkish citizens in the context of restrictive integration policies. Analogous interpretation, standstill and non-discrimination principles reflected in the Association Law constitute the legal basis of the Turkish citizens' rights to be exempted from restrictive national integration measures and facilitate their integration. In addition to this, the MSs' restrictive tendency to limit the transnational practices of Turkish citizens has been precluded in the context of transfer of education grants and social security benefits.

The integration policy perspective of the Netherlands has reflected a dramatic shift when the period between 1980 and 2015 is taken into consideration. The right based immigrant integration perspective which serves opportunities to the immigrants has been abandoned gradually. It could be concluded that the Dutch integration policy since 2000s reflects the characteristics of "neoliberal paternalism". It is neoliberal since it transforms the responsibilities of the government during the process of integration from public to the private sector (language courses, employment). In addition to this, the intervention of the Dutch government in the integration process could be analysed as paternalistic due to two main reasons. First, it gives limited respect and recognition to the immigrants or citizens with immigrant origin on the basis of their cultural differences (especially Muslims) and economic participation. Second, it stresses the responsibilities and duties of the immigrants rather than their rights and opportunities (Suverierol, 2015; McDonald & Marston, 2005, p.387).

It could be suggested that the responsibilities of immigrants have been defined to reach the end goal of assimilation in the socio-cultural realm and

becoming citizen-workers in the structural realm. On the contrary to the perspective in 1980s, their cultural differences and feeling of belongings and identifications with their country of origin started to be viewed as a challenge to their structural integration during 2000s. Therefore, ‘the rules have changed while the game is on’ and the immigrant integration started to be assessed with the new policy measures (Entzinger, 2006). The initial Dutch policy perspective which was dominant during 1980s in the Netherlands was prioritizing the use of liberal means by the government for integration while the later mainly interests in the liberal ends. Since 2000s, the use of coercive state power through exclusionary or forcible assimilation policies which could be interpreted as challenging to the Dutch liberal values have been pursued since it eventually aims to liberalize and free the immigrant from their patriarchal culture.

Since the international mechanisms are highly dependent on the nation state perspectives, they have power to direct the national policies until a certain extent. Nation states find a common ground to disseminate their perspective through international mechanisms and policy coordination at the EU level. The concerns and problem definitions of the Netherlands on immigrant integration come closer to the EU perspective on integration of TCNs or vice versa. Nation states play important role at the macro level but they are legally bound by the international mechanisms (ECtHR and EU). In this context especially EU constitute important legal framework for Turkish citizens in the Netherlands. One of the best examples for this is related with the discussions on family reunification which will be assessed in the following chapter.

## CHAPTER 5

### FAMILY REUNIFICATION POLICIES

Family reunification is at the intersection of both immigration and integration policies. It needs to be assessed within the context of both human rights of immigrants and states' discretion over the admission and residence of foreigners. Although individual and states' rights are in a paradoxical relationship today, they could be compatible when free market, open borders and cheap labour is needed for the survival of the national economy (Lahav, 1997). When the legal migration was stopped after the oil crisis in 1973, market needs for migration in 1970s and 1980s were fulfilled through irregular migration and family reunification in Western European countries (Bahr & Kohli, 1993). Carens (2003) also associated the continuation of migration through family reunification after the halt of official labour recruitment with the moral obligation state felt for the guest workers.

Since the international human rights documents was drafted after WWII in the context of the reconstruction of European countries and individuals' rights dominance over the states' rights, family reunification of immigrants were not problematized. In this period, the contradiction between national and international attention on family reunification were not dominant. However, since 1990s the contradiction become apparent with the rise of unemployment and shift in market needs due to the removal of the production outside the Europe.

In this context, the concerns over national security, public welfare and protection of moral and cultural values have become dominant at the national level. The socio-cultural concerns over the integration of non-Western immigrants have been voiced in the public and policy debates of European countries. Mainly Muslim immigrants and their descendants have been considered as 'the threat' to the economy, culture, social welfare and social cohesion. In the context of integration

and immigration concerns, unsurprisingly the family reunification policies had a restrictive shift. Thus the moral obligations of states in the context of family reunification started to have secondary place. This results in the implementation of restrictive family reunification regulations in most of the EU Member States (EU MSs). The dichotomy between “us” versus “them” has been reified through the discussions on the family reunification policies mainly on marriage migration.

Main aim of this chapter is to discuss the complex relation between international, regional and national perspectives over the family reunification. In this chapter, macro level policy concerns will be discussed at four parts with specific focus on the Turkish citizens and Netherlands. First, the legal perspective of the International Labour Organisation, UN treaty bodies and Council of Europe on the family reunification will be reflected. Second, the limitations of the ECHR over the interpretation of right to family unity for the first admission of marriage migrants will be discussed. Third, the EU legal and policy framework for family reunification will be analyzed under three parts based on the different legal categories of people: TCNs, EU citizens and Turkish citizens. Finally, at the national level Dutch example will be highlighted through the discussions on evolution of family reunification policies since 1960s; introduction and implementation of national family reunification requirements since 2000s and finally the interaction between the EU and Netherlands in the restrictive turn over family reunification.

### **5.1. International Perspective on the Family Reunification**

The international human rights instruments contain articles which refer to family unity and protection of family. However, they have important limitations. First, the International Labour Organisation covers the migrants’ right to a family.<sup>201</sup> The main motivation of ILO is the state responsibility to protect family unity inspired from the Article 16 of the Universal Declaration of Human Rights of 1948. However,

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<sup>201</sup> Although the ILO Migration for Employment Convention (C97 of 1949) does not provide a right to family reunification, it determines responsibilities of the hosting countries for migrant families in Articles 6, 8, 9 and 17 (ILO, 1974). With the Article 13 of the ILO Migrant Workers Convention (C143 of 1975), family reunification has been dealt more explicitly.

none of the provisions of ILO conventions created necessary measures establishing right for family reunification.<sup>202</sup> They could be interpreted as the outcome of the interpretation of the right to family unity as a non – binding recommendation for family reunification or affirmation of a principle (Kraler, 2010; Guiraudon & Lahav, 2000). This is mainly related with the wide margin appreciation to state discretion, vagueness of the concepts and exceptions to the right (economic eligibility, national security and welfare concerns).

Second, UN treaty bodies which constitute important international human rights instruments also involve provisions on the right to family (Murphy, 2013).<sup>203</sup> However, considering their incomplete ratification, state derogations over the provisions, insufficient implementation and lack of sanction mechanisms for the enforcement of their provisions, they could not also provide necessary legal background for the right to family reunification at the international level (Cholewinski, 2007; OHCHR, 2005; Lahav, 1997). Third, at the European level the Article 12 of European Convention on the Legal Status of Migrant Workers of 1977, Article 19 of European Social Charter deal with the family reunification of migrants. However, similar to other international instruments they do not create the right to family reunification for the migrants residing in the EU MSs with their partners outside of the EU (Roos, 2013).

The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) constitutes a mechanism which the migrants pursue the enforcement of their right to family reunification at the European level. This is mainly related with four features of the Convention: High ratification rate, right to individual application, enforceability of its provisions in front of the European Court

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<sup>202</sup> Although family reunification has been defended more passionately as right for a limited target group by the UN mechanisms: reunification of minor children with their parents (Article 9 of the Convention on the Rights of the Child) and refugees (Geneva Convention). However, it will not be highlighted in this study since the reunification of partners is the main subject.

<sup>203</sup> Article 44 of the International Convention on the Protection of All Migrant Workers and Members of Their Families, Articles 17 and 23 of the International Covenant on Civil and Political Rights (ICCPR), Article 10 of the International Covenant on Economic Social and Cultural Rights, CEDAW General Recommendation 21 on “Equality in marriage and family relations”

of Human Rights and its impact on state's discretion. Another international mechanism which safeguards the family reunification of both the EU citizens and the TCNs is the EU legal framework.

## **5.2. Perspective of the ECtHR on the Right to Family Unity**

Article 8 of the ECHR provides the right to respect for private and family life. However, according to the case law of the ECtHR, it does not constitute a direct absolute right to family reunification (Puttick & Carlitz, 2012). It calls for the balance family life and immigration control. The Court takes the interests of the states for immigration control into consideration in addition to the interests of the applicants. This article leaves wide margin of appreciation to the state sovereignty and implementation of national immigration law. The Court makes assessment over the positive and negative obligation of states through fair balance and necessity tests (de Vries, 2013). In this context, states may pose conditions for the family reunification. Thus, the family reunification requirements such as income level, accommodation, age and language level has not been yet challenged in front of the ECtHR. In this study limitations of the Convention for the interpretation of family reunification will be discussed mainly in the context of first admission of the spouse under three headings. First of all, three approaches of the ECtHR case law will be highlighted: Elsewhere, more adequate means and connection. Secondly the Court perspective on family reunification as moral claim of insider or outsider will be discussed. And finally, family reunification will be discussed through the analysis of the case law of the ECtHR on the differential treatment on the grounds of citizenship and country of birth.

### **5.2.1. Three Approaches in the Assessment of the Family Reunification**

The ECtHR reflects three approaches in its decision on the family reunification cases: elsewhere approach, most adequate means and connection approach. First, the Court defend the perspective that the government's denial of the family reunification of the denizens does not breach the Article 8 of the Convention on the right to family unity. The Court applied "elsewhere approach" in paragraph 39 of *Gul v. Switzerland* by assessing whether it is the only way to develop family

life. Therefore, according to the Court's consideration the right to family unity is not violated if they could unite in another country. As it is put forward in *Abdulaziz v The United Kingdom*, it is the responsibility of the applicants to show the unreasonability for them to settle elsewhere (Toner, 2004). This approach has been criticized on two grounds. First criticism raised the question what would happen if both states involved in the family reunification process embrace this approach (Storey, 1990). Second criticism was about the application of this approach for the couples with mixed nationalities (Cvetic, 1987).

Second, some scholars argue that in the last decade ECtHR move towards a more flexible formula by asking whether granting family reunification is the "most adequate means" to develop family life rather than reflecting "elsewhere approach" (Puttick & Carlitz, 2012). Until now this flexible formula has been applied only in the cases of the family reunification with the children by the ECtHR (see, for example, *Sen v. The Netherlands* and *Tuquabo-Tekle v. The Netherlands*) (Spijkerboer, 2014; Cholewinski, 2002). In the case of *Quila*<sup>204</sup> the similar concerns have been applied at the state level for the age requirement of 21 for the reunification of spouses with reference to the ECHR. However, it could be suggested that it is early to foresee such a perspective from the ECtHR for the assessment on the spouses seeking reunification.

Third, the Court reflects connection approach while assessing whether the expulsion of the integrated aliens who commit a serious crime was in breach of Article 8 of ECHR on right to private and family life. As it has already been discussed in the previous chapter in detail, the Court takes the connection of both spouses with the host country into consideration more seriously in the cases of expulsion. The reason of the divergence of perspective for the settlement and expulsion could be associated with the increasing court involvement in the second concern since it is not directly relevant with the immigration law. Since the family life is already established in the host country, for the decision against the family unity (expulsion)

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<sup>204</sup> R (Quila and another) v Sec of State for the Home Dept [2011] UKSC 45

it is considered in *Yildiz v. Austria* that showing the possibility and reasonability of establishing family unity in another country is the responsibility of the State (Toner, 2004). Therefore, the Court assessed both the integration and transnational ties of the spouses (connection with the host and home country) in these cases.

In this context, the Court have a tendency to move away from elsewhere approach to most adequate means approach and/or connection approach in the context of family reunification cases involving children and expulsion respectively. However, there is not any sign of the shift in the Court judgments on the family reunification of settlement of the spouses yet. This could be associated with the reluctance of the spouses to raise their case in front of the ECtHR due to the previous negative judgments taken by the ECtHR.

### **5.2.2. Family Reunification: As a Moral Claim of Insider or Outsider?**

The ECtHR has a tendency to handle the cases on family reunification from the family migrant side as claim of outsider rather than the sponsor who is already resident in the relevant country (de Hart, 2009). Therefore, the private life of the spouse who is already residing in the country taken into consideration with a very narrow perspective which ignores the aspects of personal, social and economic relations of the insider (sponsor) (Thym, 2008). Thus the ECtHR's case law has not given necessary weight on the moral considerations for family reunification due to its ignorance for the moral claims of insiders for family reunification and entailment of the insiders to choose between home and family (Carens, 2003). This results from the fact that family reunification of both the denizens and nationals have an immigration aspect since it is also related with the admission of the family migrant. Therefore, it could be claimed that the Court is reluctant to involve in the state decisions on the first admission of the non-nationals by limiting the state sovereignty through the family reunification cases. In this study, the family reunification for settlement of spouses is considered as a moral claim of the insider spouse (sponsor).

### **5.2.3. Differential Treatment**

Neither Article 14 ECHR nor Protocol No. 12 guarantee non-discrimination in absolute terms (Lambert, 2007). Every different treatment has not been viewed

as discrimination by the Court. Although States have wide margin of appreciation for their assessment of the different treatment in family reunification, they need to provide justification. The Court discussed this in *Moustaquim v. Belgium* and highlighted two main concerns: whether the proper balance between the interests of the parties has been achieved and the means employed are proportionate to the legitimate aim pursued. In this context different treatment for family reunification of citizens and denizens has been justified by the Court. Under the scope of the subject of this study, the discussions on the different in treatment on the basis of race or ethnic origin in light of the ECtHR case law will be highlighted in this part.

Considering the early judgments of the ECtHR (*Balkandali v. The United Kingdom* and *Yıldız v. Austria*), the Court accepts the differential treatment between sponsor citizens who were born in the country and naturalized ones. For example, in *Balkandali v. the United Kingdom*, the Court concluded that the right to family reunification of only women citizens of the UK who born or having a parent born in the country with their husband was not discrimination on the ground of country of birth. The Court argued in *Balkandali v. The United Kingdom* that the claim of citizenship from birth have objective and reasonable justification for giving special treatment due to the “persuasive social reasons”. Similarly, in *Yıldız v. Austria*, only the citizenship and the country of birth of the applicant’s wife (which was Austria in this case) have been highlighted in the assessment of the ECtHR while deciding on the violation of Article 8 of the Convention.

It is hard to decide on the ground of differential treatment on these cases. In addition to the association of different treatment with country of birth of the applicants, it could also be discussed on the grounds of the ethnicity, religion and gender. The naturalized immigrants have different ethnic background and religion in addition to the country of birth. Due to the negative stereotypes about the gender relations between couples coming from non-Western Islamic countries, the Court perspective on similar cases is contradictory. First, when both partners have the non-Western Islamic country of origin, it is perceived as the female partner needs to follow her husband due to the male dominant cultural codes (*Abdulaziz v. The United Kingdom*). Therefore, in the case of the male marriage migrant application for family

reunification, genuineness of the marriage viewed with skepticism (de Hart, 2009). Second, as a result of the similar considerations, the Court reflects an implicit assumption in *Boultif v. Switzerland* and *Amrollahi v. Denmark* that the Western women could not be expected to live in Islamic countries to follow their husband.

When the recent judgment of the ECtHR in *Biao v. Denmark* has been analyzed, it could be concluded that the Court shifted its perspective. It was about the complaint raised by a naturalized Danish citizen of Togolese origin Mr. Biao, and his Ghanaian wife that they could not settle in Denmark. The Denmark has refused to grant them right to establish family reunion in Denmark since they did not fulfill the “attachment requirement”<sup>205</sup> under Danish Alien Act according to which they must not have stronger ties with another country (mainly country of origin for the naturalized immigrants, Ghana in this case) than Denmark. They also complained about the amendment to Alien Act in December 2003 which lifts the attachment requirement for persons who had held Danish citizenship for at least 28 years.<sup>206</sup>

Denmark applies the 28-year rule to the persons who acquired Danish nationality later in their life in order to reunite with their TCN partners. Therefore, it leads to indirect difference in treatment between Danish nationals of Danish ethnic origin and other ethnic origin. Since 28-year rule has disproportionately prejudicial effect on a specific group of people without an “objective and reasonable” justification<sup>207</sup>, ECtHR Grand Chamber decided in *Biao v. Denmark* case on 26 May 2016 that attachment requirement results in indirect racial discrimination on the basis of ethnic origin.

*“The Court finds that the Government have failed to show that there were compelling or very weighty reasons unrelated to ethnic origin to justify indirect discrimination effect of 28-year rule. The rule favours Danish nationals of Danish ethnic origin, and places at a disadvantage, or has a disproportionately*

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<sup>205</sup> Some of the factors considered for the attachment requirement are length of residence, family members residing in the Denmark, completion of education programme in Denmark, connection to Danish labour market, Danish language proficiency, ties to other countries to Denmark (Wray, 2013).

<sup>206</sup> Later the attachment requirement is lowered to 26 years.

<sup>207</sup> Danish government could not provide necessary evidence to the Court that the 28-year rule pursue the legitimate aim or there is reasonable relationship of proportionality between the means and the aim.

*prejudicial effect on person acquired Danish nationality later in life and who were of ethnic origins other than Danish” (Biao v. Denmark, paragraph 138)*

Thus the Court hold in *Biao v. Denmark* that there has been violation of Article 14 read in conjunction with Article 8 of the Convention. It is a landmark decision since the Court shifted its perspective in *Abdulaziz v. the United Kingdom* and take an essential step to strengthen the right to family reunification under the ECHR. Although in *Abdulaziz v. the United Kingdom* case the Court had stressed the absence of discriminatory intent of the UK Immigration law, in paragraphs 108-114 of *Biao v. Denmark*, it asked for the statistics about ethnic origin of the beneficiaries of the 28- year rule and shifted the burden of proof to Danish Government. The difference in Court’s assessment on similar two cases could be associated with the case law in time. The Court was reluctant to hold States accountable for the racial discrimination until *Nachova and Others v. Bulgaria* judgment. However, it is still uncertain the interpretation and implementation of the judgment at the national level.

To sum up, considering the recent judgments of the ECtHR that it could be interpreted that there is a tendency to respect more for the individuals’ right to family unity and restrict the state sovereignty (Block, 2012). When the reasoning of the Court has been analyzed, it could be concluded that it is mainly related with the concern over the best interest of the child *Sen v. the Netherlands*. However, in the context of the family reunification of partners for the first admission of aliens, the Court is reluctant to limit national competence for the sake of the family unity. The Court mainly involves in the cases which are related with different in treatment without reasonable and objective justification and assess the violation of Article 14 ECHR on non-discrimination right in family reunification.

### **5.3. Family Reunification Concerns and Regulations in the EU Context**

Family reunification is the main form of legal entry and residence of the TCNs in the EU which constitutes the one third of the all immigration to the EU according to the Eurostat statistics. In this context EU provide legal background in order to regulate the family reunification (See Table 1). Although the jurisdiction of the ECtHR is broader than the CJEU’s, the EU law provides more rights on family

reunification for the people under its jurisdiction.<sup>208</sup> While family reunification is held as an issue mainly related with the immigrants, recently with the increase in the citizens with immigrant background and with the impact of globalization since 1990s<sup>209</sup>, it became also a concern for the EU citizens. Between 1974 and 2014, the CJEU had given fifty decisions related with the family reunification immigration by employing three legal bases: free movement (forty-two cases), treaty provisions on EU citizenship (eleven cases) and immigration law (eleven cases) (de Somer & Vink, 2015). In addition to these family reunification has been held by the CJEU under the Turkey-EU Association Law mainly referring to the Decision No: 1/80 and Additional Protocol.

The EU policy making framework on the family related migration result in the fragmentation and differentiation of rights to family reunification. Thus it provides stratified rights for family reunification of its different legal subjects (EU citizens, TCNs and Turkish citizens). This is mainly associated with the legal status of the sponsor (See Table 1). First, the right to family reunification of the TCNs in the EU which has been determined under the EU Family Reunification Directive (Directive 2003/86/EC) in 2003 will be highlighted. Second, right to family reunification will be discussed for the EU citizens with reference to the rights derived from Free Movement Directive (Directive 2004/38/EC). Finally, the impact of the privileged status of Turkish citizens residing in the EU on their right to family reunification will be analyzed.

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<sup>208</sup> With the gradual Europeanization, the EU competence has increased in the field of immigration and immigrant integration.

<sup>209</sup> With ease of the transportation and communication facilities there is an increasing amount of marriages between EU nationals and TCNs. The EU nationals started to have more opportunities to have contact with the TCNs due to their increasing travels to the non-EU countries with the motivation of job, education or holiday.

*Table 1: Summary Table of Legal Context of Family Reunification according to the Legal Status of Sponsors*

<b>Legal Status of Sponsor</b>	<b>EU Citizen</b>	<b>Resident TCN</b>	<b>Turkish citizen</b>	<b>National</b>
Legal Basis	Directive 2004/38/EC	Directive 2003/86/EC Directive 2003/109/EC	Association Law (AL) Directive 2003/86/EC	National Law
Rights	Freedom of Movement	Family Reunification Long term residence	Standstill and non-discrimination-AL Family reunification	Family Reunification
Policy concerns	EU Internal Market	Immigration and Integration	Immigration and Integration	National Immigration
Competence	EU	Shared competence	Shared competence EU have larger discretion	National

### **5.3.1. Family Reunification of TCN in the EU**

TCNs joining their non-EU family members constitutes 21 percent of all permits issued according to the statistics of 2010.<sup>210</sup> It was even higher after the halt of the labour recruitment from non-EU agreements during 1980s and 1990s. Therefore, the EU had had an interest in establishing a legal context for family reunification of TCNs to harmonize national law since 1990s.<sup>211</sup> The Directive of the 2003/86/EC on family reunification adopted in 2003 constitutes the most comprehensive legal framework for the family reunification of TCNs in the EU. In this context it regulates an important share of the immigration to the EU although it was not the purpose.

#### **5.3.1.1. Drafting Period of the Family Reunification Directive**

The Commission presented three proposals for the Family Reunification Directive in 1999 (COM (1999) 638 final), 2000 (COM (2000) 624 final) and 2002

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<sup>210</sup> Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC), COM (2011),735, 15 November 2011 p. 1

<sup>211</sup> The Resolution on Harmonisation of National Policies on Family Reunification was adopted by EU Home Affairs Ministerial Council in 1993. See also Commission proposal on a Convention on Migration Law – COM (1997) 387 – in 1997 which discussed family reunification as a separate Chapter but never adopted (Peers & Rogers, 2006).

(COM (2002) 225 final) in order to respond to the divergent interests of the MS to ensure the consensus which is necessary for the adoption of it. First draft of the Family Reunification Directive was submitted by the Commission to the Council in 1999 as a response to the conclusions of the Tampere European Council which set the aim for harmonization of migration policies and approximation of rights of TCNs residing in the EU to those of EU citizens. The main incentive of the Commission for creating common policy on family reunification was to prevent the shopping of the TCN family migrants in EU MS for the best family reunification conditions.<sup>212</sup> The initial proposal of the Commission could be interpreted as a reflection of open, liberal and humanitarian approach stemming on the existing international legal framework for protection of immigrants' rights.

Family reunification of TCNs was assessed by the MSs as a factor which slows down the immigrant integration process, raises the economic costs of the process and challenges the public security concerns due to its immigration aspect (Murphy, 2013). They were reluctant to liberalize their already existing family reunification regulations in line with the first two drafts of the Directive (Strik, de Hart, & Nissen, 2013). At each revision, the Commission's initial proposal was watered down further due to the reflection of their national concerns of MSs (The Netherlands, Denmark, Austria, the UK, Germany, France and Belgium) over different articles. Through interactive Europeanization they enshrined their restrictive national perspectives. They used the EU facilitated networks as platform to diffuse their perspective (horizontal Europeanization) (Vink & Graziano, 2007; Mulcahy, 2011). MSs tried to upload their policy preference from a bottom up perspective to become influential in the determination of the European norms and legislations during the agenda setting and negotiation stages of the Directive (Staver, 2013). Thus the MSs tried to overcome the domestic constraints, legitimize the restrictive national policy perspective in the EU and sustain the diffusion of their national perspective through vertical Europeanization as well (Guiraudon, 2000).

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<sup>212</sup> See COM (1999) 638 final, p.9.

It could be suggested that there is restrictive shift from the right based perspective of the initial proposal to the perspective which stresses the responsibilities of the TCNS. However, the adopted version of the Directive still extends the scope of the right to family reunification compared with the Article 8 ECHR. The Directive grants the directly applicable right to family reunification in the EU MSs after the fulfillment of the conditions stated in the Directive (Groenendijk, 2006). In addition to this, the Directive provides higher minimum standards for right to family reunification compared with the Article 8 ECHR.<sup>213</sup> Thus it provides the most comprehensive protection for the right to family reunification for the TCNs within the territories of twenty-five EU MSs.<sup>214</sup>

#### **5.3.1.2. The Content of the Final Directive**

The Family Reunification Directive is at the crossroads of restrictive national path and liberal EU path (Staver, 2013). The national path become determinant during the negotiation process and for the adopted text. First, the initial draft of the Directive defined the static EU citizens in addition to the TCNs under its competence. Thus, it aimed to prevent the reverse discrimination which result from the division of competences between national and EU law. However, EU citizens has not been included in the adopted Directive. According to the Article 3(3) of the Directive, it does not cover the situation of the TCNs who are family members of the Union citizens. Second, the initial draft also had eliminated the distinction between TCNs who are long term residents and residing in the EU MS for short period (Cholewinski, 2002). However, the final version of the Family Reunification Directive covers only TCNs residing lawfully in a MS with valid residence permit

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<sup>213</sup> The final subparagraph of the Article 4(1), Article 4(6) and Article 8 of the Directive was contested by the European Parliament with the allegation of violation of Article 8 ECHR in front of the CJEU. However, the Court dismissed the action since relevant articles only set the minimum level in order leave room for the national derogations. For details see CJEU, C-540/03, European Parliament v. Council.

<sup>214</sup> Denmark, Ireland and the UK opted out from the Directive although they involve in the negotiation processes related with the adoption and implementation of the Directive.

for a period of at least one year. According to the Article 7(1) the prospect for permanent residence could also be required by the MSs.

Third, the Directive may be applied both to the married couples and to the couples with stable long-term relationship on equal footing depending on their national concerns over registered partnership according to the definition of the family members stated in Article 4.<sup>215</sup> Fourth, the Directive do not differentiate the rights for family formation and family reunification (Article 2(d)). Thus the family formation of the TCN sponsor after his/her migration to the EU is also covered by the Directive. Fifth, the Article 7(1) of the Directive enable the MSs to look for stable and sufficient resources (income requirement), accommodation and health insurance. Sixth, MSs may require the fulfillment of integration measures for the first admission of the TCN marriage migrants according to the Article 7(2) of the Directive. Finally, the waiting period for the family reunification up to two years is permissible according to the Article 8(1).<sup>216</sup>

### **5.3.1.3. Deficits of the Family Reunification Directive**

The drafting process of the Directive resulted in some deficits in the content and the nature of the Directive and its implementation. First, although the Directive constitutes a hard law instrument which is binding for the MSs (except Denmark, Ireland and the UK), the low level binding character of the Directive leaves high degree of discretion to the MSs. Second, while the initial aim of the Directive was to foster the right to family reunification, the adopted text situates it as a conditional right. It also unintentionally resulted in lowering the standards for family reunification in some MSs with the implementation of “may” provisions of the Directive which permits the stricter requirements. Third, while the harmonization of

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<sup>215</sup> According to the Article 5 of the Directive MSs may require documentary evidence of family relation from the family migrants. Since the couples who have stable long-term relationship may not have official documents proving their family relationship, different documents such as photographs may be required from them.

<sup>216</sup> The MS may opt for the three years waiting period for the right to family reunification of TCNs if they state derogation according to the Article 8(2). This derogation has been introduced mainly to cover the quota system of the Austria.

the national family reunification policies was one of the aims of the Directive, “may” provisions prevent to reach this aim. More than thirty provisions in the Directive leave room for the discretion of the MSs (Groenendijk, 2012, p. 11). Thus, if one could talk about the harmonization of national policies, it happens at the worst case scenario permissible under the Directive by diffusion of the restrictive norms and regulations which had enshrined in the Directive by MSs through “may” provisions. In addition to this, although the first proposal of the Directive covers the right to family reunification of EU citizens and TCNs, the adopted version defines the scope of the directive as only for the TCNs. This result in the differentiation of rights of different legal subjects within one country and reverse discrimination as it is discussed in the next part.

#### **5.3.1.4. EU Concerns over the Implementation of the Directive**

The MSs continued to reflect restrictive perspective in the application of the Directive. The main arguments used by the governments as justification of their restrictive policies are integration, economy-related concerns, fraud and forced marriages (Strik, de Hart, & Nissen, 2013).<sup>217</sup> However, the Directive has determined the maximum limit for the restrictive requirements at the national level. With the application of the Directive on 3 October 2005 and the entry into force of the Lisbon Treaty in December 2009, the role of the EU institutions (mainly the Commission and the CJEU) in the field of family reunification of TCNs have increased. The fundamental rights started to be considered as the basis for the EU actions (Pascouau & Labayle, 2011). Thus non-restrictive liberal EU path become dominant during the implementation process and drag the MSs into the unforeseeable direction for the implementation of the Directive (Staver, 2013; Bonjour & Vink, 2013). The income requirement and pre-entry test are the two conditions for family reunification which were criticized most by the EU institutions due to its implementation at the MSs. The EU perspective will be highlighted on these two requirements by highlighting the judgments of the CJEU and two instruments issued by the Commission (a report in

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<sup>217</sup> See Responses of the MS to the Green Paper on the right to family reunification of TCNs

2008<sup>218</sup> and a guidance<sup>219</sup> in 2014) for the application of the Directive<sup>220</sup> (Peers, 2014).

### **Sufficient Resources - Income Requirement: Chakroun Judgment**

The Article 7(1)(c) of the Directive stated permissibility of the requirement for (a) stable and regular resources (b) sufficient to maintain him/herself and the members of his/her family, (c) without recourse to the social assistance system of the MS concerned. Although the Article leave wide margin of appreciation to the states compared with the initial draft,<sup>221</sup> the EU institutions – CJEU and Commission – limit the restrictive interpretation of the requirements by the MSs.<sup>222</sup> First for the stability and regularity of the resources, the MS have tendency to require a minimum validity of the employment contract for one year (which could be prolonged) on the date of application lodged. However, the Commission stresses the need for the individual assessment of the family reunification applications and encourages the MSs not to reject family reunification applications automatically solely based on the nature of the contract.<sup>223</sup> Thus the temporary employment contracts which are less than one year could be assessed as positive depending on the prospect of fulfilling the sufficient income for the maintenance of the family.<sup>224</sup> In its current *Khachab* (C-

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<sup>218</sup> Report from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC on the Right to Family Reunification, COM(2008) 610 final, 8 October 2008, Brussels

<sup>219</sup> Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC), COM(2011) 735 final

<sup>220</sup> Commission issued the report in 2008 as a result of *Parliament v Council (C-540/03)* and a guidance on the application of the Family Reunification Directive in 2014 as an outcome of the Green Paper for the possible reform of the Directive.

<sup>221</sup> The Commission tried to limit the discretion of MSs on income requirement for family reunification which was determined as the minimum income level or the minimum retirement pension at the initial proposal of the Directive (Roos, 2013).

<sup>222</sup> MSs (mainly Austria, Netherlands and the UK) have raised the income level by employing the integration and economy –related arguments (Strik, de Hart, & Nissen, Family Reunification: A Barrier or Facilitator of Integration? A Comparative Study, 2013).

<sup>223</sup> COM (2014) 210 final.

<sup>224</sup> The regularity and stability of the resources, qualification and skills of the sponsor, employment opportunities in the relevant field and the situation of the labour market in the MS are also considered

558/14) judgment, the Court left large margin of appreciation to national authorities.<sup>225</sup>

Second and third elements of the Article are directly intertwined with each other with the help of the *Chakroun* (C-578/08) judgment of the CJEU. Application to the “social assistance” system is considered as the key criteria in the assessment of the sufficient income requirement.<sup>226</sup> Thus the Court overruled the Dutch requirement of 120 percent of the minimum national wage for the family formation on three grounds. First, minimum income level is higher than the Directive considering the meaning of the social assistance in the context of EU.<sup>227</sup> Second, the family reunification and family formation could not be differentiated under the Directive (paragraphs 64-66). Finally, the EU principle of proportionality needs to be fulfilled by the MSs in the context family reunification of TCNs by respecting the objectives of the directive and avoiding the manners which undermine the effectiveness of it. Thus both the CJEU and the Commission stressed the need for the individual examination for the assessment of sufficient income level together with the other issues stated in Article 17 of the Directive.<sup>228</sup>

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as the factors for assessing the availability of the resources. Although the access to the specified sum in the past with having a temporary employment contract could be considered as the proof, it could not be imposed as a requirement since it would constitute additional conditions and extend the waiting period COM (2014) 210 final.

<sup>225</sup> According to the ruling of the Court in *Khahab* case, Article 7(1)(c) of Family Reunification Directive allows the MSs “to refuse an application for family reunification on the basis of a prospective assessment of the likelihood of the sponsor retaining, or failing to retain, the necessary stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance system of that Member State, in the year following the date of submission of that application, that assessment being based on the pattern of the sponsor’s income in the six months preceding that date.”

<sup>226</sup> COM (2014) 210 final, p.13.

<sup>227</sup> Usage of the concept of “social assistance” in the Directive was clarified in paragraph 49 of C-578/08 *Chakroun* by referring to the EU law as the assistance for the compensation of lack of sufficient resources, not to other forms of special assistance.

<sup>228</sup> See, C-578/08 *Chackroun*, para. 48 and COM (2014) 210 final, pp.14.

## **Integration Measures v Integration Conditions: K and A Judgment**

The Directive leaves wide margin of appreciation to the MSs in the definition of the concept of integration. MSs may require TCNs to comply with integration measures in accordance with the national law according to Article 7(2) of the Directive. The implementation of this provision through pre-entry tests result in some criticism on the basis of three concerns. First concern is about whether the integration measures could start even before the acquisition of the right to entry by the marriage migrants. Since the second paragraph of Article 7(2) precludes the integration abroad requirement only for the refugees and their family members, the EU MSs assumed that the first paragraph could be applied for the integration measures at the home country before departure.

Second question about the application of the Directive was whether restrictive national requirements with the concern of integration should be considered as integration measures or conditions. Groenendijk (2011) rightly questions the lawfulness of the pre-departure integration strategies of the MSs since it constitutes “integration condition” rather than “integration measure” for admission of the marriage migrant to the country.<sup>229</sup> The Commission reflected similar criticism to three MSs (the Netherlands, Germany and France) in its report on the application of the Family Reunification Directive, COM (2008) 610 final.

Finally, the proportionality assessment on the implementation of integration measures such as the geographical, financial matter (accessibility, design and organization of measures) are considered as important. If the marriage migrants face difficulties to access them, this would prevent them to reunify with their partners. This chain effect could result in the failure in proportionality. In addition to the

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<sup>229</sup> The difference between integration measure and integration condition has been exemplified with the difference between the requirement to attend the integration courses and the requirement to succeed from the language and integration tests (Groenendijk, 2006). While the integration measures fits to the aim of the Directive as promoting the family reunification (Groenendijk, 2011; Hardy, 2012), the integration conditions constitute additional requirement beyond the aim of the Directive. See also the opinion of the Commission in Imran case (C-155/11 PPU) according to which the failure on the integration abroad test can not be considered the only ground for the refusal of the admission of the marriage migrant.

proportionality, the purpose of the measures is also considered in the assessment of their admissibility. Thus the aim or the impact of the measures needs to serve for the integration and should not mainly target to limit family reunification.<sup>230</sup>

The application of the pre-entry exam for the family reunification of TCNs had been first questioned in front of the CJEU by the Dutch Court in *Imran* (C-155/11 PPU). However, the Dutch government prevented the judgment of the CJEU which would be applicable for all MSs by granting the right to family reunification to the husband of Afghan woman who had initiated the case.<sup>231</sup> The Court issued the Opinion of the Court on the case which states that although the “Law on Integration Abroad” is not incompatible with the Family Reunification Directive, the failure in the integration exam abroad could not be used as the sole ground for the denial of family reunification application of TCNs (Bonjour & Vink, 2013, p. 400). In *K and A* (C-153/14), the CJEU issued a judgment on the integration exam abroad and clarified its interpretation on the concept of “integration measures” by making analogy with the *Chakroun* judgment and using the arguments of the Commission in *Imran* (C-155/11 PPU). Thus the Court concluded that the civic integration exam abroad constitutes a barrier rather than a measure for the right to family reunification due to the lack of individual assessment (Peers, 2015).

To sum up both the CJEU and the Commission stressed the fact that the restrictive requirements for family reunification threaten the achievement of the objectives pursued by the Directive. In addition to this, they point out the importance of the horizontal clause in the Directive related with the obligation to take the individual circumstances into account while examining each case. Considering the EU institutions assessments, it could be concluded that mainly the applications of the requirements are problematic rather than the requirements on its own.

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<sup>230</sup> COM (2014) 210 final, pp.15-16

<sup>231</sup> The case was dropped in CJEU, after the presentation of the opinion of the Commission to the Court. However, the Court used this situation as an opportunity to issue the opinion of the Commission for the clarification of the implementation integration measures in the Family Reunification Directive.

The main aim of the EU institutions in the Directive was to foster the right to family reunification of TCNs and sustain the harmonization of the national policies. However, considering the changes in the adopted text of the Family Reunification Directive and the CJEU judgment on the *European Parliament v. Council* (C-540/03), it could not go beyond determining the conditions for family reunification. It unintentionally paved the way for the spread of more restrictive national family reunification policies in the EU wide. Nevertheless, the adopted Directive still limits the MSs' margin of appreciation (Jesse, 2014).<sup>232</sup> Considering the proposals of the MSs in the context of the Green Paper on the right family reunification of TCNs living in the EU, the already existing Family Reunification Directive situates a benchmark for the states which seeks for more restrictive policies. The Directive could be considered as a positive first step for the harmonization of family reunification policies the EU level (Ertuna Lagrand, 2010). However, due to the “may” provisions, it leaves MSs much leeway to pursue their differentiated national policies. It also fails to direct the MSs to view the family reunification as a facilitator of integration. On the contrary they perceive integration as a condition for family reunification rather than the consequence of the exercise of the right (Pascouau & Labayle, 2011).

### **5.3.2. EU Citizens**

Family reunification of EU citizens has been mainly regulated in the context of the EU legislations on free movement.<sup>233</sup> Since 1960s, family reunification of intra EU migrant workers with their spouse and children under the age of 21 had been stipulated by the Regulation 15/1961/EEC<sup>234</sup> on the right of free movement of European workers (Groenendijk, 2006). Since 1968, these rights were also extended for the TCN family members of the intra-EU migrant workers with the condition of

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<sup>232</sup> CJEU, Case C-540-03, *European Parliament v. Council*, judgment of 27 June 2006, para.60

<sup>233</sup> EU citizenship rights provided in Article 20 TFEU recently started to be associated with the family reunification of EU citizens with their TCN family members (see *Zambrano Case*)

<sup>234</sup> Regulation No. 15 of 12 June 1961, Art. 11-15, OJ 26 August 196.

providing sufficient accommodation.<sup>235</sup> The 1990 Residence Directives extended the right to economically non active intra-EU migrants (Barrett, 2003).<sup>236</sup> Although in 1999 the Commission proposed to determine the equal right to family reunification of EU citizens (including the static ones) and TCNs, it has not been covered within the Family Reunification Directive due to objections of the national governments. The Free Movement Directive which entered into force on 30 April 2006 repealed the previous EU legislation on free movement of EU citizens and their family members. It has been viewed that limitations to the family reunification of EU citizens with their TCN family members would endanger the use of their right to free movement and force them to leave the EU territory. Therefore, family reunification of EU citizens with their TCN family members has also been discussed by the CJEU with reference to the Articles 20, 21, 45 and 56 TFEU.

#### **5.3.2.1. Free Movement Directive (Directive 2004/38/EC)**

The Free Movement Directive grants the right to free movement (including the right of entry, residence and exit) to Union citizens who move to or reside in MS other than their nationality and their family members who accompany and join them regardless of their nationality in Articles 3 and 5. The family members covered under the Directive has been defined in Article 2 as the spouse, registered partner (depending on the national legislation of the MS), children of the sponsor or marriage migrant under 21 years old, dependent children or ascending relatives. According to Article 6(2) and 7(2) the right to residence more than three months bestowed to family members of the EU citizens (sponsor) with the status of worker, self-employed, job seeker or with the possession of sufficient resources.

Since, family reunification rights bestowed by the Free Movement Directive are the most extensive rights, the TCN partners of the EU citizens who exercise their free movement right face with less restrictive family reunification conditions

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<sup>235</sup> Regulation No. 1612/68 of the Council of 15 October 1968 on freedom of workers within the Community, OJ L 257, 19 October 1968.

<sup>236</sup> Directive 90/364/EEC, Directive 90/365/EEC, Directive 90/366/EEC.

compared with the TCN marriage migrants whose sponsor is long term resident TCNs or Turkish citizens (See Table). They have even obtained more rights for family reunification compared with the static EU citizens as it has been discussed in the following part.

### **5.3.2.2. Reverse Discrimination**

EU MSs try to control migration including the ones with the motivation of family reunification through their restrictive national regulations. The EU mainly involve in the situation by facilitating the right to free movement of EU citizens who has TCN family members. The EU reflects more liberal perspective and determines less restrictive conditions for the family reunification of EU citizens with their TCN family members. However, only being the Union citizen is not enough to be considered under the EU law (Sánchez, 2013). The CJEU ruled in *MRAX* (C-459/99, paragraph 39) that Member States do not have to implement the free movement legislation of the EU law for the internal situations (Peers, 2004).

The EU citizens exercising their free movement right enjoy with more extensive family reunification rights compared with the rights determined by the EU MSs for their own citizens (static EU citizens). This leads to the situation of reverse discrimination. It is mainly resulted from the system of divided national and EU competence on family reunification of EU citizens with their TCN spouses (Peers, 2009; Elsuwege & Kochenov, 2011; Staver, 2013; Walter, 2008). The CJEU first time interpreted the Directive 2004/38/EC in *Metock* (C-127/08) for the actual situation for the family reunification. It ruled that a TCN marriage migrants of an EU citizen had a right of residence despite of the absence of prior lawful residence. The start of their relationship after the decision of the EU citizen to move to another EU MS was not taken into consideration while assessing the genuineness of the marriage (Berneri, 2014). Therefore, the condition of prior lawful residence in another Member State for the family members of the EU citizens, which had been upheld by the Court in *Akrich* (C-109/01), was out ruled by *Metock* (C-127/08) (Peers, 2009).

The case law of the CJEU extended the family reunification rights derived from EU citizenship to the purely internal situations through the interpretation of Articles 20 and 21 TFEU in *Ruiz Zambrano* (C-34/09)., the Court concluded that the

EU citizen children could be considered as a ground for their TCN parents who are the primary career to claim the right to reside in the relevant country although EU citizen children never exercised their free movement right.<sup>237</sup> The main concern of the Court was the fact that the denial of family reunification by stemming on the national legislations in this case would lead to the deprivation of the EU citizenship rights for the EU citizen children and force them to leave the EU territory (Krūma, 2014).<sup>238</sup> *Ruiz Zambrano* (C-34/09) left an open door for the application of EU law for purely internal situations.

The CJEU limited the application of its ruling in *Ruiz Zambrano* (C-34/09) with *McCarthy* (C-434/09) judgment (Elsuwege & Kochenov, 2011). The CJEU ruled that Mrs. McCarthy, a dual (Irish and the UK) national who had lived her entire life in the UK could not rely on the family reunification rights derived from Free Movement Directive since she never exercised her right to free movement.<sup>239</sup> The Court did not refer to the Article 20 TFEU<sup>240</sup> on EU citizenship rights since the denial of family reunification with her spouse did not prevent the Mrs. McCarthy from enjoying her EU citizenship rights. Therefore, it is considered as purely internal issue under the national competence rather than the EU.

When the judgments of the Court in *Ruiz Zambrano* (C-34/09) and *McCarthy* (C-434/09) are analyzed, it could be concluded that the CJEU reflects the “elsewhere approach” of the ECtHR within the EU law. The denial of the FR of EU citizen adults with their TCN partners would not force them to leave the EU territory. Thus they

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<sup>237</sup> The CJEU states in the paragraph 42 of the *Ruiz Zambrano* (C-34/09) that “Article 20 TFEU precludes national measures which have the effect of depriving citizens of the Union of the genuine enjoyment of the substance of the rights conferred by virtue of their status as citizens of the Union”

<sup>238</sup> The CJEU ruled in *Ruiz Zambrano* (C-34/09) by reviewing the Directive 2004/38 together with the Article 20 TFEU and highlighted the legal basis as the free movement and EU citizenship.

<sup>239</sup> It is important to note that the CJEU had also drawn attention to the lack of economic activity or self-sufficiency of the Mrs. McCarthy in addition to the absence of the exercise of the right to free movement.

<sup>240</sup> Article 20 TFEU precludes national measures which have the effect of depriving citizens of the Union of the genuine enjoyment of the substance of the rights conferred by virtue of their status as citizens of the Union. See *Ruiz Zambrano* (C-34/09), paragraph 42.

could unite elsewhere in the EU and continue to enjoy with the rights derived from EU citizenship. However, denial of the family reunification of the EU citizen children with their TCN parents on whom they are dependent would force the EU citizens to leave not only the territory of his/her nationality but also the EU territory. Thus it could be concluded that when the family could not unite elsewhere in the EU, the CJEU accepts the family reunification by stemming on the Article 20 TFEU.

Although the Commission had attempted to prevent reverse discrimination by including family reunification rights for the static EU citizens with their TCN family members within the first draft of the Family Reunification Directive in 1999.<sup>241</sup> However, it had been omitted in the second draft due to the commencement of the drafting of the Free Movement Directive.<sup>242</sup> Considering the absence of the family reunification rights of static EU citizens with their TCN family members within the EU law despite of the existence of the legal background (Article 79 TFEU), it could be concluded that there is a political reluctance to deal with the reverse discrimination.<sup>243</sup> Thus the persistence of the reverse discrimination could be explained with increasing dominance of the populist policies. This political reluctance could be explained by the partner choice of the second and third generation immigrants from their parents' country of origin (Elsuwege & Kochenov, 2011).

### **5.3.2.3. Europe Route**

Due to the impact of the reverse discrimination, the EU citizens try to bypass the restrictive national regulations on family reunification and become subject to EU law by exercising their free movement right. The scope of the free movement right and rights derived from EU citizenship had been clarified through the judgments of the CJEU. Thus EU nationals, residing in an EU MS different than their nationality

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<sup>241</sup> Proposal of Council Directive on Family Reunification, COM (1999) 638 final, p.14.

<sup>242</sup> Amended Proposal of Council Directive on Family Reunification, COM (2002), 225 final, p.3.

<sup>243</sup> Berneri (2014) discusses other suggestions to tackle reverse discrimination in family reunification.

(joined cases of C-35 and 36/82 *Morson and Jhanjan*), residing in their country and working in another MS (C-60/00 *Carpenter*), who had returned their home country after exercising their free movement right (C-370/90 *Surinder Singh* and C-291/05 *Eind*) could be subject to the EU legislation (Peers, 2009). In this context, the EU nationals who have difficulties to meet the national family reunification regulations move to a neighbouring EU country (“Europe route”). This has been preferred mainly by nationals of the EU MSs which have restrictive family migration policies. For example, in the literature the phrases of “Belgium route” is used in order to refer to the relocation of Dutch sponsors to often Belgium but also other European (Leerkes & Kulu-Glasgow, 2011; Bonjour & de Hart, 2013). The Danish sponsors often prefer to move to Sweden and commute to Denmark for work in order to benefit from less restrictive EU family reunification. The most common “Swedish solution” is using the Øresund Bridge connecting Copenhagen and the Swedish town of Malmö since 2000. Thus it has been referred as “love bridge” (Wray, 2013; Wagner, 2015b).

The European route has started to be more common with the spread of restrictive national family reunification policies in order to control the immigration from outside the EU. After the *Metock* (C-127/08) judgment, it has been mainly preferred by the static EU citizens whose TCN partners are in the position of irregular. Thus by invoking the rights derived from the EU law, EU citizens could avoid expulsion and gain lawful residence for their TCN partners. It could be concluded that the initial decisions of the CJEU extended the application of EU law only for the EU citizens who uses their free movement rights, fostered the reverse discrimination.

#### **5.3.2.4. Abuse, Fraud and Marriages of Convenience**

Since TCNs have extended rights for the family reunification with their EU citizen partners, the concerns over the abuse of the right to freedom of movement and facilitation their illegal entry and residence in the EU has increased. The *Metock* (C-127/08) judgment of the CJEU which did not take prior lawful residence of the marriage migrant into consideration as a proof of genuine marriage led to increment of the concerns over the marriages of convenience. There are two recent

developments directly or indirectly relevant to these concerns. First, the EU has issued a handbook on addressing the marriages of convenience, COM (2014) 604, which is neither legally binding nor exhaustive. It mainly refers to the 2009 Commission guidelines on the application of the Family Reunification Directive, COM (2009) 313 final. In the handbook, tackling with the abuse of the right to free movement through the efforts of EU citizens to bypass national regulations is considered as essential. However, in Commission Guidelines, COM (2009) 313 final (paragraph 15), clearly concludes that using European route regardless of the EU citizens' purpose for the movement on its own is not the abuse of the right to free movement. In the context of EU law on free movement, marriage of convenience is associated with the "absence of intention of the married couple to create a family as married couple and to lead genuine marital life (...) prior to and at the moment they enter into the marriage".<sup>244</sup> Since it is hard if not impossible to prove the alleged absence of intention of creating a family, the handbook did not cover the concerns of the EU MS to prevent the use of the "Europe Route" by the EU citizens for the purpose family reunification.

Second, the recent judgments of the CJEU on application of EU law had an impact on the use of the European route and limit the reverse discrimination until a certain degree. First, in *O and B* (C-456/12), the CJEU clarified the *Singh* (C-370/90) judgment and stated the need for "sufficiently genuine residence" in the host EU MS for returnees in order to be considered under the EU law even after their return to their home EU MS. The Court referred to family life, length and reason for residence in host EU MS while assessing the genuineness of residence.<sup>245</sup> Second, in *S and G* case, the Court clarified the scope of the *Carpenter* judgment. The CJEU ruled that the EU law (Article 45 TFEU) could be applied to EU nationals who are residing in

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<sup>244</sup> Commission Staff Working Document, Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD(2014) 284 final, 26 September 2014, pp.8-9

<sup>245</sup> See Case C-456/12 *O and B* paragraphs 53-61. The residence of EU nationals with their TCN partners less than three months in an EU MS other than their nationality is considered insufficient for them to be assessed under the scope of the EU law for family reunification in their home country.

their home country but regularly travels to other EU MSs for their work. However, it is the responsibility of the national court to determine whether “granting right of residence is necessary to the citizen’s effective exercise of the fundamental freedom guaranteed by Article 45 TFEU” (Berneri, 2014). Taking care of the children of the EU citizen are considered as a necessary ground for granting the right to entry and residence of the family members of the EU citizens defined in the Article 2(2) of the Free Movement Directive.

### **5.3.3. Privileged Status of Turkish Citizens for Family Reunification**

Third group in the context of EU law on family reunification are Turkish citizens. Turkish workers and self-employed Turks lawfully residing in the EU MSs have a privileged position for the admission of their family members compared with the other TCNs. Although Turkey-EU Association Law does not provide such a direct right, the recent interpretations of the CJEU on standstill and non-discrimination clauses in Association Law result in this advantageous position.

Family reunification of Turkish worker is one of the most popular subjects of the Association Law. It has been referred by the CJEU since 1987, its first judgment on Association Law (Case C-12/86, *Demirel*). The Court left the family reunification out of the scope of free movement of Turkish workers while analyzing the long waiting periods for family reunification of Turkish workers in Germany and considered the issue under the national competence in *Demirel* (C-12/86). In 2005 Turkish citizens are started to be considered under the scope of the Family Reunification Directive (Groenendijk & Luiten, 2011, pp. 14-15). They started to be subject to more restrictive requirements for family reunification. Thus, since 2005 the case law of CJEU gradually broadened the family reunification rights of Turkish workers by referring to the equal treatment, standstill clauses of the Association Agreement, Additional Protocol and Decision 1/80 while assessing the Article 7 of Decision No 1/80.

The current perspective of the Court views that the national legislations and their implementation make the family reunification more difficult if not impossible. Thus they force the Turkish workers residing in a MS to make choice between his economic activity in the relevant MS or his family life in another country (mainly in

Turkey). Thus the restrictive requirements for family reunification constitute an obstacle for their freedom of movement and access to employment of Turkish workers and/or self-employed in EU. Therefore, the CJEU interprets the Association Law as precluding new restrictions (after the date of entry into force of the relevant standstill clause) for the first entrance of their family members if they could not be justified.<sup>246</sup> In this part the right to family reunification of Turkish citizens lawfully residing in the EU MSs will be discussed with reference to the case law of CJEU under three headings: personal and material scope of the case law will be analyzed briefly in the first two part. Finally, the limitations of the case law of the CJEU will be elaborated.

### **5.3.3.1. Personal Scope of Right to Family Reunification**

Standstill clauses of the Association Law interpreted in the same way for the family reunification of both the Turkish workers and Turkish service providers (C-225/12 *Demir*). While the standstill clause in Additional Protocol precludes the introduction of more restrictive requirements for service providers since 1973, the one in Decision No 1/80 is valid for Turkish workers since 1980 due to the different enforcement years of two legal documents. In *Altun* (Case 337/07, paragraph 50), the CJEU held that the Turkish worker who obtained the right of residence and access to employment in the MS as a political refugee is also considered under the scope of the Association Law and right to family reunification. In *Dülger* (C-451/11, paragraph 49), the CJEU applied analogous interpretation to the concept of “family member” in Article 7 of Decision No:1/80 by referring to the Regulation No:1612/68 which promotes the right of freedom of movement within the EEC. Thus spouse of Turkish worker irrespective his/her nationality is considered under the scope of the Article 7 of Decision No 1/80 according to the same judgment.

Turkish family members of EU nationals or TCNs residing in the EU could also benefit from the rights derived from Association Law. In *Dereci* (C-256/11) judgment, the CJEU ruled that the national law on family reunification cannot be

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<sup>246</sup> See, C-138/13 *Doğan*, para 35 and C-561/14 *Caner Genc*, para. 40

made worse for joining Turkish nationals compared with the conditions applicable to them previously under the provisions adopted since the entry into force of the Additional Protocol. The sponsors with dual citizenship of Turkey and a MS could also rely on the protection of Association Law for more liberal rules on family reunification (joined cases C-7/10 and C-9/10 *Kahveci and Inan*). The need for raising the rights derived from Turkish citizenship despite of holding a citizenship of MS mainly results from the “reverse discrimination”.<sup>247</sup> The Court (C-225/12, *Demir*) stressed the need for the lawful residence, admission and employment condition for the application of standstill clause in Decision No 1/80 for sponsor Turkish workers (Karayığit, 2011). It could be concluded that the Turkish workers with a lawful residence are under the protection of standstill clause against the introduction of new obstacles for the admission of their family members (Groenendijk, 2015).

### **5.3.3.2. Material Scope of Case Law**

The case law of CJEU on the Association Law discussed two requirements which constitutes a barrier to the family reunification of Turkish citizens: high fees and integration requirements.

#### **High Fees**

The level of the administrative fees in the procedure started to constitute a barrier for the family reunification. Although it has not been covered in the context of Family Reunification Directive, Turkish citizens brought the high fees for residence permit to the Court and invoked their rights derived from Association Law. Since issue and extension of residence permit is conditional on payment of administrative charges, in cases of *Sahin* (C-242/06) and *Commission v the Netherlands* (C-92/07) the CJEU found that the amount of the charges for residence permit of Turkish citizens is disproportionate by highlighting the standstill and non-

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<sup>247</sup> While family reunification of static EU citizens are mainly considered under the national jurisdiction which could be more restrictive, Turkish citizens with dual citizenship fall under the competence of the EU law without exercising the right to free movement within the EU and could benefit from broader rights derived from Association Law.

discrimination clauses in Association Law (Hoogenboom, 2010; Tezcan, 2015).<sup>248</sup> The Court held that although the Netherlands could introduce higher fees for Turkish citizens, this should not be disproportionate and higher than the ones for EU nationals (Groenendijk, 2015). This also applies for the first admission of the family members of Turkish workers and self-employed Turks lawfully residing in a MS. With these judgments, CJEU reflected a shift from its previous perspective which viewed that regulating the conditions for first entrance and employment of Turkish citizen in EU MS was under the sole competence of Member States rather than the EU (Groenendijk & Luiten, 2011, p. 13).<sup>249</sup>

### **Integration Requirements**

The assessment of the CJEU in *Şahin* and *Commission v Netherlands* paved the way for the judgments of the CJEU on the lawfulness of the restrictive integration requirements for family reunification of Turkish citizens legally residing in EU MS. The Court currently held two judgments on pre-entry test and the requirement of ties with the hosting MS. First, the lawfulness of the national legislation requiring evidence of basic linguistic knowledge with regard to the family member of Turkish worker wishing to enter the territory of the MS was questioned in *Naime Dogan* (C-138/13) case.<sup>250</sup> The Court held that national measure infringing standstill clause could be permissible depending on the “restriction” test and “proportionality”

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<sup>248</sup> While in *Sahin* (C-242/06), the fees were assessed mainly in the context of standstill clause with reference to the Article 13 of Decision 1/80, in *Commission v the Netherlands*, the CJEU assessed the high fees also in relation to the non-discrimination clauses and made references to the Article 9 of Association Agreement, Article 41 of Additional protocol and Articles 10(1) and 13 of Decision No.1/80. Thus with its latter judgment the Court broadened the scope of its initial judgment from Turkish workers to Turkish service providers and Turkish marriage migrants since it referred the Turkish citizens who are not yet integrated to the MS’s labour force.

<sup>249</sup> See paragraph 25 of C-237/91 *Kus*.

<sup>250</sup> Although the similar concern on the lawfulness of the implementation of civic integration abroad exam for the family reunification of Turkish citizens had been raised in the Netherlands, it has not been referred to the CJEU before. See the next part for the detailed analysis of Dutch interpretation of the Association Law.

assessment.<sup>251</sup> Therefore, German government tried to justify the requirement with the assumption that “the prevention of forced marriages and the promotion of integration, can constitute overriding reasons in the public interest”. In *Naime Dogan* (C-138/13), the Court did not make any explicit reference whether these arguments could constitute possible ground for justification. However, it explicitly referred the disproportionateness of the national provision.<sup>252</sup> It interpreted the standstill clause in Article 41(1) of Additional Protocol as precluding the requirement of demonstration of basic knowledge of the official language of the hosting MS from the spouse of self-employed Turkish citizen before the first entry to the country (C-138/13 *Naime Dogan*, paragraph 39). It could be interpreted from the Dogan judgment that, standstill clause in the Association Law serve necessary protection ground against the introduction of new restrictive conditions for family reunification of Turkish citizens to reduce the first entry number of their family members (Tezcan, 2015).

Second, the Court continued to discuss the possibility of justification of new restrictive integration requirements for family reunification imposed to Turkish citizens residing in Denmark in *Caner Genc* (C-561/14).<sup>253</sup> The Court answered the question of whether a parent who is economically active in Denmark could be required to fulfill the integration conditions for the family reunification with his children. The case is important to assess under the scope of this study due two reasons. First, although the case is mainly related with the minor family migrants, it would possibly have an impact on the family reunification of partners. Second the CJEU

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<sup>251</sup> It needs to be “justified by an overriding reason in the public interest”, and was “suitable to achieve the legitimate objective pursued and does not go beyond what is necessary in order to attain it”.

<sup>252</sup> The Court in the paragraph 38 of *Naime Dogan* (C-138/13) stated that “national provision such as that at issue in the main proceedings goes beyond what is necessary in order to attain the objective pursued, in so far as the absence of evidence of sufficient linguistic knowledge automatically leads to the dismissal of the application for family reunification, without account being taken of the specific circumstances of each case.”

<sup>253</sup> Since Denmark opted out from Family Reunification Directive, the most restrictive family reunification policy within EU is implemented for TCNs residing in Denmark. However, the right to family reunification of Turkish citizens is safeguarded due to the rights derived from Association Law.

made a distinction in *Caner Genc* (C-561/14) for the application of restrictive family reunification requirements between Turkish citizens who are economically active in the MS and other TCNs (Adamo, 2016).<sup>254</sup>

In *Caner Genc* (C-561/14, paragraphs 44 and 45) the Court explicitly referred restrictive requirements for family reunification of Turkish citizens as restriction to the right of establishment and residence for family members. Thus it concluded that they are covered by the standstill clauses of the Association Law. It also discussed the justifiability of the new restrictions for family reunification by referring to *Demir* (C-225/12) and *Naime Doğan* (C-138/13). In *Caner Genc* (C-561/14), the Court stressed the disproportionate implementation of the regulation and decided that the standstill clause precludes the Danish integration requirements at issue in main proceedings.

When the material scope of the *Naime Dogan* (C-138/13) and *Caner Genc* (C-561/14) is analyzed, it could be concluded that the requirements which makes family reunion difficult or impossible for family members of Turkish citizens could be precluded by the Court by stemming on the standstill clauses. This could cover long waiting periods, income requirements, age limits and the application from outside EU, sickness insurance and accommodation requirements for the family reunification of Turkish citizens lawfully residing in the EU MSs (Peers, The CJEU Transforms Family Reunion for Turkish Citizens).

### **5.3.3.3. Limitations of the Case Law**

The restrictive national integration requirements for family reunification started to become widespread in Europe since 2000s in order to control migration from outside the EU. Turkish citizens are considered under the scope of these restrictive national policies by ignorance of the governments about the rights of Turkish citizens residing in a MS derived from Association Law. For the

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<sup>254</sup> Family reunification of TCNs residing in Denmark is not considered under the scope of EU law since Denmark opt out from the Family Reunification Directive. However, the basis of the rights of Turkish citizens for family reunification is the Association Law which is valid for Denmark since 1973 for Additional Protocol and 1980 for Decision No 1/80.

implementation of their privileged right Turkish citizens need to enter a legal battle with the EU governments. Even confronting the restrictive requirements does not mean to obtain the assessment of the CJEU. This is mainly related with three issues. First, only the national courts of the EU MSs could ask questions for the clarification of the Association Law in the context of the case they handled. However, national courts avoid asking questions to the CJEU for the clarification of the rights of Turkish citizens or ask questions with a restrictive wording.

Second, the national administrations grant the right to family reunification for the applicant before referring the case to the CJEU or before the issue of the CJEU judgment. Thus the cases are dismissed in the CJEU. By this way, the judgment of CJEU which would possibly out rule the restrictive national legislations not only at EU MS at stake but also at the other MSs is prevented. Third, the CJEU sometimes refrains from making explicit comments on the rights of Turkish citizens. Since the Association Law does not explicitly determine rights to first admission of marriage migrants of Turkish sponsor, the Court interpret the concepts and issues with reference to other legal documents by making analogy and raising basic principles such as standstill and non-discrimination. Therefore, the national governments have a margin of appreciation on the application of the judgments of the CJEU at the national level.<sup>255</sup>

With the help of the current interpretation of the Association Law in CJEU case law, the more restrictive conditions of EU MSs for the process of family reunification of Turkish workers and/or self-employed Turks were ruled out. Although the first rulings of the Court mainly dealt with the rights of the family members after admission<sup>256</sup> (residential security, education and employment in the host country) (Rogers, 2000), recent judgments of the Court also extended the scope

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<sup>255</sup> Although the CJEU precluded the pre-entry exam in Turkey for the family reunification of Turkish sponsors in *Naim Doğan* (C-138/13), Germany refrains from implementing the judgment. Similarly, the Netherlands continue to implement high fees for the residence permits of Turkish citizens despite of *Sahin* judgment. Thus the Commission applied to the CJEU against the Netherlands in order to sustain the implementation of the judgment.

<sup>256</sup> See joined cases C-317/01 and C-369/01 *Abatay and Sahin* and C-374-03, *Gürol*.

of the Association Law. Standstill clauses enshrined in the Association Law is the main legal instrument which provide Turkish citizens privileged status in the context of family reunification.

#### **5.4. Netherlands**

Since 2000s at the national level there is a tendency in the EU MSs to implement new restrictive family reunification regulations for controlling the cultural integration of the immigrant communities (Ruffer, 2011). Denmark, the Netherlands, Germany, Austria and the UK is considered as the pioneers of this perspective. Under the scope of this thesis family reunification policies of the Netherlands will be analyzed under four parts. First the evolution of Dutch family reunification policy will be discussed since 1960s in a historical context. Second the restrictive family reunification regulations introduced since 2000 will be analyzed with reference to the judgments of CJEU and Dutch Courts. In the final part the interaction between the EU and the Netherlands on the formation of family reunification policy will be elaborated in the context of the Dutch involvement to the drafting of the Family Reunification Directive.

##### **5.4.1. Evolution of Dutch Family Reunification Policies**

Dutch family reunification policies have radically shifted from liberal perspective to a restrictive perspective since 1970s. This could be associated with the shift in Dutch integration perspective which has been discussed in the previous chapter. In this part the restrictive turn in family reunification perspective of the Netherlands will be discussed in three periods: 1960 and 1970s, 1980s and 1990s.

###### **5.4.1.1. During 1960s: Restrictive Family Reunification Policies**

During 1960s and 1970s, the immigration to the Netherlands had been mainly tried to be managed through labour migration due to the need for the foreign labour force for the reconstruction. Restrictive conditions had been implemented for the family reunification of labour migrants in order to prevent their permanency and their possible burden on the welfare state. The Netherlands first allowed in 1962 only the admission of wives of the foreign male workers if they had not had child and had a

job offer (van Walsum, 2008). In 1963, more liberal perspective for family reunification (wives and children of foreign workers) had been presented. They could have reunited with their families if they had met following condition: Demonstration of suitable housing,<sup>257</sup> labour contract for one year and having resided and employed in the Netherlands for minimum two years. In 1970, minimum waiting period of two years for family reunification reduced to one year for Greek, Portuguese, Spanish and Turkish families. This gradual permission for family reunification of foreign workers could be considered as the success of the campaigns organized by Unions<sup>258</sup> to stop foreign labour recruitment due to its inhuman implementation which had forced the foreign workers to live apart from their families. In this period only male immigrants acquired some rights for family reunification.<sup>259</sup> This could be associated with the Dutch male breadwinner model, male dominance in the legal sphere<sup>260</sup> in addition to the male dominance in guest workers.

#### **5.4.1.2. During 1970s: Introduction of Gender Equality**

Liberal understanding on the moral norms on family, sexuality and position of women in the society started to spread within the Netherlands during 1970s as an outcome of the atmosphere of 1960s. These developments had an impact on the family reunification of Dutch sponsors and female immigrants. In 1974, immigrant women were granted the right to family reunification with the condition of minimum two-year marriage (van Walsum, 2008).<sup>261</sup> In the same year Dutch women had the

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<sup>257</sup> Due to the housing shortages during 1960s and early 1970s in the Netherlands, housing was the most difficult requirement to be fulfilled by the labour migrants. The housing requirement did not apply to Dutch citizens at that period.

<sup>258</sup> The protests had been mainly organised by Dutch Catholic Labour Union and supported by Dutch employers' federations.

<sup>259</sup> Male marriage migrant was considered as anomaly and referred with the term "reverse family migration".

<sup>260</sup> Until 1965 Dutch nationality law, while Dutch women with foreign husband had lost their citizenship, foreign wives of Dutch citizens had automatically become Dutch citizen upon marriage. Thus, it had been viewed that Dutch women with a foreign husband should follow him.

<sup>261</sup> In order to prevent the use of family reunification of the male marriage migrants with the sole purpose of employment, the condition of one year waiting period was introduced.

right to continue to possess the Dutch citizenship upon their marriage with a foreigner. However, the gender inequality in family reunification had continued until the end of 1970s.<sup>262</sup>

#### **5.4.1.3. During 1980s: Equal Treatment**

The most liberal family reunification policy was pursued in this period. It could be associated with the dominance of equal treatment perspective in terms of immigrant integration and also gender. In this period, the permanency of immigrants, mainly guest workers, were admitted. The family reunification of immigrants was handled as one of the issues which would contribute to their integration (de Hart, Strik, & Pankratz, 2012). Parallel to the integration policy perspective, family reunification policy focused on the equal rights (on the basis of gender and legal status).

“Equal treatment” was the main motto of this period for the family reunification of both immigrants and Dutch citizens. This could be associated with the influence of the 1960s’ “cultural revolution” (Bonjour, 2008). Gender biased Dutch nationality and immigration policy which continued despite of the introduction of Dutch nationality law in 1965<sup>263</sup> came to end during 1980s. The Dutch government tried to improve the legal position of immigrants by granting rights as near as possible to the Dutch citizens. In 1979, family reunification of foreigners holding permanent residence permit<sup>264</sup> with their non-marital partner was allowed under the same conditions with Dutch citizens. Until 2001, housing requirement was the only requirement for family reunification which was applied specific to the immigrants with permanent residence permit.

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<sup>262</sup> Until 1977, family members of women with Dutch nationality and permanent residence had not had the equal protection compared with the family members of men. The additional condition of one year waiting period for family reunification of female immigrant sponsors had been implemented until 1979.

<sup>263</sup> The nationality of the child only passes from father until 1985.

<sup>264</sup> According to the Aliens Law in 1965, permanent residence permit was granted to the foreigners who had resided in the Netherlands minimum five years and had sufficient income.

The tension between immigration and integration policies over family reunification had come to the agenda in this period for the first time. In order to overcome this tension, the distinction between family reunification regulations for the first and second generation immigrants had been introduced.<sup>265</sup> The family reunification of first generation immigrants was supported with the concern of their integration. However, the restrictive measures had been implemented for the family reunification of second generation immigrants. The concerns over the family formation migration was raised under two arguments related with the integration: the disadvantages of marriage migrants in their own integration process<sup>266</sup> and their negative impact on integration process of the already existing ethnic minorities and of future generations (de Vries, 2013, p. 25; van Walsum, 2008, pp. 169-176). Dutch administration had withdrawn these restrictive measures in less than a year<sup>267</sup> due to the failure in meeting their policy foresights and the protests of immigrants. However same arguments have been used in Integration Abroad Act.

To sum up, 1980s could be considered as the most liberal period in the context of the family reunification of immigrants. It could be mainly associated with the admittance of the permanency of the “guest workers”, providing equal rights in legal terms and stress on the maintenance of socio-cultural and ethnic identity of

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<sup>265</sup> Although the rights of the second generation immigrants were strengthened with the equal treatment perspective, their inclusion to Dutch society was perceived conditional to their orientation towards the Dutch society. In this context, marriages of second generation from their parents’ country of origin either resulting in marriage migration to the Netherlands or return migration of the second generation were considered as failure to become integral part of Dutch society and justification for exclusionary measures (van Walsum, 2008).

<sup>266</sup> Late arrival age of marriage migrant was considered as an obstacle for their participation in labour market or education in the Netherlands. In this context, it was assessed that due to the high possibility of structural unemployment of marriage migrants, their contribution and participation to the Dutch society would be limited and they would constitute a burden on the welfare system of the Netherlands.

<sup>267</sup> In order to influence the partner choice of second generation immigrants, the income requirement in family reunification was reintroduced in addition to the housing requirement for second generation immigrants in 1984. However, in 1985 the distinction between first and second generation was prevented and exemptions was introduced. The reunification of second generation immigrants with their parents in the Netherlands after a failure in their marriage which had taken place in their parent’s country of origin started to be accepted again (van Walsum, 2008).

immigrants for their integration. However, in 1990s the perspective on family reunification perspective of the Netherlands with the shift in its integration policy.

#### **5.4.1.4. During 1990s: Duties of Immigrants and Limiting Migration**

With the introduction of integration policy in 1990s, the integration perspective based on socio-cultural rights of immigrants has been abandoned gradually. Immigrant integration perspective of 1990s gave the priority to the structural dimension mainly in the socio-economic realm. The “responsibilities of the immigrants” during the two-way integration process was the main focus. In addition to this reducing the admission of new migrants was reflected as a precondition for immigrant integration (de Heer, 2004). Thus integration and immigration policies has intertwined in this period. The family reunification problematized in the context of both policies. Four restrictive measures for family reunification has been introduced.

First, general public concerns over the alleged burden of immigrant families on the welfare state led to the stress on the financial responsibility of sponsor for family reunification. The income requirement for family reunification was introduced in 1993 which was 70 percent of the adult minimum wage for married couples and 100 percent for unmarried couples (Bonjour, 2008). The income requirement for family reunification of married couples was raised to level for unmarried couples in 2001 with the introduction of new Aliens Act in 2000 (Leerkes & Kulu-Glasgow, 2011; Bonjour & Vink, 2013). Second, the condition of minimum residence of three years in the Netherlands, minimum age requirement for marriage (16 years) and for family reunification (18 years) was introduced for family reunification in 1993 (Bonjour, 2008). These restrictive measures indirectly targeted the family formation migration of second generation sponsors.

Third, in 1998 the precondition of possession of MVV for the issue of residence permit to the marriage migrant upon his/her arrival was introduced. The requirements for the acquisition of MVV visa were also tightened in this period (van Walsum, 2008). Considering the selective application of MVV visa requirement, it could be argued that it was tried to manage the migration from socio-culturally distant countries. Fourth, Fraudulent Marriage Prevention Act of 1994 required the

declaration about some issues in order to assess the sham character of the marriages in which a foreigner involved in. In this regard, residential status of foreigner, big age difference, lack of common language between partners and short relationships were considered as the sufficient ground on suspicion of sham marriages (Bonjour, 2008). The main concern about the sham marriages was related with the concerns over the abuse of family reunification for the purpose of migration to the Netherlands rather than sustaining family unity. Thus, it could be suggested that the Act introduced a version of primary purpose rule (Kofman, Phizacklea, Raghuram, & Sales, 2000).

There was a certain degree of flexibility for the application of the restrictive requirements for family reunification on the basis of individual circumstances of sponsors (such as age<sup>268</sup>, involving in child or elder caring or possess temporary residence permit). This different categorization of sponsor was mainly related with the need for individual assessment on the personal responsibilities. Considering their low labour participation and income level in the society, women and migrants from culturally distant countries were subject to indirect discrimination in the context of family reunification (van Walsum, 2008, p. 239).

The restrictive regulations for family reunification applied equally both to the Dutch citizens and TCN immigrants with long-term residence status. In this context the Dutch government opted for the equal treatment of Dutch citizens with the immigrants rather than the EU citizens working in the Netherlands.<sup>269</sup> By this choice the Dutch government covered the naturalized immigrants and second generation immigrants under the restrictive family reunification policy. Thus Dutch citizens were subjected to “reverse discrimination”.<sup>270</sup> To sum up, the Netherlands

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<sup>268</sup> While old sponsors were often exempted from income requirement, and young sponsors aged between 18 and 23 enjoyed with less restrictive income requirements for family reunification.

<sup>269</sup> This could be considered as the beginning of the civic stratification of rights within the Netherlands.

<sup>270</sup> When nationals of MSs working in the Netherlands applied for the family reunification with their TCN spouse, they would be subjected to more liberal requirements under EU law compared with Dutch citizens who are subject to restrictive Dutch national law.

increasingly perceived the family related migration in this period as an issue tied to integration rather than as a mere migration related issue. During 2000s the link between family reunification and integration has stressed more.

#### **5.4.2. Introduction of Restrictive Requirements for Family Reunification**

Since the 2000s, the restrictive perspective on family reunification has been defended by the Dutch government as a response to the continuous immigration flows and more importantly lack of progress in socio-cultural and economic integration of immigrants. The neo-liberal norm of “personal responsibilities” continued to be stressed for the legitimization of restrictive family reunification requirements during 2000s. It explicitly exposed this perspective with the following statement in its response to public consultation process of Green Paper on Family Reunification Directive: “choosing coming to Netherlands also means choosing to integrate and participate in Dutch society”. The role of the government is to assess whether this responsibility has been fulfilled by the immigrants. The novelty of the family reunification perspective mainly rests under the assimilationist shift in integration policies. Since 2000s, the cultural identification started to be perceived as necessary for civic belonging and integration of immigrants to the Dutch society.

The creative conditions for family reunification were introduced during 2000s mainly through “New Style” Integration policy (Integratiebeleid “Nieuwe Stijl”) and Act on Integration Abroad (Wet inburgering buitenland). First, the “New Style” Integration Policy led to the distinction between family reunification and family formation in 2004. Introduction of more restrictive conditions for family formation mainly targeted the second generation immigrants’ marriages from their parents’ country of origin in line with the arguments stated during 1980s. The interplay between integration and family reunification was underlined with reference to the sponsor, marriage migrant and future generations. Partner choices from their/their parent’s country of origin have been viewed as the indicator of their failure in integration process, due to their association with the traditional patterns of marriage specifically forced marriages (Bonjour & Kraler, 2015; Myrdahl, 2010). It has been also claimed that the migrants, specifically marriage migrants, from non-Western countries were unable to keep up the integration process. Poor education

level, low employment level and skills, cultural differences of Turkish and Moroccan marriage migrants are the main claims for substantiation of the restrictive family reunification requirements. Family reunification has been problematized by Dutch government with the argument of obstacle to the progress in integration of immigrant groups and of future generations. Family reunification is viewed as a tool for transmitting the backward position of the immigrants to the next generations (Strik, de Hart, & Nissen, 2013).

Second, the Civic Integration Abroad Act which mainly targeted the family migrants from non-Western countries introduced a condition to pass the pre-entry test (civic integration abroad exam) on basic knowledge of the Dutch language and society in order to obtain entry visa (MVV). The Dutch measures on family reunification since 2000 and the rulings of the CJEU and Dutch courts on these measures will be discussed in this part. Mainly it covers the measures for TCNs, static Dutch citizens and Turkish citizens will be discussed under five parts: Income requirements, integration conditions, age requirement, administrative fees and ban on cousin marriages.

#### **5.4.2.1. Income Requirement**

With the introduction of New Style integration policy in 2004, the income requirement only for family formation was raised from 100 per cent to 120 per cent of the full time minimum waged persons aged over 23.<sup>271</sup> In addition to the amount of the income, its stability is also assessed through the requirement of demonstration of employment contract which is valid for minimum one year at the time of application.

Rita Verdonk who served as Minister for Integration and Immigration between 2003 and 2007 viewed the family formation as the consequence of the

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<sup>271</sup> Income requirement could be met through the earnings from paid employment, self employment and unemployment or disability benefits. However, welfare benefits are not taken into consideration for income requirement. The people who are aged below 23 are not subject to the minimum wage adjustments. Therefore, the youngsters aged between 18-23 years could earn less despite of their full-time employment. Since the calculation of the minimum wage is linked to developments in the average wage level in the Netherlands, it has been adjusted twice a year and announced.

partner choice of the second generation immigrants from their parents' country of origin. Thus introduction of the higher income level for family formation specifically targeted second generation, non-Western migrants more specifically second generation sponsors with Turkish and Moroccan background (WODC, 2009, p. 14). In addition to this higher income requirement was expected to have positive impact on women both in the position of sponsor and marriage migrant. It would lead to the emancipation of female sponsors with migration background and sustainment of better labour market position. The number of female marriage migrants "import brides" with low education level was expected to diminish. This is preferred by Dutch government with two concerns: Prevention of female marriage migration which is claimed to be against their own will and negative discourse which announces the "import brides" as the most unwanted immigrant category. The Dutch government explicitly stated its expectation of 45 per cent fall in family formation migration with the introduction of income requirement (de Hart, Strik, & Pankratz, 2012, p. 26).<sup>272</sup>

The Dutch research conducted in 2009 could not affirm the policy theory expectation about the positive impact of the income requirement on the integration of the immigrants (WODC, 2009). It revealed that it could also result in the temporary or negative influence (WODC, 2009). Nevertheless, the Dutch government has been satisfied with the impact of the income requirement in the context of immigration policies since the decrease in the number of marriage migrants is interpreted as the outcome of the restrictive requirements which covers the income requirement. Thus it was planning to introduce more restrictive income requirements.<sup>273</sup> However, it had to change its position after the *Chakroun* (C-578/08) decision of the CJEU in 2010. As it has already been discussed in this chapter, in its *Chakroun* decision, the Court out ruled the distinction between family formation and family reunification and the high income requirement for family

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<sup>272</sup> Explanatory memorandum (Nota van toelichting) to the decision to amend the Alien Decree 2000, Staatcourant 27 October 2004, no.2004/207, p. 3

<sup>273</sup> See, Position paper – The Dutch standpoint on EU migration policy, p. 6.

reunification through its interpretation over the Family Reunification Directive. The Dutch government lowered the income level for family formation to the level for family reunification.<sup>274</sup> However the Court's ruling over the need for individual assessment was not legally integrated to the Dutch law. It was claimed that the already existing regulations covers the concerns of the Court.

The assessment on the income requirement for family reunification continue even after the arrival of the immigrant according to the Alien Act 2000. It could constitute a ground for the refusal of extension or withdrawal of the residence permit (Article 18 section 1 sub Vw2000). This was criticized within the Dutch government by Secretary State for Alien Affairs in its letter to Second Chamber in October 2007 with the argument of violation of Article 8 ECHR.<sup>275</sup> It was argued that the association of income with the residence permit after the arrival of the marriage migrant could only be executed if the couple receive social welfare benefits. Despite of these arguments, the Dutch government is persistent to implement this requirement. Although the current VVD- PvdA government stated the aim of association of residence permit with the income requirement for seven years in its coalition agreement "Building Bridges", it has not been implemented yet. Nevertheless, if the couple fail to fulfill the income requirement during the first year, the Dutch government withdraws the residence permit also related with the suspicion of fraud. It could be interpreted as the measure to prevent the coping strategies of the sponsors (see Chapter 7).

The income requirement has been implemented to the sponsors with Turkish citizenship and Dutch citizens same with the TCNs.<sup>276</sup> However, it could be claimed that Turkish citizens legally residing in the Netherlands should have been subject to

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<sup>274</sup> In July 2008 the income requirement for both family reunification and formation determined as the independent income of 100 percent of welfare level. The current coalition government stated its aim to increase the income requirement to 120 percent of minimum wage by including it to the Family Reunification Directive.

<sup>275</sup> Kamerstukken II, 2007-2008, 29 861, no. 573, no.21.

<sup>276</sup> The citizens of the other EU MSs residing in the Netherlands are subject to less restrictive requirements since they are considered under the competence of the EU law on free movement right.

less restrictive conditions since standstill clauses in the AA and Decision No 1/80 could preclude the introduction of more restrictive income requirement after their entry into force. Thus, even 100 per cent of the minimum wage constitute tighter requirement comparing with the income requirement of 70 per cent of the welfare level between 1993 and 2000. Nevertheless, income requirement has not brought to trial by Turkish citizens by associating it with the Association Law until now.

#### **5.4.2.2. Integration Conditions**

The Dutch government mainly considered family reunification requirements as a remedy to the integration problems of the family migrants and targeted mainly Turkish and Moroccan marriage migrants.<sup>277</sup> Integration of these groups are mainly problematized on the ground of cultural differences which has become more solid in the context of values and norms related with gender, family and sexuality (Bonjour, 2010; 2011). Thus the concerns over marriage migrant women (forced marriages, domestic violence, honor killings, labour market position of women) reflected in the policy papers despite of the lack of statistics.<sup>278</sup> With these perceptions integration requirements in the Netherlands and abroad have started to be implemented.

#### **Integration Conditions after the Arrival of the Marriage Migrant**

The integration programmes in which participation was on voluntary basis became obligatory during 2000s for marriage migrants. With the amendments in 2013 which had already been discussed (see Chapter 4), the marriage migrants are under heavy pressure. Even after the arrival of marriage migrants to the Netherlands, their legal stay made conditional upon the result of the integration exam within three years. In the case of the failure the marriage migrants need to go back to the country of origin and start the family reunification process from the beginning by taking civic integration exam abroad. It could be argued that the withdrawal of the temporary residence permit on this ground would violate the rights derived from the EU Family

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<sup>277</sup> Kamerstukken II, 2003-2004, 29 700, nr.3:4-5.

<sup>278</sup> Dutch Government Response to the Green Paper on family reunification 29.02.2012.

Reunification Directive<sup>279</sup> and Article 8 ECHR. ECRI in its country report on Netherlands criticized the integration measures on five grounds: Its sanction based perspective, excessive fees for exam and courses, lack of incentive of the Dutch authorities to fulfill its obligations in the integration process and violation of the right to family unity (ECRI, 2013).

### **Pre-entry test**

The discussions on the obligation of the family members for integration before their arrival to the Netherlands have started in 2000. Thus, civic integration abroad exam has been introduced with the Act on Integration Abroad which came into force in 2006. Pre-entry test has been defended by the Dutch government as a tool for four issues: (1) Informing family migrants about the life in the Netherlands; (2) facilitating their first arrival process; (3) providing the awareness for their responsibility of integration and finally (4) “selection mechanism” for marriage migration (Bonjour, 2010). Civic integration exam abroad situates a condition which needs to be fulfilled by the marriage migrants in order to receive first entry visa (MVV).<sup>280</sup>

The integration abroad requirement does not apply to the nationals of an EU and EEA MSs and economically developed countries (Tezcan-İdriz, 2011).<sup>281</sup> Thus the application of the Act on Integration Abroad has received important criticism from international human rights treaty bodies and ECRI (2013) since it causes the discrimination on the basis of nationality (mainly between citizens of Western and non-Western countries).<sup>282</sup> In addition to this, the family members with health problems (with the medical certificate) and of high skilled migrants were exempted

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<sup>279</sup> See the opinion of the Commission in *Imran* (C-155/11).

<sup>280</sup> Different from the French integration abroad perspective, the Netherlands is interested in the result of the integration exam abroad rather than the participation to the courses or putting effort to become familiar with the host society.

<sup>281</sup> See Article 16(1)(h) of Integration Abroad Act and Article 17(1)(a) of Aliens Act. In addition to the EU and EEA MS, Australia, Canada, Japan, Monaco, New Zealand, South Korea, Switzerland, the US, and Vatican was determined as the exemption countries.

<sup>282</sup> CERD/C/NLD/CO/17-18, 25 March 2010, paragraph 5.

from the condition. Although Turkish citizens should have been considered out of the scope of the Act on Integration Abroad due to their rights derived from Association Law, the requirements were implemented to them until 2011.

Turkish citizens were also considered under scope of the Dutch Integration Act 2007 and Act on Integration Abroad 2006. They were subject to the obligation to pass integration exam in the Netherlands within three years after their arrival for continuation or renewal of their residence permit. However, they have been exempted from this obligation with the judgment of the Dutch Central Appeals Tribunal (Centrale Raad van Beroep) in August 2011 (Tezcan-İdriz, 2011).<sup>283</sup> The Court referred to the judgment of the CJEU in *Şahin* (C-242/06) and ruled that the integration requirement in order was not in compliance with the Association Law (de Vries, 2013).<sup>284</sup> In conjunction with this Court decision, they were exempted from the integration exam abroad with an administrative decision (de Vries, 2013, p. 273). The decision stems from the link between Act on Integration Abroad 2006 and Integration Act 2007 about the target group.<sup>285</sup> Due to the illegal application of the requirement Turkish migrants, who applied for the integration exam abroad, were compensated for the costs of the exam and preparation (fees, travel and accommodation).

#### **5.4.2.3. Age Requirement**

Minimum age requirement for both partners in the case of family formation was raised from 18 to 21 years in 2004. Therefore, this requirement mainly targeted the partner choice decision of the TCNs and Dutch citizens. The government

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<sup>283</sup> Central Appeals Tribunal, 16 August 2011, case nos 10/5248, 10/5249, 10/6123 and 10/6124, LJN:BR4959.

<sup>284</sup> It imposes stricter conditions to the free movement rights of Turkish labours compared with the entry into force of the standstill clause and leads to unequal treatment to Turkish citizens compared with the EU citizens (Kulu-Glasgow & Leerkes, 2013). The Court also judged that the requirement affected the legal position of the admitted Turkish citizens and their family members (de Hart, Strik, & Pankratz, 2012).

<sup>285</sup> Since Turkish citizens were exempted from Integration Act, they were considered out of scope of the Act on Integration Abroad.

defended the increase in the age requirement by highlighting two assumptions. First, the older the couple involved in family reunification is, the higher the possibility is to comply their economic and social responsibilities. Second, with the introduction of the higher age requirement, there is higher possibility for the partners involved to resist to their parents and take decisions challenging with their traditional norms and values.<sup>286</sup> Therefore the aim of protection of the young people with migration background from arranged and forced marriages was referred as the main argument for the higher age requirements (Strik, de Hart, & Nissen, 2013). However, the research conducted in 2009 did not support the Dutch assumption of the family pressure for partner choice (WODC, 2009).

The implementation of age requirement has been criticized from the human rights perspective. It necessitates the postponement of the family unity for marriages involving TCN between the ages of 18 and 21. By the meantime the CJEU ruled against the distinction between family reunification and family formation in its Chakroun decision 2010. Thus the age requirement was raised to 21 years for both partners in family formation and reunification. Nevertheless, in 2009 the Dutch government announced its new plan to raise the age requirement from 21 to 24 for family formation although it is contradictory with Article 4 of the Family Reunification Directive.<sup>287</sup> In this context, the Dutch government lobbied at the EU level for the amendment to the directive.

The age requirement for Turkish citizens also raised important degree of concern. Although the age requirement of 21 for Turkish citizens is not permissible according to the standstill clauses in Association Law, the law had covered the Turkish citizens. As it is highlighted in Chapter 7, the rejections of the Turks to the Immigration and Naturalization Service (IND) about the refusal of their application for family reunification only on the grounds of age requirement has been accepted either during the administrative process or after it has taken to the Court before the

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<sup>286</sup> Nota van Toelichting (NvT), Staatsblad, 2004, nr. 496; TK 2004-2005, 19637, no.873

<sup>287</sup> Kamerstukken II, 2009-2010, 32 175, no. 1

issue of the judicial judgment. Due to the increase in the number of such situations the IND has had to involve in the issue and make necessary administrative changes which would result in the decrease of the age requirement to 18 years for Turkish citizens in 2015 (IND, 2016).<sup>288</sup>

#### 5.4.2.4. High Fees

The Dutch administrative fees during the family reunification process<sup>289</sup> had been quintuplicated in 2002 (Bonjour, 2008). Thus high level of fees could be considered as a condition for family reunification.<sup>290</sup> Excessiveness and disproportionateness of the fees for the residence permit and first admission visa in Netherlands came to agenda at the European level first with the Turkish citizens.<sup>291</sup> The Court extended its liberal perspective on the application of high and unfair fees for Turkish citizens to the TCNs. In *Commission v the Netherlands* (C-508/10), the Court ruled that the implementation of high fees for residence permits to the long term resident immigrants and their family members is excessive and disproportionate by referring to Long Term Residence Directive (Directive 2003/109/EC) (de Hart, Strik, & Pankratz, 2012; ECRI, 2013).<sup>292</sup> Groenendijk also underlined the fact that high fees constitute barrier to family reunification by referring the judgment of the

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<sup>288</sup> Available at [https://kdw.ind.nl/KnowledgeRoot.aspx?restart=true&knowledge\\_id=MWOTurkseOnderdanenEnHunGezinsleden&jse=1](https://kdw.ind.nl/KnowledgeRoot.aspx?restart=true&knowledge_id=MWOTurkseOnderdanenEnHunGezinsleden&jse=1) (last accessed on 21 March 2016), <http://www.mvv-gezinshereniging.nl/archief/ind-verlaagt-leeftijdsgrens-voor-gezinshereniging-turkse-werknemers> (last accessed on 21 March 2016)

<sup>289</sup> Sponsors need to finance the civic integration exam, temporary residence permit, regular residence permit, legalization of documents, integration courses and exam in the Netherlands.

<sup>290</sup> Speech of the Prof. Groenendijk at the 7th European Integration Forum 'Public hearing on the right to family reunification of third country nationals living in the EU', European Economic Social Committee, 31 May-1 June 2012, Brussels. Available at <https://ec.europa.eu/migrant-integration/eiforum/7th-european-integration-forum-public-hearing-on-the-right-to-family-reunification-of-third-country-nationals-living-in-the-eu> (last accessed on 21 March 2016); CJEU, *Commission v. the Netherlands*, C-92/07, para 13.

<sup>291</sup> See, C-242/06 *Sahin*, C-92/07 *Commission v. the Netherlands* and the discussion on the privileged status of Turkish citizens and application of high fees in this chapter in the part 5.3.3.2.

<sup>292</sup> The judgments of the Court do not necessitate the equalization of the fees for permanent residence permit for TCNs with Turkish and EU citizens.

CJEU in *Commission v. the Netherlands* which finds the fees for residence permit as “excessive and disproportionate”. The ECRI criticized the implementation of high fees for residence permit and high costs of civic integration courses and exams and interpreted the implementation of them as hindering the enjoyment with the right to respect for family life (ECRI, 2013). Thus the Dutch fees applied to the long term resident TCNs and their family members has been diminished.<sup>293</sup>

#### **5.4.2.5. Cousin Marriages**

The cousin marriages are prevalent within the immigrant communities in the Netherlands. Since most of them result in marriage migration, it has drawn political and public attention and led to the discussions over the ban on consanguineous marriages since 2001 (Teeuw, Borry, & ten Kate, 2015). Although the initial attention was related with the medical risks over the issue, since 2010 it has come to the agenda<sup>294</sup> mainly as vector to restrict family reunification from outside the EU with the aim of prevention of forced marriages. The argument of the Asscher about the reintroduction of the ban in cousin marriages result in mislead the public discussion. While the ban implemented between 1838 and 1970 had applied to the uncle-niece marriages (second degree relatives) and brother-sister in law marriages, the current ban in discussion the marriages between cousins (third degree relatives). With the recent Law on Prevention of Forced Marriages introduced in 5 December 2015, the cousin marriages have been banned and the already existing marriages involving cousins were declared null and void. Cousin marriages are allowed only if there is an affidavit from both partners that they freely consent to the marriage.<sup>295</sup> In this respect, it is too early to make comment on the implementation of the law and its impact on family reunification.

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<sup>293</sup> See the Dutch administrative charges for people from different legal categories: <https://ind.nl/EN/individuals/family/costs-income-requirements/Costs> (last accessed on 4 March 2016)

<sup>294</sup> The aim to ban on cousin marriages was reflected at the coalition agreements of both 2010 and 2012 in the part related with the family reunification.

<sup>295</sup> <https://www.rijksoverheid.nl/onderwerpen/huwelijksdwang/inhoud/huwelijksdwang-voorkomen> (last accessed on 10 March 2016)

To sum up, the Netherlands has argued for more restrictive condition for family reunification of TCNs and Dutch citizens with immigration background. The arguments which are stated explicitly for this restrictive tendency are integration, prevention of forced marriages and marriages of convenience. However, it could be argued that controlling the number and the skills of the marriage migrants is implicit aim of the restrictive family reunification policies. In this context Turkish citizens who constitutes the biggest non-EU migrant group in the Netherlands are one of the main target groups of the policy. However, most of the restrictive family reunification regulations could not cover Turkish citizens considering the impact of Association Law. Turkish citizens retrieve their rights after long trial periods. This also result in the liberalization in family reunification requirements for static Dutch citizens in order to prevent reversed discrimination.

### **5.4.3. Interaction between EU and the Netherlands**

The Netherlands considers migration and asylum as the issues linked with European Union (Vink, 2005, pp. 103-108).<sup>296</sup> Thus they require policies at the European level. In this context the Netherlands views the harmonization of the national family reunification policies at the EU level as a necessity (Bonjour & Vink, 2013). Thus it has been active in constructing family reunification framework not only at the domestic level but also at the EU level. It tries to shape the agenda by uploading its national policy perspective to the EU level for family reunification policy during the drafting process of the Family Reunification Directive and reopening of the negotiations over the Directive.

#### **5.4.3.1. Drafting Process of Family Reunification Directive**

The Netherlands actively involved in the drafting process of the Family Reunification Directive; uploaded its restrictive policy concerns at the European level and legitimized its policy perspective. Seventeen out of twenty proposals of the

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<sup>296</sup> The main reason for the need of Europeanisation of the immigration policy has been explained by the Netherlands that the immigration to the one MS posit the potential immigration to the other MSs due to the Free Movement Directive and Long Term Residence Directive which leaves the discretion to the EU for the immigration of TCNs within the EU.

Netherlands for the amendment of the draft of the Family Reunification Directive involved restrictive perspective (Bonjour & Vink, 2013). The Netherlands managed to introduce its main concerns over the Directive with the support of the other MSs (Denmark, Austria, Germany and the UK). Thus nondiscrimination of static EU nationals compared with the EU citizens was eliminated; the possibility of age requirement for spousal migration was increased to 21; and the possibility of integration measures was introduced (de Hart, Strik, & Pankratz, 2012). In addition to these it also reflected its liberal perspective on equal treatment for same sex marriages and registered partnership as an optional clause.

The main motivation of the Netherlands for the Europeanization of the family reunification was convincing the EU MS for the legitimacy of both the link between integration requirements and family migration and the shift from right based approach to the responsibility based approach for the family reunification. Therefore, the Netherlands mainly benefits from the horizontal level decision making and soft law instruments for the diffusion of its restrictive policy perspective and measures. The intergovernmentalist scholars (Moravcsik, 1993; Guiraudon, 2000) who suggest the strategic use of the vertical Europeanization through uploading the policy perspective in order to overcome the domestic oppositions fail to explain the Dutch case.<sup>297</sup>

#### **5.4.3.2. Implementation of Family Reunification Directive**

The restrictive Dutch family reunification requirements have been criticized by the EU institutions and other institutions. In the guidelines on the application of Family Reunification Directive, COM (2008) 610 final, the Commission criticized the Dutch family reunification policy for TCNs on the five main grounds: high income requirement, difficulties in the facilitation of access to visas, double check system in the application for the visa and residence permit, failure in the individual examination of the applications and procedure which reflects “general suspicion” for

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<sup>297</sup> The Dutch government did not face with domestic opposition for the introduction and implementation of restrictive family reunification regulations.

marriage of convenience. The Commission also stated its doubts about the use of the integration as a condition for admission of the marriage migrant and high administrative fees (Bonjour & Vink, 2013). In addition to the criticisms stated in guideline on the implementation of the Family Reunification Directive, the permissibility of the restrictive national requirements on family reunification according to the EU Directive has started to be questioned before the CJEU as it has already been discussed.<sup>298</sup> In this context, the EU Directive limit the restrictive Dutch national perspective. In order to overcome this limitation, the Netherlands argued for the reopening of Family Reunification Directive.

#### **5.4.3.3. Dutch Perspective on the Amendment of Family Reunification Directive**

The first Rutte cabinet began to lobby in the EU for the determination of more restrictive minimum requirements for family reunification at the Directive. It wanted to upload its restrictive national policy perspective to the EU level in order to overcome the limitations Family Reunification Directive constitute for the implementation of national measures. Thus, in 2011, at the public hearing process of Green Paper, COM (2011) 735 final, the Netherlands was one of the EU MSs who had defended the amendment of the Directive to introduce more restrictive and harsher conditions for family reunification.

In its contribution to the Green Paper, the Netherlands reflected its national policy plans for family reunification formulated by first Rutte government<sup>299</sup> which was in office between 2010 and 2012. Dutch government declared its policy goals related with family reunification in its coalition agreement 2010 as following:

- Increasing the minimum income requirement (from 100 percent to 120 percent of the minimum income level), age requirement (from 21 to 24) and the level of the integration exam abroad;
- Introducing a minimum education level requirement for both partners,

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<sup>298</sup> The reverse discrimination against static Dutch citizens comparing with the family reunification rights of EU citizens and sometimes Turkish citizens also receives criticism. However, they are not under the EU competence (neither Family Reunification Directive nor Free Movement Directive).

<sup>299</sup> Coalition government was constructed by VVD and CDA, with the outside support of PVV.

attachment requirement, minimum one-year residence requirement, a requirement of having certain amount of money at the bank as assurance, cost neutral determination of the administrative fees for family reunification and ban on cousin marriages;

- Allowing family reunification once in ten years;
- Rejection of the family reunification application of the sponsors with criminal record (especially related with illegal residence)

The main argument of the Netherlands for the introduction of more restrictive requirements was integration. It also linked the combat against the forced marriages with the integration problems. In addition to this it also stated the need for effective mechanisms to cope with fraud and abuse of the rights at the admission stage in order to sustain balance between individual and general interests. After the public consultation process over the Green Paper, the consensus was that there is no need to amend the Directive but sustain its effective implementation. Thus, the Commission should take on the task of ensuring the full implementation of the existing rules, opening infringement procedures and producing guidelines on identified issues. In this context, the Commission has prepared a guidance for application of Family Reunification Directive in 2014, COM (2014) 210 final.

#### **5.4.3.4. Family Reunification of Dutch Citizens and EU citizens**

EU citizens legally residing in the Netherlands are under the sole competence of EU law and benefit from the most extended rights derived from Free Movement Directive. However, the static Dutch citizens are under the sole competence of the Dutch jurisdiction, they are subject to the same restrictive family reunification requirements with TCNs.<sup>300</sup> Thus, in order to bypass the restrictive Dutch requirements (reverse discrimination) they use their free movement right under EU law. The Netherlands also considers the preference of Dutch citizens with TCN family member for “Europe route” as the misuse of the right. The Dutch government

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<sup>300</sup> The aim of the Directive has been stated during the negotiations as expanding family reunification rights across Europe and providing TCNs rights as near as possible to the EU citizens. Therefore, in order to prevent different treatment which could be considered as discrimination, the EU MSs started to unify the treatment for both their own citizens and TCNs at the worst conditions from the individuals’ perspective.

alleged that the “Europe route” is preferred by mainly the Dutch citizens with immigrant background; and the relationships in most cases are fraudulent. However, the study conducted in 2009 as a result of the Dutch government request challenged the Dutch claims (Regioplan, 2009; de Hart, Strik, & Pankratz, 2012).

In order to limit the negative results of the use of the EU law, through ‘Europe Route’, the Netherlands proposed better harmonization of free movement of persons and family reunification.<sup>301</sup> It favoured the solution of covering the first admission of partners to the EU territory under the Family Reunification Directive; and application of Free Movement Directive only after their admission to the MS. Thus it offered broadening the target group of the Family Reunification Directive by including the TCN family members of the EU citizens under scope of it. It also stressed the need for the minimization of differences in admission requirements for family reunification to put an end to the “Europe Route”.

## **5.5. Conclusion**

To sum up at the macro level there is an interplay of different actors on determining the scope and implementation of family reunification. Due to the culturalization of national integration arguments at the EU MSs and the problematization of migration, there is a restrictive tendency in family reunification policies at the nation state level. Netherlands is the pioneer of the perspective which problematize family reunification by associating it with the integration concerns. Thus the perspective of “family reunification for integration” replaced with the “expectation of integration for family reunification”. It mainly targets the second generation Muslim immigrant communities. However international mechanisms embrace a more liberal perspective on family reunification. The ECHR, EU legal framework are the most effective frameworks to limit the restrictive tendency of national governments. While the ECtHR leave wide margin of appreciation for the

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<sup>301</sup> Dutch Government response to the Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC), 29 February 2012; Position paper – The Dutch standpoint on EU migration policy, The Hague, 16 March 2011, p. 6.

right to family reunification, the EU provide a complex legal framework for the right to family reunification. According to this, it serves fragmented rights based on their legal status. This complex system provides the opportunity to Turkish citizens, TCNs and EU citizens to raise the EU law card and object to the restrictive national requirements on family reunification which are not in line with the EU law. In this context, Turkish citizens residing in the EU countries including the dual citizens could benefit from privileged rights in the context of family reunification. This privileged status is mainly results from the Court rulings which interprets the provisions of Turkey-EU Association Law rather than administrative considerations. In this context, individuals and the NGOs could have an active role to pose a challenge through the employment of judicial means and constrain national policies related with the national family reunification requirements.

Table 2: Family Reunification Regulations according to the Legal Status of Sponsors in the Netherlands<sup>302</sup>

	<b>EU citizens</b>	<b>Dutch Citizens</b>	<b>Turkish citizens</b>	<b>TCNs</b>
<b>Legal basis</b>	Directive 2004/38	Under the scope of Dutch law	TR-EU Assoc Law Directive 2003/86	Directive 2003/86
<b>Age requirement</b>	18	21	18 - IND administrative change in 2015	21
<b>Income requirement</b>	16 hours of work per week / €1000	100% of minimum income €1646,57	100% of minimum income (Chakroun case) €1646,57	100% of minimum income (Chakroun case) €1646,57
<b>Civic Integ. Exam in the country of origin</b>	NO	YES (exceptions <sup>303</sup> are available based on nationality)	NO (since 2011)	YES
<b>Civic Integ. Exam in NL</b>	NO	YES	NO since 2013 Dutch Court Decision	YES
<b>MVV Visa</b>	YES, exceptions <sup>304</sup>	YES (only at the country of origin)	YES (at the country of origin or from NL)	YES
<b>Fees for residence permit</b>	€50	€50	€50 (CJEU case law)	€156 for the family members of TCNs with long term residence permit (CJEU case law) €233

<sup>302</sup> See IND website for details.

<sup>303</sup> The marriage migrants with the citizens of the following countries are exempted from the integration requirements both abroad and in the Netherlands after their arrival: EU MSs, Australia, Canada, Japan, Monaco, New Zealand, South Korea, The United States of America, Vatican City, Turkey

<sup>304</sup> The marriage migrants with the citizenship of EU MSs, Australia, Canada, Japan, Monaco, New Zealand, South Korea, The United States of America, and Vatican City are exempted from the MVV visa requirement.

## **PART 3: MICRO LEVEL ANALYSIS**

### **CHAPTER 6**

#### **WHY AND HOW SECOND GENERATION TURKISH DUTCH INVOLVE IN MARRIAGES FROM TURKEY**

Partner choice of the immigrants is an issue which has attracted the attention of the scholars for a long time. Starting from the last decade, partner choice of the second and third generation immigrants become the focus of the academy and the politics in Europe since the children of the “labour migrants” reached the marriage age. The second and third generation immigrants were expected to become closer to receiving society and started to have intimate relationships with natives from the assimilationist perspective (Bogardus, 1933; Alba & Nee, 2003; Kalmijn, 1998; Gordon, 1964; Kalmijn & van Tubergen, 2006). In opposite to the assimilation theory, co-ethnic partner choice of the children of the first generation migrants does not significantly differ from their parents’ (Carol, 2016). They mainly opt for co-ethnic partner either from their parents’ country of origin or within the country of residence. In this context both in the academy and politics, the co-ethnic marriages of descendants of immigrants from their parents’ country of origin have been problematized as a sign of insufficient level of integration and belonging (Myrdahl, 2010). Thus how they involved in these marriages are also perceived as a reflection of traditional practices (forced marriages) which are incompatible with Western values in modern society (Bonjour & de Hart, 2013). Women are construed as victims of arranged and kin marriages which are conflated with forced marriages due to the allegation of lack of autonomy in their partner choice decision.

In the Netherlands while second generation Turkish Dutch (SGTD) were mainly making co-ethnic marriages with a partner from Turkey, this trend has changed after 2004. Although their co-ethnic partner choice has stayed stable, they mainly involved in marriages within the Netherlands rather than from Turkey. Some scholars analyze this shift as the outcome of the restrictive family reunification regulations introduced in 2004 (Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014). However, the partner choice is an outcome of very complex decision making process which had been influenced by different factors. In this context the main of this chapter to understand why and how second generation Turkish Dutch (SGTD) involve in co-ethnic marriages from Turkey.

The previous studies mainly discuss the partner choice of immigrants between two options: Interethnic and co-ethnic partner. In addition to this, the already existing literature on partner choice of immigrants have limitations to understand the dominance of the socio-cultural perceptions in the decision making process of immigrants over partner choice. This limitation is mainly related with their focus on the structure, mainly state policies and role of family in the partner choice process through quantitative and comparative researches. It is also important to highlight that previous studies mainly highlight the partner choice considerations of immigrants who are at the marriage age. In this context they mainly reflect the intentions of the respondents with rational considerations rather than realities. Nevertheless, their realized partner choice may differ especially if they are involved in love relationship.

This part aims to contribute to the literature by providing insight perspectives of SGTD who involved in transnational marriages from Turkey. Thus I conducted in depth ethnographic field work to understand why and how they made their partner choice from Turkey. I mainly focused on individual level processes in partner choice and their self-identification through participant observations in the Turkish community in the Netherlands and three sets of semi-structured in-depth interviews

with SGTD who got married from Turkey after 2006, Turkish origin Dutch NGO representatives and social workers.<sup>305</sup>

In order to reflect the considerations of SGTD in partner choice, (1) first the micro politics of partner choice process of SGTD is deconstructed. (2) Second, the integration level of the participants involved in this research is assessed. (3) Third, the main motivations of the SGTD for a co-ethnic partner choice from Turkey is discussed. (4) In the final part, the partner choice patterns of SGTD is elaborated by highlighting their perspectives on the role of parents in partner choice process, arranged and kin marriages.

### **6.1. Deconstructing the Partner Choice Process**

In the literature due to the dominance of quantitative and comparative studies, the partner choice of immigrants is discussed mainly with reference to the impact of different factors. There is a tendency to concentrate on the structural factors such as state policies, family dynamics, community relations and demographic issues in order to understand the partner choice (Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). However, this leads to underplaying of the importance of the human agency in partner choice process. The meanings of these structural factors for the agents mainly shape their preferences in partner choice process due to their impact on the identification process for the immigrants.

Kalmijn (1998) in his most cited theoretical and empirical study discussed the interplay between three major factors in the interethnic partner choice of individuals: Preference, structural arrangements (marriage market), and third party influence. This perspective has undeniable contribution to the researches on partner choice. However, it has limitations to reflect in-depth analysis on the perspective of immigrants who involved in transnational marriages at the micro level. Another perspective which is important to highlight is the homophily mechanism or assortative mating. According to this, people would opt for a partner like them

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<sup>305</sup> See Chapter 3 on methodology, Appendices A, B, C and D for the details about the field research, interview guides, the interviewees and the full name of the Turkish origin Dutch NGOs.

mainly with the main drive of shared attitudes and values (McPherson, Smith-Lovin, & Cook, 2001). Ethnicity and religion is explained as the main grounds for this similarity perception (Carol, 2016). Although homophily helps to understand the coethnic partner choice or endogamous marriages of immigrants, the transnational marriages of second generation immigrants is not under the scope of this perspective. Mainly assimilationist integration perspective employs it in order to discuss the level of social integration of immigrants and perceive the interethnic marriages as the sign of high level of social integration. However, from the micro level (second generation immigrants) perspective it is mainly related with their cultural identification in the private sphere which is irrelevant with their integration to the country and society of residence.

Since the main aim of this part is to understand the main motivations of SGTD for a partner choice from Turkey and how they involved in these marriages, I will mainly focus on the micro politics of partner choice by highlighting the identification processes. There is a tendency in the literature to deconstruct the micro-politics of partner choice process of immigrants through dichotomies of “agency versus structure”, “us versus them” and “romantic versus rational” (Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). While the initial part of each dichotomy is used as representation of the modern and Western understanding for family and partner choice, the latter is considered the main feature of the traditional non-western cultures which are dominant in partner choice. When they have been assessed from the perspective of the human agency (SGTD in this study) they do not necessarily represent dichotomies or juxtapositions. Partner choice is a complex decision making process in which the individual determine his/her wishes and considerations by valuing macro and meso level actors and phenomena such as integration policy, family reunification policy, kinship network, family dynamics and boundary construction. The main determinant in the partner choice of SGTD from Turkey is the cultural preferences and desires which mainly results from their internally and externally oriented self-identification process (Kulu & Gonzalez-Ferrer, 2014).

### **6.1.1. Identificational Concerns: Us versus Them Dichotomy**

At the individual level of analysis about partner choice of SGTD, there is a need to highlight the dominance of the identificational concerns. Penninx discusses similar concerns with the concept of “ethno-cultural position” of immigrants instead of ethnic identity and uses the concepts of “position allocation” (the way others see them) and “position acquisition” (the definition of people about themselves) to refer to the reactive and self-identification processes respectively (van Heelsum, 2013). The dialectical relationship between reactive identification (externally oriented categorization processes) and the self/group identification (internally oriented) contributes to the construction of identity of Turkish Dutch community (Jenkins, 2000). For the reactive identification process, it is important to highlight the structural context in the country of residence (such as development and implementation of policies), processes of “othering” and differentiation of immigrants by the Dutch society. On the other hand, their preference for the ethnic and cultural retention and the meaning of family and ethnic community for the immigrants also constitute the internal orientations of immigrants for their self/group identification. Both identification processes are decisive in the construction of in-group boundaries which are not fixed and help us to understand the co-ethnic partner choice of SGTD from Turkey.

#### **6.1.1.1. Reactive Identification of SGTD (Externally Oriented)**

There is a tendency to discuss rising Islamophobia, xenophobia, culturalization of immigrant integration policies and the process of otherness in Europe (Uitermark, 2010) through neo-racism theory. According to this perspective, the self and other group construction is redefined based on the perceptions over ideological differences such as culture, religion and “way of life” rather than genetic transmission and biological features. Thus neo-racist perspective discusses the attitudes and abilities of individuals mainly through historicizing culture and religious belongings. This perspective raised in the context of French perspective on racism is referred with different concepts by scholars: ‘New right’ (Seidel, 1986), “new racism” (Barker, 1981), “differentialist racism” (Taguieff, 1990), “ethnic

absolutism” (Gilroy, 1987), “racism without race” (Balibar, 1991) and “cultural racism”. It could be suggested that common points of all are their essentialist view on culture, “culturalization of races” (Essed, 1991) and their consideration over cultural differences as the sufficient ground for the legitimization of exclusion and discrimination of certain groups.

According to Balibar (2005) “racism as difference or differentiation pushed to otherness leading to exclusion”. Turkish Dutch community is minority group in a different society, their identification is mainly determined by their relations with other groups (Kağıtçıbaşı, 2012b). Some scholars such as Portes (1999), Rumbaut (2008) and Jenkins (2000) discuss the impact of state policies and perceptions of the native society towards immigrants on the self-identification of immigrant groups with the concept of “reactive ethnicity.” According to them, when the negative environment has been created through the governmental policies and negative image building in the native society, the immigrants embrace reactive ethnicity by “drawing a protective boundary around the group, identifying with the traditions and interests rooted in the home country and separating it symbolically and times, physically from the host society” (Portes, 1999, p. 465).

In line with this argument, the higher the negative categorization of Turkish community in the Netherlands by the Dutch society, public opinion, politicians and media is, the stronger in-group identification Turkish community in the Netherlands would have. Being negatively influenced by the implementation of policies (integration, family reunification, housing), negative perceptions of the Dutch society (about Islam, Turkish culture, their economic weight on the social welfare system), being categorized as the “other” within the society and by the media (Doomernijk, 2013; Geschiere, 2009) contributes to their reactive self-identification.

The term of “allochtoon” is common to refer to the foreign origin population in the Netherlands. If the foreign born person or a person born in the Netherlands with one or both of parents is foreign born, he is categorized as “allochtones” regardless of his/her Dutch nationality. Their ethnic categorization mainly enables the Dutch government to make distinctions within the Dutch population depending on the countries of origin and ethnicization of policies (Jacobs, et al., 2009). This

perspective leads to the stigmatization of immigrant origin people and consideration of second generation immigrants under the scope and surveillance of integration policies. In addition to this, culturalization of integration policy and negative perceptions of natives about different cultures and religions contribute to the reactive ethnicity of second generation immigrants. The shift in the accommodation of cultural and religious differences of immigrants in the context of Dutch policies of the Netherlands which has been discussed in the Chapter 4 of this study also influences their reactive identification.

The report of “World of Difference” illustrates the feeling of exclusion of the SGTD since they are often considered as member of migrant group rather than a Dutch citizen regardless of their Dutch self-identification (Huijnk, Dagevos, Gijssberts, & Andriessen, 2015). The high level of perceived discrimination on the grounds of their ethnic origin and religion on different domains of life also stimulate their reactive self-identification and social distance to the Dutch society (Andriessen, Fernee, & Wittebrood, 2014).

At the Dutch migration context, Turkish community is highly stigmatized due to their religious and cultural differences. Those differences are interpreted as inferior, negative and even threatening. The state policies and the discussions around them contribute to negative Dutch perceptions about Muslim immigrant communities. Although Netherlands implemented policy for the inclusion of foreigners by respecting and even fostering their cultural differences during 1980s, since 2000s the Pandora’s Box has been opened. Thus forceful integration perspective which prioritize cultural integration over structural integration and assimilationist model become dominant (Geschiere, 2009). Their cultural differences have been viewed as a legitimization ground in the society for segregation in housing, education and differential treatment for family reunification regulations. The use of the term “non-western allochtoon” which mainly refers Muslim immigrants in the Netherlands (Moroccan and Turkish) led to their stigmatization and contributes to the increasing social distance between Dutch natives and Muslim immigrants (including first, second and even third generation).

The political environment since 2000 gave rise to these negative sentiments against Turkish Dutch with the help of the public opinion. The association of terrorist attacks – September 11, murder of populist politician Pim Fortuyn, murder of film maker Theo van Gogh, Charlie Hebdo, ISIS - with Islam at the public sphere and economic situation after the 2008 crises also make the Turkish community in the Netherlands target. In these circumstances Turkish community position themselves in the society ethno-culturally (more specifically ethno religiously) as an outcome of the perspective of others – Dutch society – (position allocation) (van Heelsum, 2013). Thus due to the weak acceptance of Turkish community by the Dutch society, the in-group self-identification and ethnic and religious bond is reinforced rather than erode. This reactive identification stimulates the collectivistic culture of the second generation Turkish Dutch and ethnic self/group identification.

#### **6.1.1.2. Self or Group Identification of SGTD (Internally Oriented)**

The second identification process is the internally oriented self/group identification. Thus they also define the in-group according to their own definition which has been referred as position acquisition (van Heelsum, 2013). In this in-group definition the gender, nationality, religion, culture, social class could play role. In this study the partner choice of SGTD from Turkey could be associated with their in-group definition resulted from the intersection and interaction between different dimensions of identity: culture and gender.

The components of the Turkish culture (religion, language, norms and values) become dominant internal considerations in the process of identification. This group identification differs depending on the context. At the beginning of the field research, the different self-identifications of Turkish Dutch were surprising and confusing thing for me. I needed to ask for clarification when they started the sentence with the word “we” or “they” since it was difficult to understand about whom they are talking about. Depending on the context, “we” means Turks, Turks in Turkey, Turks in the Netherlands, Muslims in the Netherlands, Turkish Dutch from a certain congregation, Turks coming from specific city or region of Turkey or Turkish Dutch women/men.

In this context ethnic origin and religion are the most important parts of their self-identification. However, they may narrow down their identification depending on the context. For example, when the traditional food, norms and values are the issue at stake, they prefer to refer themselves with their parent's hometown or region in Turkey. These considerations emerge in their partner choice considerations since they want to feel comfortable at home with the similar cultural religious and social backgrounds.

According to the theory of assortative mating and homophily principle (McPherson, Smith-Lovin, & Cook, 2001), one would expect to determine individual preferences on partner choice by considering the socio-economic and cultural similarities (Kalmijn, 1998). At the migration context SGTD already put so much effort while living between two cultures, two languages and two religions. Therefore, at their home, they want to feel comfortable, relaxed without experiencing any more cultural or religious conflict or concerns about adaptation. Most of them were distant to the marriages with a native Dutch and Moroccan Dutch. They were looking for strong cultural similarities in terms of religion, mother tongue, norms and values.

Arend-Toth (2003) found in her study that Turkish immigrants in the Netherlands prefer integration at the public sphere and separation at the private one. The recent research on the social cultural distance and position of immigrant groups in the Netherlands reveals that more than half of Turkish community in the Netherlands is characterized by mixed position on socio-cultural and emotional dimensions. 53 percent of Turkish community is categorized under the "moderate segregation" according to which "the main focus of their contacts and feelings of identification is on their ethnic origin group, but they also maintain contacts with Dutch natives" (Huijnk, Dagevos, Gijsberts, & Andriessen, 2015). This percentage is higher when the SGTD is considered.<sup>306</sup> According to my field observations and interviews, the SGTD mainly participate in the social life in the Netherlands and get in contact with Dutch natives. However, they have closer links, more frequent

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<sup>306</sup> Only five percent of the SGTD feel emotional link to the Netherlands and have limited contact with Dutch natives (Huijnk, Dagevos, Gijsberts, & Andriessen, 2015).

contacts and emotional ties with the Turkish community in the Netherlands. Therefore, according to field observations it is common for Turkish community to define themselves as either Turkish community (more common for the first generation) or Turkish community in the Netherlands (more common for the second generation).

### **6.1.2. In-between Collectivistic and Individualistic Culture**

The rural background and features of collectivistic culture is mainly used for the stigmatization of Turkish Dutch. It constitutes the basis of the dichotomies of “us versus them” and “agency versus structure”. This mainly results from the essentialist view on the culture. The repositioning of the SGTD in the society between collectivistic and individualistic cultures is not taken into consideration through these dichotomies. Their rural background and collectivistic culture which has brought from Turkey determined the main characteristics of Turkish community in the Netherlands. However, with the increase in the duration of their residence in the Netherlands and existence of second and third generations, they had to redefine their identification between individualistic culture and collectivistic one. With the rising autonomy of the SGTD, the first generations step back in order to protect the in-group solidarity and intergenerational relations. Thus the relations of between individual, family mainly parents and ethnic community has been redefined in the migration context. In order to understand the self-identification of SGTD and their autonomy and bond with the group, it is important to discuss the collectivistic culture.

The Turkish community in the Netherlands mainly had rural origin in Turkey which could be associated with the initial migration motives (guest worker and family reunification). Although there is divergence in their home city and region in Turkey, most of them are coming from the Central Anatolian region of Turkey (Böcker, 2000). Their rural origin is characterized by tight-knit bonds and close connections (Erel, 2002; Kağıtçıbaşı, 2003). They were part of large families in an agrarian society which had the features of the traditional collectivistic culture. In the literature having rural background is also correlated with the stronger religious and ethnic identification (Lancee & Seibel, 2014; Fleischmann & Phalet, 2012). Their

feeling of belonging to the extended family has been sustained and thus they tried to maintain the family ties (Bryceson & Vuorela, 2002). The communities with collectivistic culture are much more tied to the past and cultural heritage than individualists (Triandis, 1995). The conformity to norms, culture of togetherness and relatedness, cooperation, unequal power relations, social control mechanisms, social influence and familial obligations (Triandis, 1995; Triandis, Bontempo, & Villareal, 1988; Kağıtçıbaşı, 2012a) reflect the main concerns of collectivistic culture.

In the collectivist societies, people are integrated to cohesive in-groups in which they receive protection in return of loyalty (Hofstede & Hofstede, 2005). This is mainly related with the tightness of the collectivist cultures. The predetermination of correct action by the group, obedience to the norms of the culture without questioning by the members and sanctions in the case of deviations from norms are discussed in association of the tightness of the culture (Triandis, 1995). In this context, value transmission is an automatic process within the group since “allocentric persons in collectivistic culture feel positive about in-group norms and do not even raise the question of whether or not to accept them” (Triandis, Bontempo, & Villareal, 1988).

Despite of the rural background and collectivistic features of Turkish culture, Turkish Dutch reflect these features of collectivism in a limited extent. Turkish Dutch have tendency to self-identify themselves as a member of a group rather than an individual (Triandis, 1995). Nevertheless, due to the interaction of collectivistic culture of Turkish community with the individualistic Dutch society, they adapt themselves to the new circumstances by valuing the autonomy in a culture of relatedness (Kağıtçıbaşı, 2005). This new positioning has strong influence on the in-group identification through internal and external orientations.

SGTD who were mainly raised with the features of collectivistic culture in the Netherlands questions the norms and values due to the education system and their observations in the individualistic culture. They reposition their collectivistic understanding of culture in the individualistic society by loosening it at a certain extent. They require their autonomy in a culture of relatedness (Kağıtçıbaşı, 2005). Although at the collectivistic cultures there is important degree of relatedness

between generations, this is not an obstacle for the individual autonomy (Kağıtçıbaşı, 2012a). In this sense at immigration context, SGTD become “autonomous related selves” since they receive their autonomy to adapt to the Dutch society and lifestyle while preserving cultural values of embeddedness and understanding of relatedness (Kağıtçıbaşı, 2003; 2005; Phalet & Schönplflug, 2001).

It could be argued that SGTD have material independence and emotional interdependence at the same time. First, the social welfare system of the Netherlands has undeniable contribution to the material independence of SGTD since it enabled them to stand against their parents for defending their autonomy. Second, in the context of emotional interdependence, family relations and Turkish origin Dutch NGOs are important to highlight since both have role in maintenance of culture, providing in-group protection against the cultural racist perspectives in the society and policies. In order to prevent cultural conflict, distance within family between generations and preserve their identity and affiliation to the country of origin family especially parents put effort for their children’s religious and cultural affiliation. In addition to this the Turkish origin Dutch NGOs also have role in value transmission through the activities they organized. However different from the initial years of Turkish residence in the Netherlands, they stress the permanency in the Netherlands and integration to the Dutch society by preserving cultural and religious values. Thus they stimulate the transnationalism and integration simultaneously.

### **6.1.3. Intertwinement of Romantic and Rational Concern in Partner Choice Process**

There is a tendency in the literature to deconstruct the micro-politics of partner choice process of immigrants from Muslim communities through dichotomies of “romantic versus rational” (Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). While the initial part of the dichotomy represents the modern and Western understanding for partner choice, the latter is considered dominant in the traditional non-western cultures. This dichotomy is mainly raised in the political discussions on arranged marriages, kin marriages and marriages of convenience. This is mainly related with the national concerns over new migration and traditional kinship ties which would lead to the victimization of women. However, from the

individual perspective such a dichotomy between romantic and rational considerations in partner choice which led to the marriage migration does not necessarily exist.

Love and romantic motivations in transnational marriages could be intertwined with the rational considerations in arranged and kin marriages especially for the second generation immigrants. First, they could influence the arrangement process since the spouses have a say for their preferences, wishes and expectations for their partner. In this regard it is highly possible to come across with the “arranged love relationships” in which the arrangement mainly represent the practical issues related with the way they meet and cultural concerns over dating process (Eggebø, 2013; Schmidt, 2011; Shaw, 2001). Second, kin marriages could be result of the intersection of the cultural preferences of individuals and the meeting opportunities rather than the dominance of the authority of kin (Flemmen, 2008). Thus it is common that second generation immigrants and their families could compromise on the accommodation of romantic expression and arrangement simultaneously (Hart, 2007). In this context it is hard to evaluate the main incentive for the transnational marriages. Love relationship may lead to the marriage migration as a result of the instrumental rational considerations over where to sustain the family unity (Charsley & Shaw, 2006).

## **6.2. Assessment of the SGTD Participants’ Integration**

As a result of the “internal and external moments of the dialectic identification” Turkish community in the Netherlands have strong self and group identification which results in dichotomies in their private life. The assimilationist perspective would view this self-identification process as a sign of insufficient integration and belonging. However, in this study integration is considered as two-way process. Some degree of participation of immigrants under structural and cultural spheres of life is expected in return of equal rights and opportunities. In this respect self-identification does not represent an indicator for the assessment of integration since it is mainly relevant to their personal and private space rather than public space. The state policies have discussed the coethnic partner choice of SGTD with the claim of insufficient level of integration and thus defend the more restrictive

regulations in order to force them to the “idealized integration path”. In this part in order to understand whether the concerns at the macro level over integration helps to understand the partner choice of SGTD from Turkey, I tried to reflect the assessment over the integration<sup>307</sup> of SGTD who involved this research under the structural and socio-cultural dimensions.

### **6.2.1. Structural Integration**

Similar to the findings of the previous studies on transnational marriages of immigrants in Germany (Kalter & Schroedter, 2010), I realize that most of the spheres in structural integration (such as labour market participation and position, education level, citizenship status) is not influential on the partner choice of the second generation Turkish Dutch from Turkey. All of the interviewees either participated in the labour market or continue their education before meeting their partner from Turkey. Most of the participants had finished their high school education (MBO or HAVO) (See Appendices B and C). Most of them have dual citizenship. None of them could be considered as a burden to the welfare state institutions since they were either working or continue their education. Although most of them do not participate to the elections and interested in the politics before meeting with their current spouse. However, they mainly explain their obliviousness with the xenophobic and Islamophobic atmosphere in the Dutch politics. Therefore, it is better to associate this with their self-identification rather than their structural integration (see Chapter 8 for detailed discussion).

At the structural dimension, it is important to highlight housing conditions of Turkish community due its impact on the social network and thus partner choice of the SGTD. During the field research I observed that immigrants are concentrated in some neighborhoods in Utrecht (in Overvecht, Kanaleneiland, Zuilen and Lombok districts). This mainly results from the ethnic segregation in the housing market.<sup>308</sup>

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<sup>307</sup> See the Chapter 2 for the detailed discussion on the definition of integration for this study, policy perspective and micro level perspective.

<sup>308</sup> Due to the housing shortage in the Netherlands, there is significant degree of state’s direct or indirect intervention to the housing market especially through spatial planning and rental procedures. Social housing is the most common way of rental housing. Thus free rental market represents the 7%

This also leads to their attendance to the schools with high immigrant concentration (OECD, 2010; ECRI, 2013, pp. 24-25).<sup>309</sup> The segregation in housing and education also enhance the negative perception of Dutch society about those neighborhoods and the Turkish community – parallel society concerns. This could be considered as a structural discrimination which would hamper the social integration of Turkish community. Thus it contributes to the in-group identification through reactive identification and revitalization of collectivistic culture within Turkish community. In addition to this it contributes to the increasing social network within the Turkish community in the Netherlands. Thus, it also facilitates the meeting opportunities of SGTD with each other and shapes their partner choice.

To sum up, although the Dutch government have a tendency to relate the partner choice considerations of SGTD from Turkey with their low level of integration, during the research I could not come up with a direct link. Only housing conditions have an indirect impact on the partner choice of SGTD due to its influence on the socio-cultural integration.

### **6.2.2. Socio-Cultural Integration**

The socio-cultural integration of SGTD is assessed by taking their ability to build social networks, their competency in Dutch language; their knowledge and respect on Dutch norms, traditions and values. Since the target group of this field research is the second generation Turkish Dutch who had their education in the Netherlands, they have high level of Dutch language competency. Thus it is intentionally left out in this study.<sup>310</sup> In terms of social integration, they participate

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of the total housing stock (Vandevyvere & Zenthöfer, 2012). Therefore, mainly local administrations, have the capacity to influence the spatial distribution of ethnic communities. In the Netherlands, distribution of social housing is planned mainly with the socio-economic considerations. Low socio-economic level of the Turkish Dutch community leads to their concentration at specific neighborhoods and certain schools with other immigrant groups as a result of the social housing policy

<sup>309</sup> In many reports on education system, the high immigrant population concentration in certain schools which are referred as the “black school” have been highlighted as a school segregation which resulted from the residential segregation mainly in four major cities (Rotterdam, Amsterdam, the Hague and Utrecht) (OECD, 2010; ECRI, 2013, pp. 24-25).

<sup>310</sup> Only one of the participant do not feel comfortable with his Dutch competency.

to the social life in the Netherlands and have contact in the Dutch society and have the feeling of home in the Netherlands. They have strong feeling of belonging mainly to the city where they reside. Thus they have clear links with the Dutch society and contacts with Dutch natives. During the field research and extractions from interviews, I come to the conclusion that depending on the contextual factors such as work environment, school, neighborhood etc. they establish more frequent and various contacts with the native Dutch and have closer link to the Dutch society. Similar to the findings of the previous researches, I realized during field research that in their private life and intimate relations they feel more comfortable in their own ethnic group (Huijnk, Dagevos, Gijsberts, & Andriessen, 2015; Arends-Toth, 2003). However, it is not considered as a sign of insufficient level of their integration since in the private life with whom one would enter into close contact is related with the similarities shared.

There is a tendency in the policy formation and academy to relate the partner choice considerations of SGTD from Turkey with their low level of social integration. It is reflection of neo-assimilationist perspective which perceives interethnic marriages of immigrants and natives as the strongest possible tie between two ethnic groups. Co-ethnic marriages of immigrants and their descendants from their country of origin are viewed as the direct opposite of inter-ethnic marriages. In this context important amount of researches on social integration focused on the partner choice of immigrants (Fu, 2001; van Tubergen & Maas, 2007; Lievens, 1999; Kalmijn, 1998). However, during my ethnographic field research, I realized that the reactive and self/group identification and the cultural perceptions of SGTD mainly shape their preference for partner from Turkey. Thus they are not assessed as a barrier to their integration to Dutch society since it is understood as reflection of the possibility of transnational communities' multiple identities, belongings and ties. This assessment is mainly based on the distinction drawn between the concepts of assimilation, integration and transnationalism (see Chapter 2). I realized that from the perspective of SGTD, their coethnic partner choice from Turkey is mainly related with their cultural preferences (cultural similarities), negative image building for the opposite sex in the Netherlands, idealization of transnational partner and love affair.

### **6.3. Main Motivations of SGTD for Partner Choice**

Main aim of this part is to understand the main motivations of SGTD who are already involved in transnational marriages. Although they have different options for marriage partner such as Dutch, Moroccan Dutch, interethnic partner from third country, Turkish origin partner from third country, SGTD or Turkish partner from Turkey (Straßburger, 2003), they mainly chose coethnic partner either from Turkey or from the Netherlands. This is discussed in this study with reference to their three considerations. First, their preferences for the cultural similarities lead to the construction of flexible imagined in-group boundaries mainly with reference to the cultural concerns such as religion, language and customs norms and values. Second, the prejudices and stereotypes of SGTD not only about inter-ethnic partners but also co-ethnic partner from within the Netherlands orient them to a partner from Turkey. Third, their transnational identities and practices also motivate them for transnational marriage. The final motivation which will be highlighted is falling in love.

#### **6.3.1. Cultural Preferences of SGTD**

Cultural similarity is reflected as the main motivation of immigrants' coethnic partner choice. It is mainly employed to explain the co-ethnic partner choice of immigrants rather than interethnic, I realized that it is also important as a motivation for partner choice of SGTD from Turkey. Their cultural considerations in partner choice and how they define cultural similarities are closely related with their in-group identification. Religion and/or language are stated as the main preference in this respect to eliminate inter-ethnic partner options. They have also other cultural motivations in partner choice such as values, norms, food, attitudes, customs and traditions which result in their self-identification with the region of origin of their (grand) parents and kins.<sup>311</sup>

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<sup>311</sup> Although kin marriages and arranged marriages will be discussed in the following part on how SGTD involved in transnational marriages, it is important to highlight that it is also related with their motivations due to their restrictive in-group definition, cultural similarity perception and their self/group identification

### **6.3.1.1. Religious Concerns**

Responses of the participants in my research support the previous studies on the role of religious affiliation in religious in-group partner choice (Fleischmann & Phalet, 2012). In this part both the religious concerns of the SGTD and native Dutch will be highlighted through the analysis of the experiences and perceptions of SGTD. First, the coethnic partner choice of SGTD from Turkey could be also associated with the role of religion in their self-identification process. In the Turkish community it is hard to differentiate the religious and ethnic identification (Groenewold, 2008). Most of the participants did not even dare to mention being a Muslim as a criterion for their partner choice preferences since it is a presupposition. In the follow up question they categorize the religion as a priority most of the time.

M6: For me religion is more important even more important than the culture. If you ask why? (...) A person who is close to her religion and close to her God automatically practice your culture. But if you are not close to God or your religion than I am sorry to say that but you live like blasphemous.

During the interviews I realized that although religion is their key concern for partner choice, it is not directly associated with the co-ethnic marriages. It was interesting to discover that some participants consider interethnic marriages with native Dutch partner an option only if he or she converted to Islam (Casier, Heyse, Clycq, Zemni, & Timmerman, 2013).

F7: I could accept a Dutch partner if he takes my religion and he is circumcised.

Sometimes especially male participants did not dare to state this condition specifically while they were explaining their views on Dutch partner. According to the literature, the level of religiosity and practicing religion is not the main concern for partner choice (Burgess & Wallin, 1943). Although during the interviews few participants raised their concerns related with the practicing religion, it was not stated as determining factor for their partner choice. Few female interviewees stated that sharing the religious practices like festivities, fasting, praying and making conversations about Islam with their partner were important for them in their partner choice consideration.

F5: I was not thinking of marriage but I was saying that if I get married, I want someone who is devotee to his religion, performs salaah. Now for God sake he performs salaah. I checked. For very few times I had said that if I got married I would marry an imam

Male participants mainly highlighted the importance of religious practices for their partner choice decision by underlying their perspective on wearing head scarf. Half of my male interviewees consider wearing headscarf as a religious practice. However, it was not dominant in their partner choice considering the fact that most of them got married with a marriage migrant without headscarf. Although some of the marriage migrants started to wear headscarf after marriage, nearly half of them do not. When I questioned the pressure they put on their wives, they admit that they had said their preference but not as a condition or pressure due to the importance of self will for a religious practice in Islam.

Researcher: Did you asked your wife to wear a headscarf after marriage?

M17: It should come from the inside of the person. She should know who she is, who she will be, how her children should be, what kind of identity she will have. The people here live in a free country. They could complain their parents to the police for any trouble in the family. They could state that they force me to do this. I did not force her. However, she needs to prove that what she want to be since I had already told my expectations for partner profile. I wanted to feel myself more Turkish, not Dutch. Despite of the fact that I was born and grew up here and live like them I am always foreigner in their eyes. It would stay like that even if I convert to their religion. (...) you need to do everything in the right time. I did not ask her to wear the headscarf after marriage. She had it last two years with her free will.

Contrary to the literature claiming that religion have more influence on partner preference of women than men (Hooghiemstra, 2001), during the research gender related differences has not been encountered in this respect.<sup>312</sup>

Second, prioritizing religious similarities could be associated with the reactive identification process considering the negative image of Islam and Muslim Dutch with immigration background in the media, society and politics. Thus it is important to highlight the perceptions of native Dutch people on interreligious

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<sup>312</sup> Although this research has limitations to generalize this due to its focus on the SGTD with a partner from Turkey, the general statistics also reveal that the marriage from Turkey for men and women is balanced (see CBS Statline).

marriages while analyzing the coethnic partner choice of SGTD from Turkey. Although the field research is conducted among Turkish community, with the comments of my Dutch colleagues and Turkish origin Dutch NGO representatives I realized that interethnic and interreligious marriages and relations are highly problematized issues for native Dutch. It is mainly related with national, ethnic and cultural identity concerns and historical perspective on inter-religious marriages.

For the Dutch society the religious and cultural similarities is more important than racial similarities for partner choice decision in intermarriages (Kalmijn & van Tubergen, 2006). This can be considered the result of pillar structure which was determining for the social structure within the Dutch society until mid-20<sup>th</sup> century. Marriages between partners of different religions or different social classes were almost inconceivable mainly related with the group sanctions (Kaya, 2009). Therefore, the individuals could have made their partner choice through their preferences only if they chose within the prescribed groups defined by social and religious characteristics (Cuyvers, 2006).

The Dutch expression that “two beliefs/religions on one cushion, there sleeps the devil in between”<sup>313</sup> was used to show the nonacceptance of the intermarriage between Catholic, Protestant and secular partners. Although intermarriage between these groups becomes common between these religions, the expression is still in use for the marriages between native Dutch and Muslims (Hekma, 2014, p. 61). Strong religious boundaries of the Dutch society for the partner choice with a Muslim partner (Clycq, 2012; Kalmijn & van Tubergen, 2006) also lead to the social distances towards Turkish Dutch. Since the marriage is a decision taken by two sides, the perceptions of the Dutch population about the intermarriage with a Turkish Dutch is also decisive for the partner choice of the second generation Turkish Dutch (Huijnk, Verkuyten, & Coenders, 2010; Carol, 2013). One of participants of my research expressed the negative perception of native Dutch parents about marriage of their son with a Muslim by referring her previous relationship.

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<sup>313</sup> “Twee geloven op een kussen, daar slap de duivel tussen.”

Researcher: Before meeting your husband, have you ever see or date another man?

F16: No only that Dutch guy.

Researcher: Why did you not marry him?

F16: Because I did not want. He was not Muslim

Researcher: Were you in love with him?

F16: Yes, I loved him a bit.

Researcher: Did not your parents say anything?

F16: His parents were against it. Since I am like a friend with my father, he was not against him. But his parents already objected to our relationship. They did not want someone who is Muslim.

Researcher: If his family would not object to your relationship, would you get marry with him?

F16: I do not know it. It is fate. I got married with my current husband

In this case the SGTD woman had not married her Dutch boyfriend due to his parents' opposition and she preferred co-ethnic marriage partner from Turkey as a result of her strong reactive identification, position allocation and reconstruction of in-group boundaries. To sum up, religion constitutes important cultural element for the determination of personal preferences of SGTD due to its influence on the construction of both in-group and out-group boundaries through self/group and reactive identification processes.

### **6.3.1.2. Language: Family relations and Child Raising**

Religion is one of the main grounds for the perceived discrimination for both Moroccan and Turkish communities in the Netherlands and key cultural feature for their self/group identification. Thus interethnic marriages within Muslim groups mainly between SGTD and Moroccan Dutch could be expected as normal. However, the actual interethnic marriage of SGTD with a member of third ethnic group residing in the Netherlands including Moroccan Dutch is only 7.8 percent (See Figure 3 in Appendix E). In this context it could be concluded that the religion is a key concern for partner choice but not the only one.

The SGTD still stay distant to the intermarriage even within the same religion due to the coordination problems related with the language difficulties (Carol, 2016). Most of the interviewees were reluctant or against the marriage with second generation Moroccan Dutch. Most important reasoning for their reluctance for the marriage with Moroccans is the differences in language and culture.

Researcher: What is the reason that you did not consider a Moroccan partner?

M5: It could have been. But both being Muslim and knowing Turkish is more important for me. But if I have to make a choice between a Dutch and a Moroccan would prefer Moroccan for sure.

Since in the traditional culture, relations within extended families are also close, while making a partner choice many of the interviewees also think about communication in their mother tongue with their partner and parents. They raise their concern for speaking Turkish with reference to the family unity and child raising. They also want their children to learn Turkish for their communication with their grandparents, especially with their grandmothers. Since most of interviewees' mothers are also marriage migrants they are not fluent in Dutch. In the case of a Moroccan partner choice, Arabic needs to be introduced in addition to Dutch and Turkish. This complicates the extended family relations and child raising more.

F1: It is not only related with language or religion. (...) There is also family. How will his mother and my mother talk with each other? They cannot talk. Family is important for me.

Although in the literature highly educated immigrants would opt for a native partner in return of upward assimilation and/or with the concerns of socio-economic (educational, occupational and class) homophily (McPherson, Smith-Lovin, & Cook, 2001; Kalmijn, 1998), however personal preferences shaped by cultural homophily is valid for highly educated SGTD. The cultural concerns, mainly communicating in Turkish, were also highly dominant at the partner choice of M10 who is university graduate running his own business and earning high above the average income of native Dutch. Although he had Dutch girl friend who is approved by his family, he states that he never thought of getting married with her. He explains the reasoning as following:

M10: Because I realized that the cultural differences are really very difficult within the family especially for me. I like the Turkish food, Turkish culture, relations in the family and certain rules within the family. Their culture is totally different. In addition to this, I do not feel extreme intimacy to them in a relationship. I had also Turkish girlfriend in the Netherlands before marriage. I feel closer to her. When she is Dutch it is not the same. I can communicate with a Dutch woman and spend nice time but when it comes to marriage, the criteria changes. Religion is not a criterion for me. I am not

a religious person. Culture is more important, At least communicating in Turkish. If I do everything in Dutch, I am not delighted.

Language is more concrete way of practicing the culture since many of the cultural issues are hard to translate without using the cultural words within the language. Despite of their competency in Dutch language, all the participants in this study state that Turkish is their mother tongue. Although in their daily life they speak a mixed language – half of the sentence is in Dutch and the other in Turkish - they get angry, rejoice in Turkish and give immediate reactions in Turkish.

### **6.3.1.3. Norms and Values: Restrictive Definition of In-group Boundaries**

During the interviews most of the participants stressed their discomfort about cultural differences. They reflected dynamic, flexible and pragmatic boundary constructions for in-group and out-group.

The perceptions of SGTD men about the gender roles in the household are influential in their partner choice from Turkey. Male participants expect from their partners to take care about the household work and child raising. One of the male interviewees refers to the gender roles in the family for the partner choice in a traditionalist perspective.

M8: She should be Turkish girl, house wife with headscarf. When I come from work the meal must be ready.

Showing respect to the elders and being accustomed to their living style are serious concerns for them. Partner choice for marriage is the most intimate decision for them. It is not related with their social integration. Although they are part of the Dutch society, have intercultural friends, even romantic relations with Dutch, they want to feel comfortable at home within the family by preventing cultural differences. Issues which results from the individualistic culture of the native Dutch is the main concern for their partner choice.

M19: No matter how social you are. You do not forget your grandparents and relatives who have the rural background. The way they speak and talk is different. Since we know these, we can tolerate many things because of the respect. Dutch people do not respect. They say this is my life. They start the sentence with “I” all the time. They say either accept or leave.

In terms of their preferences for partner choice they construct more restrictive in-group boundaries which are related with not only religion and language but also norms, values, customs, food and traditions. Therefore, even Turkish partners from certain regions of Turkey could be considered as outgroup for SGTD while explaining their partner preference. Thus they opt for a marriage partner from their hometowns or at least the same region in Turkey by associating it with the norms, values, customs which are influential in every sphere of life. From the forty participants fifteen men and eleven women married with a partner who shares the same origin city with their parents.<sup>314</sup>

M5: Our manners and customs... Manners and customs of Elazığ... Respect to elders... For example, a daughter in law cannot sit cross legged or behave in a relaxed manner near her father –in-law. She takes a back seat. It is different near her husband. But we have such customs to show respect to the elders.

According to M5, a woman who has not been raised in his culture could not understand and embrace these values and adopt to the family life. The extremely restrictive in-group construction process results in the partner preference of SGTD from within their kins. The kin marriages are common due to the fact that they look for high level of cultural and social similarities and closer family relations.

M9: I preferred since we are kin, nested. I mean we are close.

Researcher: What do you mean by closeness?

M9: All our cultures are the same. Since we know each other, it is less difficult between families.

SGTD men participating my research often perceive that women from their hometown would be the contrary of the stereotypes they have about the women raised in the Netherlands. They associated the values they prioritized with their hometown. In this respect they do not consider the transnational partner choice as the main concern. On the contrary they mainly prefer a partner with the origin of their parent's hometown either in the Netherlands or in another country. Due to the practical reasons they could meet with them in Turkey.

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<sup>314</sup> Actually SGTD refers to their (grand) parents' hometown, home city as theirs'

M15: The women in Turkey are more honorable. In Turkey there is not any hypocrisy, not in our village. I am surer than myself that there is not any hypocrisy in Trabzon society.

Researcher: How about women in the Netherlands with the origin of Trabzon?

M15: People from Trabzon are the same everywhere (...)

Researcher: Why you did not consider a partner in the Netherlands with the origin of Trabzon?

M15: They were all acquaintances. Since we have been together from childhood, I did not look at them in that way.

During my field research I realized that it is less frequent for women participant to look for a partner from their hometown. The ones who got married from their hometown raise their concern about the differences in food, social networks, socialization process and family relations.

F12: The most important concern about my husband was culture of course. For example, I was so happy that he is from my region. I am from Araklı (a district of Trabzon). He is from Sürmene from the center of Trabzon. He knows my culture, likes the food I cooked. I get along with his mother since I am familiar with his culture. That's why there is not any uneasiness. He could get along with my mother. I do not think I would be comfortable like this if I would be married to a different family (she means a family from different city). I got married at the age of twenty-seven. I was not that young to look for a love affair.

F13: Definitely culture is the most important thing since we are from the same side. In our conversations we mention the same people. We know the same people, same places. We have been to the same places now and even before. When we had talked we had more common things. That attracted my attention more. It is also the same for house visits. When I sit with a person from Adapazarı, I find more things in common to talk. What will I talk with a person from Konya? The conversation is different. I am sure it is better with the one from Adapazarı.

The concerns of participants over transnational marriages could be associated more with their transnational identities and practices. They want to be part of the social life in Turkey and also bring some of it to the Netherlands with the marriage migrant. It is not related with their integration to the Netherlands.

M24: I am open to other cultures. Nevertheless, we like Turkish food, talking in Turkish, going to Turkey for holidays. That's why she should be Turkish. Then she would be a person whom you can talk in all subjects and understand each other.

Due to the identification of SGTD with the Turkish community in Turkey, they sometimes consider opposite sex coethnic peers as out group. The prejudices and stereotypes are also influential in this restrictive boundary construction.

### **6.3.2. Prejudices and Stereotypes**

The dominance of cultural motivations in partner choice is not enough to explain the preference of SGTD for transnational marriage. They could have partner options who share cultural similarities from within the Netherlands. In the literature there is a tendency to explain the low rates of co-religious or co-ethnic marriages from within the country of residence through limited meeting opportunities and demographic factors such as group size, sex ratio, home city divergence and their geographical distribution (van Zantvliet, Kalmijn, & Verbakel, 2015; Kalmijn, 1998).<sup>315</sup> However from the perspective of the individuals, the stereotypes and prejudices they have about Moroccan Dutch or Turkish Dutch in opposite sex result in avoidance of partner choice for marriage within Netherlands.

#### **6.3.2.1. Stereotypes about Moroccan Partner**

Due to the religious similarities, a Moroccan partner could be important an option especially for the female SGTD. However, they are not willing to marry with a Moroccan Dutch partner not only related with the cultural differences but also the prejudices about Moroccan community in the Netherlands. They have negative image about them such as “irresponsible”, “idled”, “drinking alcohol”, “using drugs”, “not respectful”, “have tendency to commit crime” and “Westernized life style”.

F14: I could have got marry even with a native Dutch but no way for a Moroccan?

Researcher: Why?

F14: There are some issues that Moroccans are categorized. They are drug addicted, antisocial, and aggressive and thieves. We have such beliefs

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<sup>315</sup> The number of Turkish community at the marriage age (20-40 years old) in the Netherlands is increasing. According to the statistics of CBS (June 2016), 35.42 percent of the Turkish community in the Netherlands is aged between 20 and 40 years old. The sex ratio within the community and the ones aged between 15 and 35 years old are also balanced (about 48 percent of the SGTD is women).

against them. Do all of them like this? No. But since it is true for most of them... Actually even if it is not true they are a nation that I do not like.

While explaining their reluctance to the marriages with a Moroccan Dutch partner, female and male participants raised different concerns. For women, the stereotypes against Moroccan Dutch men which has also been dominant in Dutch public opinion such as “creepy, dirty, dangerous, criminal” were expressed as main reason for their reluctance for Moroccan partner (Andriessen, Fernee, & Wittebrood, 2014). Men participating in my research stated cultural differences as the main concern for partner choice.

### **6.3.2.2. Gendered Stereotypes about Turkish Partner from within the Netherlands**

Although the SGTD in this research reflected the co-ethnic partner preferences for marriage, they had not opted for the ones in the Netherlands. The interviewees generally stated their reasons for reluctance for a Turkish partner from within Netherlands by associating it with their negative image on the opposite sex Turks raised in the Netherlands. They find opposite sex Turkish Dutch too westernized and decadent in the individualistic culture (Timmerman, Lodewyckx, & Wets, 2009; Lievens, 1999). The understanding of marriage, family life, living style and religious perspective do not match within second Turkish Dutch depending on their level of maintenance of Turkish culture (Beck-Gernsheim, 2007; Timmerman, 2006). The concerns related with this negative picturing of the opposite sex reflect the gendered perspective.

SGTD men in my research generally expressed their reluctance for a co-ethnic partner from within the Netherlands. The negative experiences in the previous relations are one of the reasons for their reluctance and prejudices. M17 exemplify this perspective since he broke up with his Turkish Dutch girlfriend while making marriage plans.

M17: I really wanted to get married here by falling in love and putting our heads together. However, the families or the women here are selfish. They only take care about their own pleasure. Her family is more important. Therefore, I started to feel strange to the girls raised here.

Male participants used the adjectives of “selfish,” “bad reputation,” “spoiled” and “free” while explaining their perceptions about co-ethnic partner options in the Netherlands (Charsley & Shaw, 2006; Shaw, 2001; Casier, Heyse, Clycq, Zemni, & Timmerman, 2013). They also have prejudices against the second generation Turkish Dutch women as “degenerated” or “becoming Dutch” by raising the issues related with honor. They are not comfortable with the possible previous relations of their co-ethnic partners from Netherlands. Although M2 dated with a Turkish girl from Netherlands for four years before his marriage with his relative from Turkey, the previous relations of the girls in the Netherlands was a concern for his partner choice.

M2: Turkish youth in the Netherlands is so free now. (...) At this time there is not any “secured” (“sağlam” in Turkish) Turkish girl in the Netherlands. If you can find maybe one in ten.

Researcher: What does “secured” girl mean?

M2: What I mean by “not secured girl” is that the girls who had life experience, previous boyfriends and mistakes in the past (*implicitly he means dating and sexuality and virginity*)

Another stereotype of male interviewees about Turkish Dutch women is that “they are hypocrites”. They give different examples but the most common one is the discrepancy between their attitudes and behaviors within their ethnic community and outside.

M15: I do not know how to say this, most of the Turkish women wear the headscarf near their parents. But they say that they are going to work, there is a night shift. And they go to the disco and pubs. There is not a headscarf. They are with three or four guys. The ones here are doubtful. They are not the way they seem.

Male interviewees have often unequal perspective for the behaviors of women and men. This could be considered as the result of their patriarchal regime of gender relations. They perceive some behaviors as a sign of degeneration of women although it is normal for men. They are also uncomfortable with the “Westernization” of Turkish Dutch women and losing their cultural codes.

M12: The ones (Turkish women) in the Netherlands is a bit different. They spent too much money, they have make-up, they smoke, and they eat everything (referring to the non-Islamic food)

Absence of parents in the country of residence is reflected as motivation of SGTD women for transnational marriages in the literature since they could gain their freedom from patriarchal cultural traditions (Beck-Gernsheim, 2007). However, during the conversations, SGTD women's strong ties with their parents' were expressed by the male participant as a reason to refrain from coethnic marriage from within Netherlands. They expressed the material expectations of the women's family from the groom both before and during the marriage as a reason for their reluctance.

M12: For the ones here (SGTD women) family is important. According to families a groom should have his own house, work and money to make their daughter comfortable. Most of them have parents in the Netherlands. They go to them every day. Most of them do not even cook. There are lots of such things.

Men and women are raised in the Netherlands through Turkish culture however application of different norms and values to men and women is not the same. Turkish Dutch men enjoy with more freedom and autonomy compared with Turkish Dutch women due to the understanding of honor (*namus*). Thus the stereotypes of Turkish Dutch women about Turkish men in the Netherlands reflect these gendered experiences of culture.

F19: They (*Turkish Dutch men*) are not mature since they are living a life of ease with their families' money. They are not respectful at all. At our region, if a guest comes whoever he or she is even if she is your cousin you sit properly rather than laying. Turkish Dutch do not show respect. Shortly they behave like native Dutch.

More than half of my female respondents make negative image building about Turkish men raised in the Netherlands. They mainly mention Turkish Dutch men as "irresponsible", "spoiled", "independent", "disrespectful" and "immature". They mainly exemplified these stereotypes through 'their unwillingness to work' and "being fond of money".

F14: In my sight men raised in the Netherlands are trying to make money hand over first. And they live a fast life.

Some of my female interviewees underlined the exceptions of these stereotypes. Thus they stated that they were not totally against coethnic marriages from within Netherlands. They reasoned their transnational marriage with destiny.

F7: They (*Turkish men in the Netherlands*) are flashy, pompous, sneerer... If a normal Turkish Dutch men would come to me, it could have been. But I could not approach to a men and ask for a date.

To sum up, although SGTD prefer coethnic marriage due to their cultural preferences, they opted for a coethnic partner from Turkey due to the stereotypes they had for the opposite coethnic peers in the Netherlands. The stereotypes mainly reflect the gendered cultural perceptions of marriage partner.

### **6.3.3. Motivations of SGTD for Marriages from Turkey**

#### **6.3.3.1. Idealization of Partner Options in Turkey**

Turkish families in the Netherlands are more protective for their daughter and sons obtain greater degree of freedom and autonomy (de Valk & Liefbroer, 2007). This double standard leads to cultural differences between men and women raised in the Netherlands. Both genders feel more similarities with the opposite sex raised in Turkey. F14 said that second generation Turkish Dutch is living a schizophrenic life between two cultures. According to her the impact of this differs depending on their gender.

F14: Even a conversation with a man who had raised here is more difficult. Since we raised in our family with Turkish culture which says girls cannot do many things, men from Turkey charm us. They are closer to our Turkish cultural training.

The motivation of female interviewees for transnational marriage is also related with the idealization of Turkish men raised in Turkey.

F16: Men from Turkey start working at younger ages, they know their way better about their job. Turkish Dutch men do not work here when they are young. Men from Turkey become mature at their young age. That's why it is better to have a partner from Turkey.

The differences in cultural understandings between Turkish Dutch men and women orient them towards marriage partners from Turkey. Male respondents also perceive that the girls in Turkey are raised in a more conservative environment thus they have higher level of cultural and religious attachment. In addition to this, they perceive the girls in Turkey as the opposite of the stereotypes they have about

Turkish Dutch women: “honest”, “trustworthy”, “respectful to the patriarchal social relations”, “good house wife, wife and daughter-in-law”.

M17: I had few girlfriends. Since their mentality is like this I realized that it would not work from here. They could only be a wife to me. It is even for one year. After that the marriage would not work. I observed that only with love it is not working. I thought she should be from Turkey since love, respect and family ties are stronger there. Since she would also practice them here I preferred a partner from Turkey.

They expect from their wives more than a life partner. Their imagined wives should fulfill the roles of good house wife, mother who would be responsible from the cultural transmission, daughter-in-law and easy going member of the Turkish community in the Netherlands and family. Since the women in Turkey are raised in Turkish culture both in the house and in the society, they assume that their expectations would be met by them.

M18: It is easier to get married to someone in the Netherlands. You just get married that's it. You do not experience any trouble for bringing them here. Both heads of the household would have income. It is more rational. But I chose to get married to someone from Turkey since I want my marriage last forever.

Men in these terms idealize the women in Turkey by claiming that they have more cultural similarities with them. Thus it provides more stability for their marriage life and lessen the risk of divorce (Kulu & Gonzalez-Ferrer, 2014).

### **6.3.3.2. Influence of Transnational Practices and Return Perspective**

In the field I realized that most of the second generation Turkish Dutch also wants to go back to Turkey related with not only improved economic conditions as pull factor but also the negative image of Islam and Turkish community in the Dutch society as push factor (Duyvendak & Scholten, 2009).

These wishes become more solid for some. Since they plan to return back and raise their children in Turkey, they engage in transnational activities in the social, economic and political realms (Carling & Pettersen, 2014). They make investments, follow the politics, and establish social networks in Turkey. They even associate their partner choice from Turkey with their return plans. They explain their decision to start marriage life in the Netherlands with pragmatic considerations. They perceive

the Dutch citizenship and having a residency right for the whole family as a guarantee, if the things go wrong in Turkey.

Turkish Dutch interviewees told their concerns about marrying Turkish partner from the same hometown. According to this it makes the life easier not only because of the cultural similarities but also physical distance considering their transnational practices. They consider both the effective use of time during their absence of leave and their return plans.

M14: If your life partner is from the same region, same place it is easier to reach harmony in the marriage life. Also the families adapt to each other easier. Otherwise, there are difficulties at certain issues. That's why coming from the same village was my priority for my partner choice even before meeting with my wife. I thought also for the future we go for absence of leave. We could return back to Turkey to our village. In that case it is easier to adapt.

During the field research, I realized that the cases in which SGTD – especially women – involved in transnational marriage reunify with their husband in Turkey rather than in the Netherlands are also common recently. In this case they do not subject to family reunification regulations since the parties prefer to establish their family unity in Turkey. I could not reach any statistics or research to understand the tendency of SGTD for the family reunification in Turkey. It could be an interesting subject for the detailed analysis of the impact of the restrictive regulations.

#### **6.3.4. Love Wins against Difficulties in the Transnational Marriages**

During the research, some of the respondents stated that they were against marriage with a partner from Turkey before meeting with their current partner. They reasoned this reluctance with the difficulties in transnational marriage process they witnessed in their network. However, they changed their mind since they involved in a romantic relationship. They use the words “kismet”, “destiny” and “fate” while they are talking about their partner choice from Turkey. Therefore, it is important to highlight the difference between the “intended” and “realized” partner choice. Mainly restrictive family reunification regulations and adaptation problems in transnational marriages lead to this divergence between intended and realized partner choice.

### **6.3.4.1. Restrictive Family Reunification Regulations**

The restrictive family reunification policies which started to be implemented in 2004 had direct impact on the partner choice considerations of the SGTD. Turkish origin Dutch associations and foundations highlight the impact of indeterminate and ambiguous process of implementation of strict requirements which are hard to be fulfilled on the partner choice of SGTD.

NIF North: What will a young person at the age of 21 think? Even if I like a girl from Turkey, I do not have a job, I do not have a house. Rather than marrying from Turkey and experiencing those difficulties, I would look for partners in the Netherlands.

The restrictive regulations demotivate the transnational marriage considerations of both SGTD and marriage migrants. F10 said that before meeting with her husband she had been talking big about marrying from Turkey due to restrictive the family reunification regulations. She explained her realized partner choice from Turkey with destiny. Her partner was working in the Netherlands without a residence permit when they met in the Netherlands. Thus she had to overcome those difficulties in order to bring her husband. At the end she had to use the Belgium route for the family reunification. It had taken two years for her to move back to the Netherlands.

Another concern raised by the interviewees after the decision of marriage is related with waiting period for their fulfillment of the requirements and the decision process of the Dutch immigration office (IND) for their application. This waiting period for the marriage migrant and her family in Turkey is not easy due to the previous negative experiences and the fear of failure in the legal process. It is common that difficulties not only in the relationship between the couple but also between families of both sides raise especially if the partners are not kin or not involved in arranged marriage. The kin or people involved in arrangement process inspire confidence to the party in Turkey about the process. Since they witnessed these difficulties in their close networks, two of the male participants stated that they had not viewed transnational marriage as their preference. Nevertheless, they end up with a partner choice from Turkey since they fall in love to their current partner.

#### **6.3.4.2. Marriage Problems – Adaptation to Living with a Marriage Migrant**

SGTD stated their reluctance for transnational marriage before meeting their partner by referring to the problems in the transnational marriages which has been experienced in their network. Female participants mainly stressed the difficulties which resulted from a reverse of traditional gender roles and increasing responsibilities of the women in the marriage life. The male respondents mainly raised the adaptation problems of the marriage migrant to the life in the Netherlands

One fifth of the women participating to the research say that they talked big that they would not get marry someone from Turkey due to the difficulties experienced with a partner from Turkey.

F6: It is said do not talk big. I had not wanted a partner from Turkey. I had been seeing the difficulties that people had experienced. Reunification process seemed hard to me both for the one in Turkey and also for the one in the Netherlands. I was not leaning towards a partner from Turkey. I was saying all the time he should know the language, for not having problems at the places where we will go, at least a language problem.

They underline the fact that the lack of Dutch language knowledge of the marriage migrant result in increasing interdependency thus responsibility to the sponsor. In addition to this, male participants also told the difficulties in the integration process of marriage partner from Turkey in order to explain their reluctance for transnational marriage before meeting their current partner.

M16: I was thinking to have a partner from within Netherlands. Both would speak the language and there would not be integration process to the Netherlands. Both sides could work. It is difficult with the marriage migrant. They want to return back to Turkey. They complain about the life in the Netherlands all the time. There is not any place to go out. The food is different. I missed my mother, my family...

M7: I had told that I would have never get married to someone from Turkey. I had had such a thought. You will say that I should never talk big. Let me say at the end our shoe fell to that side although it was not my intention. Because I had friends who got married from Turkey. They did not change their lifestyle after marriage. The integration process of their partners had never improved since they did not include their partner to their life in the Netherlands. Marriage migrants stayed as if they were in Turkey. They experience constant problems in their marriages. I had thought that the mentality of us and the ones in Turkey is not compatible.

However, both of the respondents, similar to many, had changed their mind after meeting with their current partner. Most of them stated that how you manage the difficulties in the family reunification process and integration of marriage migrant depended on the perspective of and relationship between the parties. They often added the importance of the help of their families in the integration process of their partner.

One of the participants told me that he had been witnessing the difficulties that the marriage migrant women had been experiencing in the separation process due to his work in the social services. Their desperation he saw had led to his reluctance for the marriage from Turkey.

M10: They were left homeless with their two three children. They were expecting help and experiencing lots of difficulties in communication in Dutch, in paper work with Dutch institutions related with application for social assistance. I was cursing to their partners since they had brought these women and left them homeless at the end. That's why I was telling that I would never bring a wife from abroad. But I had since I liked Selin (*nickname of his wife*).

To sum up one third of the participants of this research told during the interviews that “they had talked too big by saying that they would have never get married from Turkey before meeting their current partner”. They associate their reluctance with the difficulties they witnessed in their closed network. However, love surpassed their reluctance and the difficulties they were afraid to face off. Thus they opted for a marriage partner from Turkey since they fell in love with their partner.

#### **6.4. Partner Choice Patterns of SGTD**

While their transnational identities mainly contribute to their preferences for a partner from Turkey, their transnational activities need to be discussed in order to understand how they involve in transnational marriages and the role of parents and kins. Their transnational activities mainly create meeting opportunities in line with their motivation for partner choice. According to the data derived through TIES project (See Figure 1) 22.9 and 15.7 percent of the second generation Turkish Dutch has met with their current partner either on vacation in their country of origin or at a family reunion/festivity respectively (de Valk, 2008, p.148).

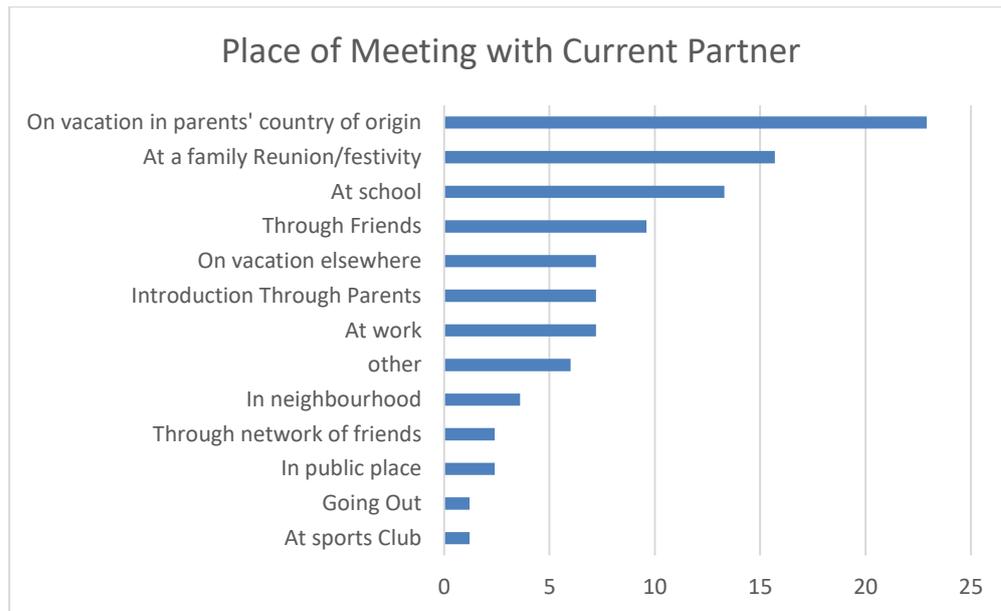


Figure 1: Place of Meeting for the Second Generation Turkish Dutch with Their Current Partner, - data from TIES project (de Valk, 2008, p.148.)

My field research also reflects similar findings. The parents behave in a more relaxed way towards their children while they are in Turkey compared with the Netherlands. They oppress them less since they trust more to their peers and relatives in Turkey.

SW3: Turkish families sometimes oppress their children here in the Netherlands. However, there in Turkey with the easiness of the atmosphere of holiday, being in Turkey, being in your home country, youth is left alone. Therefore, it is easier for them to have holiday friendships or love. Therefore, in a spontaneous process, since they fall in love they marry. They are not planned beforehand. Going to Turkey in order to find and bring a partner from home village does not exist anymore.

The SGTD had met with their current partner mainly in vacation in the home town, village or city of their parents. Since they spend most of their time there during their absence of leave they participate to the family gatherings and are introduced to the other people in the village. With help of the relatives and their mood under the influence of atmosphere of holiday they are attracted to a person in Turkey.

M24: Holiday has a different psychology and atmosphere. In addition to that I had known her brother from the Netherlands. He is a very nice guy. Even before meeting with her I like her family. When I met with his sister, I liked

her. Mignon lovely girl...In combination with the holiday psychology, we were attracted to each other when I had seen her.

They mainly have meeting opportunities with the kins, neighbors and the people introduced by them. Thus the kin marriages and arranged marriages are unsurprisingly common way of involvement of SGTD to a transnational marriage. Meeting someone in Turkey during summer holiday and bringing him or her right after returning back to the Netherlands is an outdated concern. They involve in a relationship across countries for couple of years in some cases and then start the process of family reunification. The technological developments in communication, skype, Facebook, MSN makes their transnational dating process easier. However, some of them prefer more traditional marriage processes which do not involve dating period. In this context in this part I will reflect the perspective of the SGTD who got married from Turkey for the role of their parents in their partner choice process, why and how they opt for arranged and kin marriages.

#### **6.4.1. Role of Parents – Transnational Networks**

In the Dutch public and policy domain, marriages from Turkey have been discussed heavily associated with the forced marriages and family sanctions over the women in the immigrant communities (Carol, Ersanilli, & Wagner, 2014). In this context the parental influence is considered as forcing and the volition of the SGTD is underestimated. However, from the perspective of the immigrants their parents do not have such dominance in the partner choice process. In general parents try to orient the preferences of their child or reveal their own concerns about their children's partner choice and direct their child to a candidate who meets their criteria. Therefore, it is better to discuss the role of the family in partner choice with reference to the family allocentrism rather than parental influence (Lay, et al., 1998). While parental influence is related with the authority that parents have on their children's partner choice, family allocentrism refers to the willingness of children to take parents' opinion into consideration in their partner choice (Bejanyan, Marshall, & Ferenc, 2015). Parents have an influence on their children's decision about partner choice until the degree the children let. Many times second generation Turkish Dutch

who wants to get marry from Turkey need parental support in economic and emotional terms due to the Dutch policies.<sup>316</sup>

During my field research I did not come across any story about forced marriage which happened after 2000s. Forced marriages were mentioned as an outdated concern for the Turkish community in the Netherlands by the social workers and most of the NGO leaders.

HTKB: I do not believe in the existence of forced marriage in Turkish community now. But there is hoodwinking, guidance of the youngsters to the certain choice, introducing them to each other. (...) The women who come to us mention that they were forced to marry when they experienced a difficulty or problem in their marriage. If they do not experience any problem, they call their marriage as arranged but they also say that they also liked their partner and gave approval.

Although the partner choice is an autonomous process, members of the collectivistic culture are influenced by their parents' perspectives (Huijnk, 2011). In that sense having the approval from their parents for their partner choice is considered as showing respect to their parents in Turkish culture (Canatan, 2011). It is related with the strong and close family bonds. Therefore, the individuals take their parents' concerns about partner choice into consideration. Sometimes they are convinced to make a certain partner choice by their parents or grandparents rather than being forced.

SW 2: There may be marriages he or she is convinced. Although he or she did not want at the first instance, the family directs him or her to expected choice. However, if they could say no. I have not observed forced marriage or child marriages here for a long time.

Living in the same house with their parents, not having sufficient income, accepting the traditional values and norms and low education level result in more interdependency and heteronomy of individuals in the material sense. However, the respondents of the study stress that they also have the capacity to convince their parents. They talk about the dialectical relationship between parents and children due

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<sup>316</sup> Income requirement for family reunification, not reaching a separate accommodation due to the housing policies, not receiving free courses for integration of marriage migrant result in the need of SGTD for support of their parents.

to their stronger interdependency at the emotional level rather than material level. They mention that if they would have been in love with a Dutch or Moroccan although their parents would not prefer, at the end they would understand the situation even if they do not approve.

F9: I have a Moroccan girlfriend. Very nice close to us in terms of both culture and religion. But I would not prefer a Moroccan partner, my mother would not communicate. She does not know Dutch or cannot speak Arabic. They are big difficulties. But if I had a romantic affair it may happen but definitely not my first choice.

While maintaining religious and cultural continuity, Turkish parents also want to prevent problems within their family and their daughter to elope. Eloping daughter is a big embarrassment for the rest of the family especially men in Turkish culture. Therefore, the daughters play the eloping card when they face with the family opposition to convince their family for their partner choice.

F7: We talked on the phone since he (*her current partner from Turkey*) does not understand from internet. I called him frequently. Third year I told my father that if he does not let me to marry him, I will run away with him. Third year after I said this when we go to Turkey for our leave of absence, he gave me to him.

However, there were still women who could not have received their parents' approval and found the solution to elope to Turkey and got married. According to my observations many of them come back to the Netherlands and after meeting the family reunification requirements they bring their husbands. Generally, they make peace with their family at the end even sometimes parents help to their daughter for bringing her husband. F17 has experienced such a story. She had met with her current partner at the age of 12 in Karaman, their home city. They were neighbors there and had seen each other and spent time together each summer during their leaves of absence. Until the age of 18 they were just friends but at the age of 18 they started to call each other and their friendship turned to a romantic relation.

F17: When we were 18, I told to my father and family. They said no. My father said "I do not give my daughter to them". Two or three years passed with these issues. When I was 20 I told to my father one more time. He again said that I do not give my daughter there. He said "if I have twenty dogs, I would not give even one of them to them" We tried to break up with my husband but rejoin back since we were getting so well with each other. I fell

into depression. I was really bad. But at the end I said what you want would not happen, either what I want would happen or nothing. My father said it will not happen I will not give you to them. I said it's your funeral. We went to Turkey during our leave of absence for two weeks and after we came back to the Netherlands. I ran away to Turkey near my partner to get married.

Another woman who elopes to her current partner in Turkey told that she had given necessary time to her parents to accept her partner choice. She explained that since they had not accepted at the end of that period, she opted for herself and eloped to her Turkish partner in Turkey.

F19: I would opt for either my family or myself. I thought of myself in short. Selfishness... But I was in love. I am still in love. I did not want to get married to another person. In addition to this I was old enough and have the enough wisdom to make my own decision. I also gave them a chance. Since they did not change their mind I bought my ticket to Turkey and eloped to my husband.

There is an important social pressure both to the girls and the families since eloping is associated with honor (*namus* in Turkish) and shame in Turkish culture. Out of twenty women participants in this research three of them run away to their partners since they did not receive family approval for their partner choice and two have convinced them by playing the eloping card. Therefore, women demand more autonomy than their parents are willing to grant and they prefer their autonomy despite of its burden, separation from their families. In the context of separation from family due to eloping to a Turkish man is not considered as a separation from the Turkish Dutch community. They receive the material and emotional support from the community. However, this is not the case if a Turkish girl elopes to Moroccan or Dutch men. Since both the parents and individuals are willing to preserve culture of emotional interrelatedness, parents and children reach compromise.

In order to prevent conflict with their children about partner choice, parents implement educational strategies. Such educational strategies are not unfamiliar for the Western societies since they are also applied by the European parents for social similarities (Milewski & Hamel, 2010). However, in the Turkish case, the content of these educational strategies are about the Islam and collectivistic culture. The information meetings, religious trainings organized by Turkish origin Dutch associations and foundations constitute the basis of these educational strategies.

### 6.4.2. Arranged Marriages

Arranged marriage is a common practice in the Turkish community. The partners are generally introduced to each other by their family members and get marry without dating. Many times arranged marriages are discussed within the context of marriages of convenience<sup>317</sup> and forced marriages. However, it is often related with the misperceptions about the traditional Turkish culture and past experiences. Both the sponsor and marriage migrant have the last say in the arranged marriage. The families mainly create the meeting opportunity for them.

Long term dating or cohabitation is not welcomed especially for girls within the Turkish community. Dating with several men and/or for a long time leads bad reputation of women in Turkish community, shame to their family and has a negative impact on their partner opportunities in the future. Although some of the migration literature interprets the limited dating opportunities between second generation Turkish Dutch and a partner from Turkey as a concern, according to my field observations some of them prefer to marry with a short dating period or even without dating period at all. This is a concern of more traditionalist Turkish Dutch. They think that “marriage precedes love” rather than “love precedes marriage.”

M4: My friends got married after rolling with their wife for five or six years. After marriage most of them got divorced within two or three years. I realized that while dating you say some white lies in order to conciliate. But after marriage everything changes. Before marriage you adapt yourself according to her but after marriage she should adapt herself to you. If it has not begun like that with the disputes ad fights, the marriage will end. Eighty percent of them they are breaking up. It is the issue of you said different before marriage and now you have changed after marriage. That’s why I preferred arranged marriage. Because it takes five or six years to know a woman. If you date with a women five or six years you already figure out. After the marriage with her, either nothing changes since there is nothing new under the sun or it breaks. After marriage you cannot teach an old dog new tricks

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<sup>317</sup> Marriage of convenience and sham marriage is often used interchangeably in order to refer the marriages with the intention to obtain legal entry and residence right for one of the parties by avoiding the restrictive immigration laws.

Limited opportunity to meet with a person who is traditional and trustable is also cited as the main reason for preferring arranged marriage by the SGTD.

F5: Eventually I would get married to someone. If I had not made an arranged marriage, I would not have married at all. I was not interested in relationships. My life was from school to home, home to school. I did not have social life.

The second generation Turkish Dutch asks the help of their parents or extended family living in Turkey to meet with the possible candidates since they consider the socio-cultural similarities as a priority for partner preference. In addition to that, the ones who were disappointed in their previous romantic relationship in the Netherlands also want to make an arranged marriage as well. Since the family networks for arranged marriage are still in Turkey due to less challenging religious and cultural context, the arranged marriages are mainly result in transnational marriages from Turkey.

Turkish Dutch consider the arranged marriages as a safe port since they are known and chosen by their families. Most of the respondents who are involved in arranged marriages state their concern about the Westernized and individualistic partner. They want to get married to a partner who is more traditional. Being “reliable” “acquaintance” and “kin” are the most common words used related with the arranged marriages by the respondents.

Sometimes parents take the initiative without the request of their children and arrange meeting opportunities with the possible candidates. This is also welcomed in general by the SGTD. Both male and female respondents underline the fact that if they did not want to involve in an arranged marriage they could have refused at each step of the process.

F8: I was also willing. They asked me whether I wanted or not.

Researcher: Could you have said no?

F8: Yes, I could have said no. We had the period of messaging each other

M25: My grandparents looked for a woman for me to get marry. When my grandmother found my current wife, she said let's meet. This was her second attempt. I also met with the previous candidate but I did not want to get married to her.

Although forcing is not an existing practice for partner choice within the Turkish community in the Netherlands, trying to convince by listing the advantageous of the proposed partner option is something common at the arranged and kin marriages.

### **6.4.3. Kin Marriages**

The kin especially cousin marriages are highly problematized within the context of the Netherlands.<sup>318</sup> Kin marriage is a common practice for Turkish Dutch who got married from Turkey. Most of the time at the arranged marriages, marriage migrant are relatives. It could have been from the extended family without a blood tie (affinal kinship) or closer relatives such as cousins (kinship). This is related with the limited network of Turkish Dutch community in Turkey and also they are looking for someone reliable and attached to the traditional cultural values (Shaw, 2000). Most of the respondents who had a kin marriage used the expression of “not foreign” during interviews in order to describe their partner choice. One of the female respondents uses the Turkish expression which is common to reason her kin marriage: “Your lousy is better than a stranger’s good”<sup>319</sup>

Nevertheless, categorizing all kin marriages as arranged would not reflect the reality. Many times kin marriages of Turkish Dutch happen through romantic involvement. Second generation Turkish Dutch generally spend most of their leave of absence in Turkey at their parents’ hometown with their relatives. They see each other few times during their childhood and they fall in love with each other when they come together after years.

M12: She is the daughter of my mother’s sister. I had seen her when we were little we have a photo together. We have not seen each other for years since they also live in İstanbul. Later we met at the age of 14 and started to talk from the internet when I was 17. We talked for five years from the internet. Our families were not involved even they were not aware at the beginning.

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<sup>318</sup> Marriages between cousins are prohibited by law right after the field research in December 2015.

<sup>319</sup> It is the translation of Turkish proverb: “Turkish Kendi kötün elin iyisinden yeğdir”.

Attendance to the family gatherings in Turkey mainly the wedding ceremonies are the main meeting opportunity for involvement in romantic relationship with a kin residing in Turkey. However, the communication through internet is the main occasion for the start of their relationship.

F9: We are distant relatives. The father of my husband and my mother are cousins. However, we are living in Karaman and they are residing in Konya. They are not often visiting. We may have seen each other during our early childhood. However, when his grandmother had died I sent a message from MSN to give him my condolences. He sent me a strange email in which he stated that stop following me. Apparently he had confused me with someone. Later I explained who I am. He apologized and it started like this from internet we chatted. When I had been in Turkey for summer, we were meeting.

Sometimes families oppose to the kin marriage in which both parties romantically involved due to the existing family problems or the fear of possible future family problems if the kin marriage ends with divorce.

M15: We have not met with each other before due to the family problems. I saw her from my grandmother's balcony and asked who she is. Later I asked her cousin to give her number. We started to see each other. In four or five months I talked with my family. My uncle was not supportive at the beginning because of my death uncle's experience. However, he got used to it later on.

F2: We had kinship ties. But we had not known each other well. I was closer with the girls. Later we started to talk. So it did not happen since we are relatives. It happened because we wanted. Even some relatives did not want our marriage.

Researcher: Why they did not want?

F2: He is son of my paternal aunt and my brother had married with his sister. My father said we had already taken one so it was not good to give one. But at the end he was convinced and gave his approval.

The Turkish origin associations and foundations generally do not prefer to involve the debates around kin marriages. Dutch Turkish Women Union focuses on the issue of marriages between cousins from the health perspective by organizing information meetings. They inform the parents and the second generation Turkish Dutch about the possible risks of the birth defect at the cousin marriages.

HTKB: We are organizing information meeting to discuss the risk of health problems for the children in kin marriages. But we do not think that we have right to involve in this issue other than informing.

Since the kin marriages are common practice in the rural traditional and religious part of Turkish community, it still continues to exist with the contextual factors. In general couples expressed that they were not worrying about the health dimension for their children since they are having the genetic tests which would detect the birth defect.

### **6.5. Conclusion**

In the Netherlands family reunification of the immigrants mainly second generation have been politicized by associating it with the concerns over integration. Through the participant observation and interviews with social workers, Turkish origin Dutch NGO representative and SGTD who got married in the last seven years, I tried to understand why and how SGTD involved in marriages from Turkey. According to my field observations their externally and internally oriented identification processes, their position between collectivistic and individualistic culture as autonomous related selves and the intersection of their romantic and rational considerations shape their preferences for partner choice and their marriage patterns.

According to my analysis, the motivation of SGTD to a marriage partner from Turkey could be associated with four different concerns. First, it could be argued that their desire for cultural similarities and strong cultural affiliation in terms of religion, language and norms and values often determines with whom they would not marry. They value each dimension of identity at different degree and position their intersection which mainly defines the in-group boundaries from their personal perspective. Although religion and language are the most important issues in their identification process, the role of norms, values, customs and traditions which reflects their parents' home city, town even village should also be highlighted for identity construction.

Second, although they often determine in-group boundaries through ethnic and/or religious similarities, the categorization of Moroccan Dutch and Turkish Dutch through their prejudices and stereotypes they reflect their reluctance for them. Third, they reflect their motivations towards a partner from Turkey by stating their idealization of the opposite sex partner options in Turkey and by talking about their

transnational practices and return perspective. Finally, as I demonstrated, most important motivation of SGTD for a marriage partner from Turkey is love. My interviewees often stated their unwillingness even opposition in involving in transnational marriages due to the difficulties experienced in transnational marriages in their closed network and restrictive family reunification regulations. Nevertheless, when they involved in love relationship with a partner from Turkey they renounce their rational considerations

There is a tendency to politicize the transnational partner choice of immigrants through dichotomies. Thus it is common in the literature, society, media and politics to categorize arranged and/or kin marriages of Muslim non-Western immigrants with a partner from their parents' country of origin as forced marriage. In addition to this the parental involvement in the process is reflected as the oppression; and ethnic group influence in the partner choice is considered as determining. It could be derived from my field research that SGTD have the increasing autonomy for partner choice and ability to convince their parents and ethnic group for their partner preference. It could be suggested that in order to sustain ethnic group identification especially in terms of emotional interdependency both the families and SGTD are willing to reach compromise and diminish the intergenerational distances. Arranged and kin marriages could also be resulted from their transnational identities and activities. The cultural understanding of marriage, dating process, structural difficulties in terms of limited meeting opportunities in Turkey could be listed as the main motivations of SGTD for the arranged and kin marriages. SGTD often trust to their parents and kins in Turkey for partner choice due to their experience about marriage and their higher knowledge about the life and culture in Turkey and in the Netherlands. In addition to this, they want to share the responsibility of risk of failure in the marriage and bringing marriage migrant from Turkey with other parties mainly their families. Since they care about taking the approval from their parents for their partner choice, it is most appropriate way to choose a partner from the options served by their parents. Although the kin marriages especially cousin marriages are avoided through policies by associating it with forced marriages. Due to the cultural similarities, physical distance and high meeting

opportunities with their kins in Turkey, they easily involve in romantic relationship without feeling family closeness in terms of blood relation.

To sum up, it could be suggested that from the individual perspective the partner choice of SGTD from Turkey is mainly related with their ethnic and transnational identities and lives. In this respect it could be argued that it is not necessarily related with their level of integration to the Dutch society. Nevertheless, it could be concluded that the Dutch government's negative perceptions of their motivations for and patterns of partner choice from Turkey result in the feeling of being excluded and discriminated; thus influence their integration process negatively.

## **CHAPTER 7**

### **IMPACTS OF FAMILY REUNIFICATION REGULATIONS ON INTEGRATION: IMPLEMENTATION, PERCEPTIONS AND COPING STRATEGIES OF SECOND GENERATION TURKISH DUTCH SPONSORS**

The Dutch family reunification policy had been tightened in terms of not only its formulation through the adoption of restrictive regulations but also its implementation. In this regard the Dutch government tried to pursue the restrictive requirements for Turkish citizens despite of their rights derived from international law, mainly EU Directive on Family Reunification of TCNs and EU-Turkey Association Agreement. Although Turkish citizens have been exempted from many of these requirements with the legal and administrative decisions, as it has been discussed in Chapter 5 due to the unjust implementation of the regulations for more than six years they were under the scope of them. Some of the restrictive conditions and practices in the process of family reunification of Turkish citizens in the Netherlands are still considered as violation of the rights of the Turkish citizens by legal experts. In addition to this, it is open to discussion whether the regulations which have been adopted by the Dutch government to foster their integration actually serve for the policy aim.

As it has been highlighted in Chapter 2, the literature on a micro level analysis of the family reunification policy is limited compared to the macro level analysis. The existing ones mainly focus on the coping strategies of the individuals and the negative influence of the requirements on their family reunification process. The main focus of this chapter is the influence of the implementation of restrictive family

reunification regulations on the integration of the SGTD sponsors<sup>320</sup> in the Netherlands during the legal process.<sup>321</sup> The micro level analysis in this part on the family reunification regulations is mainly based on my field observations and the interviews conducted with twenty five men and twenty women SGTD sponsors and expert interviews with six lawyers, fourteen Turkish origin Dutch NGO representatives and four social workers.<sup>322</sup> The issues in the implementation of family reunification policy and perceptions and experiences of SGTD sponsors which are discussed in this part could be considered an important contribution to the literature on integration and family reunification since it reflects the contradictory impact of Dutch family reunification policy.

In this chapter, first (1) the existing legal concerns about the implementation of the policy for Turkish citizens are highlighted based on the lawyers' views. In the second and third part, (2) the perceptions of SGTD sponsors about the family reunification requirements and (3) their strategies to fulfill the requirements are put forth. In the final part, (4) the impact of the family reunification policy on the structural and socio-cultural integration of SGTD sponsor are being analyzed.

### **7.1. Implementation of the Family Reunification Regulations**

As it has been discussed in the previous chapters, Turkish citizens have privileged status also in the context of family reunification in the Netherlands due to their rights derived from Association Law. Although this is supposed to lead their

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<sup>320</sup> In this study, the term "SGTD sponsor" is used in order to refer second generation Turkish Dutch who got married to a partner from Turkey as it has been discussed in Chapter 2. Since the term "sponsor" is preferred at the legal context it would be used in this chapter.

<sup>321</sup> The legal process of family reunification in this study is considered between their decision to bring their partner from Turkey and one year after the arrival of the marriage partner. In the field research I realized that SGTD sponsors starts making necessary modifications in their lives after their decision of family reunification in order to fulfill the requirements for the application of family reunification. In addition to this the legal process still continues after the arrival of their partners since they are facing with the threat of the removal of their partner if they fail to fulfill the income requirement at the initial year.

<sup>322</sup> See Chapter 3 on Methodology and Appendices B and C for the details about the selection procedures and features of interviewees participating this research.

exemption from restrictive family reunification requirements, their rights are not fully implemented due to political concerns according to the legal experts.

Lawyer 6<sup>323</sup>: We are talking about the rights not in the context of law anymore. Now they are determined through political decisions

During the drafting period of the restrictive family reunification requirements introduced in 2004 (known as Verdonk regulations), Turkish citizens were included under the scope of the new law. Turkish lawyers who participated in my field research stressed that this would result in the violation of the rights of Turkish citizens derived from Association Law. Thus they defined the code as against law.

Lawyer 3: What is expected from IND and the ministry is proactive approach. They have hundreds of legal experts. While preparing a new legislation, they take the opinion from experts in the field. For example, I know that despite of the negative opinion, they put it into practice for Turkish citizens. In other words, the code against law was introduced on purpose. I wish Ankara Agreement would have been taken into consideration as an international agreement during the drafting process of the code. According to our impression until now there was not such a thing absolutely. Now we have to sustain adherence to the Ankara Agreement through court decisions. Briefly we try to reenter from the back door rather than front one. We have no option other than perceiving the victims as the collateral damage. Most of the citizens do not apply for justice. Therefore, they are the ones who are in tight situation. For the Dutch government it is a short term profit.

They mainly refer to the age and income requirements and implementation of civic integration abroad exam and in the Netherlands against Turkey-EU Association Law, thus Dutch law. One of the lawyers also accused European Commission for its passive stance in preventing the implementation of restrictive Dutch regulations against the law.

Lawyer 6: One of the responsibilities of the European Commission is to control the implementation of EU law in member states. It needs to ask reports from Member States on the implementation of EU agreements and Directive. It should say to the Member States “tell me how you evaluate family reunification”. They should ask whether they comply with the

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<sup>323</sup> I conducted expert interview with six Turkish origin Dutch lawyers who practice law for more than five years and mainly interested in immigration law, more specifically Turkey- EU Association Law and family reunification (see Chapter 3 on Methodology for further details).

Directives or not. They should warn them if they do not comply with the EU law. However European Commission is passive on this.

Turkish lawyers involved in family reunification cases underline the fact that not only the requirements but also their implementation hinders the enjoyment of Turkish citizens with their rights. They stress that even the legal scholars are not aware of the Dutch practices.

Lawyer 4: Legal scholars in the academy live in a more theoretical world. They are not aware what actually happens in practice. They are not known. All our cases are not published. Only the leading cases we received judgments are published. The steps that are taken are not seen in the process.

In this context Dutch family reunification regulations have been reset during the implementation period through the legal struggle of Turkish community. Victims with Turkish citizenship contested the regulations before the Court and Dutch institutions, mainly by invoking their rights derived from the Association Law, more specifically standstill clauses. This also results in the feeling of exclusion and being discriminated of second generation Turkish Dutch by the Dutch government. In order to understand their perspective, the Dutch family reunification regulations and their implementations will be discussed by highlighting the experiences of Turkish origin Dutch lawyers who are representing Turkish citizens. In this part five main concerns of Turkish citizens related with the implementation of regulations will be discussed.

#### **7.1.1. Prevention of Legal Decision**

During the interviews, the maneuvers of the Dutch institutions to refrain from the implementation of the rights of Turkish citizens were stated. The lawyers participating to my field research exemplified this through their experience with the IND for the implementation of age requirement. They stated that IND used to refuse the family reunification of Turkish sponsor and partner below the age of 21 by explicitly stating the concern over failure in meeting the age requirement. However, when the applicant opposed to the refusal of IND through a lawyer, the refusal was withdrawn by the IND just before the trial.

Lawyer 1: When IND gave a decision of refusal, they explain in detail by giving reference to the decisions of CJEU or other courts. You read detailed consideration. When they change their decision to positive after your

objection they only state that the refusal to your application was withdrawn. A decision in two sentence.... Why? Which reason in your objection convinced me to withdraw my refusal? You cannot find the answers to these questions. In legal terms it is something serious. It is against the fundamental principles.

The lawyers stated the difficulty in deriving conclusions from these administrative decisions that the age requirement for family reunification was 18 years old rather than 21 for all Turkish citizens. They expressed that the judgments could also be interpreted as the outcome of individual assessment of the court.

Lawyer 6: Before the trial at the Court they withdraw their refusal. In this way they prevent involvements and radiation. The decision is only for the applicant. What happens than? Only ten-fifteen lawyers know the issue. But not the others.

They also told their experience with the reluctance of applicants to follow any legal means to determine it as a right derived from Turkish citizenship since they lost their motivation with the positive decision of IND for themselves and do not want to risk it with the legal process. Thus Turkish lawyers told that they had made an application to IND with forty similar cases in order to reclaim the right of Turkish citizens about age requirement of 18 years old. Thus Turkish citizens are exempted from age requirement of 21 for family reunification through administrative decision of IND in 2014. This administrative decision is implemented for only married couples due to the restrictive interpretation of rights of Turkish citizens. Currently legal experts participating to my research compare the approach of the IND on the implementation of temporary residence permit (MVV)<sup>324</sup> with its stance on the age requirement last year. Thus there is a strategy to complicate the process and only those, who apply for legal advice can guarantee their rights.

### **7.1.2. Restrictive Administrative Interpretations of the Rights of Turkish Citizens**

Dutch government implements the judgments of CJEU on the privileged position of Turkish citizens under the Association Law with a restrictive approach.

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<sup>324</sup> MVV is required for the first entry of the marriage migrants coming from third countries.

It only interprets the exemptions for Turkish citizens within the legal context of the case at stake. The Turkish origin Dutch lawyers participating to my research mainly explained this approach of the Dutch government by highlighting four issues: (1) The implementation of MVV for Turkish marriage migrants, (2) differentiation between legal marriage and living together (*samenwonen*), (3) reimbursement of the costs made by Turkish citizens for the illicit implementation of civic integration exam and (4) illicit implementation of income requirement.

First of all, according to the lawyer participants of my research, the Dutch government interprets the case law in a restrictive way while determining the legal process for the issue of residence permit for Turkish marriage migrants. It only considers the scope of the exemption from the MVV requirement with the purpose of employment of Turkish citizens. Nevertheless, they all defend that the lack of MVV as it should not be considered as a condition for the refusal of family reunification application of Turkish citizens.

Lawyer 3: Turkish citizens who want residence permit for family reunification have to wait in Turkey. We had already won those cases. *Demir and Dogan* cases in CJEU.<sup>325</sup> But IND does not accept it. I have called but they said no. They said the judgments are only valid for Turkish citizens who come as workers. However, we won that case at the Supreme Court. I mean the lawyers won. The Court judged in these cases that you cannot lay down visa as a condition now since you did not in the past. Thus it ruled that if a Turkish citizen applying to residence permit meets all the requirements, you cannot refuse its application only because of the absence of MVV.

According to the interpretation of lawyer participants on CJEU case law, Turkish marriage migrant, who had come to the Netherlands without obtaining MVV in Turkey, could make the family reunification application within the Netherlands. Thus the couple could wait the issue of residence permit together in the Netherlands. However, marriage migrants are still required to obtain MVV from Turkey for their

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<sup>325</sup> The interpretation of these case law has been discussed in Chapter 5 under the sub title of Privileged Status of Turkish Citizens for Family Reunification and in Chapter 2 under the title of 2.4.2. Legal Status of the Turks in Europe

entry into the Netherlands with the purpose of family reunification and obtain a residence permit in the Netherlands.<sup>326</sup>

Secondly, due to a restrictive administrative perspective for family reunification of Turkish citizens, the recent liberalization in family reunification is tried to be limited with the legal marriage. Thus Turkish citizens who apply for family reunification for living together<sup>327</sup> are subject to more restrictive regulations compared with the legally married compatriots. Lawyer 4 told her experiences, which reflect the liberalization of Dutch government perspective for the implementation of MVV procedure for the partners of Turkish workers. According to the signals of this perspective shift of Dutch government Lawyer 4 explained that she had made an application for the exemption of the partner of Turkish worker who is already in the Netherlands from the MVV requirement for the issue of residence permit.

Lawyer 4: We prepared the application since the Ministry seemed to accept the rights. We said that Ali and Ayşe want to marry but they could not since she does not have residence permit. But they have relationship they are living together and have a traditional marriage. Ali has dual citizenship (Turkish and Dutch) and fulfills the income requirement. Ayşe is at the age of 18. We hope it will not constitute any problem due to the Demir judgment and standstill clauses. We said also in our application that Ali's dual citizenship should not be a problem due to the Kahveci and Inan judgment of the CJEU. We gave the application in June or July. The couple was invited to make the application personally and show their passports today. She should have paid their 60 € fee and received the sticker on her passport today.

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<sup>326</sup> Although exemptions for the waiting period of MVV in the application country of origin is stated for Turkish citizens at the application forms, it could be concluded that they do not lead to any difference in practice for family reunification. The exemptions are implemented mainly for (former) partner of Turkish employee in the Netherlands if the couple had lived together legally in the Netherlands more than three years. Therefore, it could be suggested that this exemption is mainly for the independent residence permit of former partners of Turkish citizens after separation (divorce). See Applications for the purpose of residence of “family and relatives” (foreign national) and for the purpose of residence of “family members and relatives” (sponsor). Available at <https://ind.nl/EN/pages/forms-and-brochures.aspx> (lastly accessed on 13.01.2017).

<sup>327</sup> They generally have religious marriage (“imam nikahı” in Turkish) which is not accepted as marriage in legal terms in Turkey but considered as a married couple in the society.

During our interview she received a phone call from IND about their application. She was confused after her conversation since their application for family reunification for living together was refused due to the lack of legal marriage.

Lawyer 4: The Ministry has just called and said that since they are not legally married it is better to go back to Turkey and apply for MVV from Turkey. I tried to tell them in a nice way that legal marriage is not a condition so what they did is discrimination. I said that you already declared in the EU that we are liberal country and perceive marriage and living together equal. Now they accept everything: Exemption from visa requirement, Demir judgment, income, administrative fees, dual citizenship and problematize lack of legal marriage. I explained that it is against all the agreements, the equality approach of the EU between EU and Turkish citizens, their domestic law and policy. They did not accept and told that this is according to their current legislation. They stated that either she would go back to Turkey to apply and wait for the MVV decision or they would refuse her application and put a stamp which would constitute ban on her entry to the Netherlands for two years. They stated that we could withdraw our application.

It is hard to conclude that the Dutch government is changing its restrictive perspective for the MVV requirement from marriage migrant relying solely on this case. Nevertheless, a new restrictive administrative perspective comes to the agenda with the reply of IND. The exemption from MVV requirement from the partner of Turkish worker is implemented only for the family reunification of Turkish couples who are legally married. Lawyer 4 finds this divergence as “ridiculous” and contestable before the CJEU. The Dutch perspective which diverges the requirements for family reunification in the case of legal marriage and living together become more concrete after the renewal of IND website in 2016. According to the information given at IND web page<sup>328</sup>, while the married couples with Turkish citizenship could benefit from the exemption from the implementation of age requirement of 21 due to the rights derived from Association Law, Turkish citizens with registered partnership could not (IND, 2016, p. 3).

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<sup>328</sup> The following note has been stated in the IND web site “Please note! If you are going to live with your Turkish partner as an unmarried couple in the Netherlands you must both be 21 or older”. See <https://ind.nl/en/Pages/turkish-citizens-and-their-family-members.aspx> (last visited 22 November 2016)

Thirdly, restrictive Dutch implementation raised during the interviews is related with the reimbursement of the costs made by Turkish citizens for civic integration exam before the legal decision on the illicit implementation of the requirement.

Lawyer 6: Turkish citizens had to enter the compulsory civic integration exam abroad. We had been told that requirement of civic integration exam abroad was against Ankara Agreement. So do not implement this for Turkish citizens. However, they did. This put Turkish citizens into expense. They traveled to Ankara from Konya, Karaman or other cities where they resided. They attended to language courses there and they traveled to Ankara to take the exam. (...) Later in four five years it appeared that the implementation of the civic integration exam requirement for Turkish citizens is illicit. What they did? They issued an administrative decision to reimburse the expenses made by Turkish citizens for civic integration exam abroad made after a certain date. And they did not reimburse the ones before that date.

Lastly, legal experts who participated in my research also perceived the restrictive implementation of income requirement for Turkish citizens as unjust. They stressed the fact that the income requirement for the family reunification of married couples had been determined as 70 percent of the minimum adult income level in 1993. In this respect, due to the standstill clause they should not have been subject to more restrictive condition. They claimed that despite the awareness of Dutch government, they are not willing to take a step forward. Due to the lack of the knowledge of Turkish sponsors about the exemption opportunity and reluctance of Turkish sponsors to follow the long legal processes, the Court decision on this has not been issued yet.

Lawyer 1: Most of our citizens do not know. In the past the income requirement for family reunification was 70 percent of the minimum wage. Standstill clause allows the facilitation and precludes the introduction of more restrictive requirements. Therefore, if you introduce more liberal conditions, you cannot raise these.

Another more liberal practice for family reunification introduced in 1993 was the exemption of the parents caring for small children, elder people and permanently disabled people from the income requirement. They should have been exempted from the income requirement today due to the standstill clause. The lawyers explain that when they apply to the Court they receive judgments for the individual cases but it has not been defined as an exemption category by the Dutch government.

Lawyer 2: According to the old legislation there was an exemption. When you care for a child younger than five years old, you were exempted from income requirement for family reunification. You could even take social benefits. It was valid until 2004. Depending on this the Court in Den Bosh has approved this in our case.

The implementation of the health examinations of the people receiving sickness benefit sometimes makes their family reunification impossible in practice. This is mainly related with the fact that they need to prove their permanent disability or their sickness of 100 percent for the last five years and next year. They could prove the last five years by showing their sickness benefit. Nevertheless, it is not that easy to prove their situation for the next year.

Lawyer 4: One of my clients who has dual citizenship Turkish and Dutch wanted to bring his wife from China. He does not have income. He receives sickness benefit from the Dutch government. He complies with the five-year requirement but he could not prove that he would take the benefit next year due to the Dutch health system. Health legislations at that time indicated that they were not checking the health conditions of the people with sickness insurance each year. They would examine their condition whenever they want. Since my client could not prove that he would still receive sickness benefit next year, they refuse their family reunification application. They could not sustain their family unity, live apart for two-three years. Now our case is in Strasbourg.

When opinions and experiences of Turkish legal experts are taken into consideration it could be suggested that Turkish citizens should have been exempted from nearly all the restrictive family reunification requirements introduced since 2004. Most of them had already been sustained through the judgments of CJEU, Dutch courts and administrative changes.<sup>329</sup> Nevertheless, categorical implementation of most of the exemptions has been often postponed by the Dutch administrative practices.

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<sup>329</sup> Turkish citizens are exempted from the requirements of the high administrative fees (Şahin judgment of CJEU), civic integration condition both abroad and in the Netherlands (Dutch Court decision), age requirement of 21 years old (administrative decision of the Ministry). See Chapter 5 for detailed discussion.

### **7.1.3. Disorientation of Dutch Institutions**

A third concern related with the implementation of the family reunification process for Turkish citizens is related with the orientation of Dutch institutions about the requirements for Turkish sponsors and/or Turkish marriage migrants during the family reunification.

Lawyer 4: The Dutch Ministry insists on not giving information to outside about the rights of Turkish citizens. Our clients could not obtain enough information from the IND website about the requirements they are subjected to. Sometimes they are even disoriented by IND. They have to follow their process with a lawyer.

Since the age requirement was on the agenda during my field research between November 2014 and July 2015, they preferred to give examples about that. However, when I asked follow up questions about other requirements they explained similar experiences for other rights. Lawyers indicate other problems in the implementation of Turkish citizens' rights during the family reunification process.

Lawyer 1: I have not seen any notice about age requirement of 18 years old for Turkish citizens yet. Just yesterday we experienced another disorientation of IND. There is another legal procedure for the acquisition of independent residence permits of the marriage migrants. For the TCNs, he/she should stay in the Netherlands with his/her partner for five years. For Turkish citizens they should be married for three years one of which should be in the Netherlands. Our client had called IND to receive information since she would get divorced. They ignored the privileged position of Turkish citizen and stated the condition for TCNs to our Turkish client.

They also criticize Dutch government about their reluctance to disseminate the information to Turkish citizens about their rights in the Netherlands. Even if they give information in their web pages or application forms it is hard to notice them.

Lawyer 6: Some issues are written in very small fonts in one–two pages in the application form. And there is a warning in small fonts at the IND web site that Turkish citizens can benefit from the rights derived from Ankara Agreement.

The website of the IND and the application forms for family reunification have changed after my field research.<sup>330</sup> However, all the sponsors participating in my study were mainly subject to the older versions and they referred to the disorientation of IND related with the regulations as the basis for their mistrust and feeling being discriminated.

#### **7.1.4. Duration of the Legal Process**

Maximum length of the legal waiting period for the reply of the IND for family reunification applications was stated as six months at the IND web page until 2016 while it is three months now. However most of the participants revealed that they have waited 6-12 months after the legal application for the interviewees since most of them received negative reply as a result of the initial assessment of IND for their application.

Lawyer 1: Ok I had my right at the end. However, how long it takes to receive the judgment from CJEU. Although you had your right at the end, you are not satisfied in legal terms since you receive the positive legal decision in approximately four years after your application. When you analyze the situation from my clients' perspective it is not a satisfactory result.

Turkish citizens are also reluctant to contest the illicit regulations or restrictive interpretation of their rights before the Court. Most of the lawyers participating in my study clarified that despite of their knowledge about their rights, they refrain from bringing the illicit family reunification regulations before the Court due to the long legal procedures. They exemplify this with the income requirement. They all state that the implementation of income requirement of 100 percent for family reunification<sup>331</sup> as unjust for Turkish citizens. They claim that this should have been 70 percent of minimum adult wage for Turkish citizen sponsor due to the standstill clause of Association Law. It mainly stems to the implementation of wage

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<sup>330</sup> Turkish lawyers were not satisfied with the information given in the renewed web site of the IND. According to them, despite of the improvement, there are still many issues or nuances which limit the implementation of their rights.

<sup>331</sup> Through the Chakroun judgment of CJEU (C-578/08), the income requirement become 100 percent rather than 120 percent of minimum wage.

requirement of 70 percent for the married couples between 1993 and 2001 (Bonjour & Vink, 2013). Turkish lawyers in my study stated that they have been ready and well prepared for such a case for a long time, but they do not have a client.

Lawyer 6: They (Turkish sponsor) ask for a guarantee of six months for the duration of the case. I gave negative answer since Dutch government implements this requirement on purpose. Than the sponsor says no problem. I can find another job which fulfills the requirement or I could bring my family with another contract. Thus they do not bring the income requirement before the court.

According to the lawyers, the Dutch government and institutions try to avoid the determination of exemptions as a right for Turkish citizens. Thus the legal processes for these exemptions take more time since the Dutch public authorities automatically appeal against all the court decision which are in favor of Turkish citizens. The issues about the implementation of family reunification regulations for Turkish citizens which are reflected from the lawyers' perspectives in this part lead to the mistrust of SGTD sponsors to Dutch institutions and feeling of being discriminated.

## **7.2. Perceptions of SGTD about the Dutch Family Reunification Policy**

The SGTD and the Turkish Community is aware of the problems about the implementation of the family reunification policy of the Netherlands for Turkish citizens from their social network, information meetings that the Turkish origin Dutch NGOs organized and from their own experiences. Nearly all the individuals participating in my research think that the family reunification regulations and the way they are put into practice do not actually serve the aim of fostering their integration as stated by the Dutch government. In this respect they perceive the Dutch family reunification policy aims as insincere. They have the feeling of economically being abused, excluded and discriminated. They tell their feelings mainly by referring to their perceptions about the regulations they had to fulfill: (1) Income requirement, (2) civic integration exam abroad and courses in the Netherlands, (3) high administrative fees and (4) age requirement.

### 7.2.1. Income Requirement

First, both the individuals, lawyers and representatives of civil society draw the attention of the strict implementation of income requirement both in terms of income level and sustainability of it. Considering the “acceptance of discrimination as fact of life” mainly on the grounds of ethnicity and religion especially in the sphere of labour market participation (Netherlands Institute for Human Rights, 2016), the difficulties they experienced in fulfilling the income requirement is not surprising (Huijnk & Andriessen, 2016). In this regard, they suffer from the strict implementation of the income requirement. A SGTD sponsor who had to have a second job since his income was € 100 less than the income level determined by the state views the requirements as irrational.

M16<sup>332</sup>: If there was logic behind the regulations, you would gladly do the necessary adjustments to fulfill the requirements. However, the aim of the government is not to help people to unite with their partners. On the contrary they try to put a spoke.

According to them absence of some amount would not change their living standards. Since they could not understand the logic of the requirement, they perceive the validity of it as discrimination. Mainly the lack of individual assessment leads to these perceptions. In this context, as it has been also offered by the European Commission in the guidance for the implementation of EU Family Reunification Directive in 2014, COM (2014) 210 final, their family reunification applications should be examined by the Netherlands on a case-by-case basis taking into account the individual circumstances.

The SGTD sponsors’ perceptions toward the income requirement reflect gender difference. Female SGTD sponsors face with more difficulties to meet the income requirement due to their low labour market position in the Netherlands (Huijnk & Andriessen, 2016). They also criticize the income requirement by highlighting the fact that their partners would also work after their arrival to the

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<sup>332</sup> See Appendices B and C for information about the women and men participants and Chapter 3 on methodology for the way they are reached and interviewed

Netherlands to contribute to the family budget. In addition to this, they feel disappointed with the fact that the regulations which aims to emancipate women actually constitute pressure over them.

F5: Let's say in our culture women are raised under pressure of their father and family. Let's say with the help of the requirements they could stand on their own feet. But the men already stand on their own feet and work. I have never seen a man who wants to get marry before the age of 21. Thus the requirements also put pressure on women.

Similar to F5, many of my female SGTD interviewees participating in my research consider the income requirement as pressure put by the Dutch government under the name of emancipation of women. They highlighted the disproportionate impact of the income and also age requirement on the SGTD women compared with the men. In this context it could be suggested that the requirements result in the reproduction of the patriarchal relations since SGTD women need the support of their family to meet the requirements when they involved in a romantic relation with partner from Turkey. To sum up, it could be suggested that the requirements mainly perceived as a barrier to their family reunification in the Netherlands rather than facilitating their integration and lives in the Netherlands (Strik, de Hart, & Nissen, 2013).

### **7.2.2. Civic Integration Exam Abroad and Course in the Netherlands<sup>333</sup>**

Most of the interviewees find the Dutch family reunification policy and its integration aim as Janus faced. They mainly exemplify it with the implementation of civic integration exam abroad and requirement to attend civic integration classes in the Netherlands within three years after the arrival of the marriage migrant.

They raised three concern about the implementation of the civic integration exam abroad: discriminatory implementation, material, and practical concerns. They

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<sup>333</sup> As it is discussed in Chapter 5, marriage migrants with Turkish citizenship and partners of sponsors with Turkish citizenship are not obliged to enter the civic integration exam abroad and attend the civic integration classes in the Netherlands in order to receive MVV and residence permit as a result of the Dutch Court decision in 2011. Nevertheless, due to the date of family reunification of some of my interviewees (see Appendices B and C) they often referred to their perceptions and experiences about the requirements and their exemptions during the interviews.

highlighted the fact that the implementation of the civic integration exam abroad is discriminatory on the grounds of nationality (ECRI, 2013; OHCHR, 2005). The requirement of the civic integration exam abroad does not apply to the nationals of EU and EEA states, as well as Australia, Canada, Japan, New Zealand, South Korea, Sweden, Switzerland, the Vatican, and the US. The main reasoning of the Dutch government for these exemption is that marriage migrants from these countries would not lead to “unwanted and unbridled immigration and essential problems with integration in Dutch society”<sup>334</sup> since they are “similar” to the Netherlands in terms of socio-economic and political development (ECRI, 2013). The government fails to prove whether this reasoning could actually be considered as “a reliable indicator of the capability, inclination, or willingness of a potential individual migrant to integrate” (Human Rights Watch, 2008). The differential treatment at the implementation of the Civic Integration Act during the family reunification process disturbs the SGTD sponsors participating my research

F14: If there are regulations, according to me they should be valid for everybody, not only for the ones coming from Turkey or Morocco but for the ones coming from Austria or Japan.

It could be suggested that they perceive the civic integration exam abroad requirement to issue the first entry visa for the marriage migrant as a tool to control immigration from Muslim countries rather than facilitating the integration of the marriage migrant. Second, they stated their perceptions about the civic integration exam as method to limit unwanted immigration from Muslim countries by referring the high costs for the exam which will be discussed in detail in following parts of this chapter. Third, although they agree with the importance of language acquisition of immigrants, they stated their practical concerns about the civic integration exam abroad to reach this aim.

F9: Both the state and I expect from him (*her husband*) to learn Dutch after his arrival to the Netherlands. I could understand that. We have two children. They will go to school. I cannot be the only one going to their parent-teacher

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<sup>334</sup> Kamerstukken II, 2003-2004, 29700, no. 3, (memorie van toelichting), p. 19

meetings at school. Nevertheless, I do not approve the language exam in Turkey. How much Dutch can you learn in Turkey?

Similar to the F9, there are other interviewees who criticize the civic integration abroad exam due to the failure in its implementation. In this context, it could be argued that some interviewees have practical concerns rather than material ones. In this context they found the attendance to civic integration courses in the Netherlands after arrival more practical to facilitate the Dutch language learning. Most of the female interviewees reflect positive opinion about the requirement to participate in the civic integration courses in the Netherlands. Although some of them were critical about the lack of assessment over the individual circumstances for the exemption from the requirement, this does not change their general opinion. They think that with the requirement Dutch government also share the onus of the integration process of the marriage migrant since the courses were funded by the municipalities (Strik, Luiten, & van Oers, 2010). Nevertheless, after the exemption of Turkish marriage migrants from the civic integration requirement in 2011, the attendance to the courses are not any more mandatory and free for Turkish citizens.<sup>335</sup>

F1: Two, three years ago when my uncle's wife had entered from Turkey, there were civic integration courses for free. Now I want to send my husband to a language school and it costs around two three thousand euro. If the state would have really minded the integration of the marriage migrants, they would continue to arrange those courses.

In this respect they feel as if they were left alone in their integration process. According to them the state only determines the rules but do not take any responsibility to facilitate their compliance with these rules. Thus, the integration of

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<sup>335</sup> With the last modification in Wet Inburgering in 2013, the state ended integration policy by cutting of the financial support for immigrants' integration. In this context the municipalities are also deprived of the financial sources to manage immigrant integration (Gebhardt, 2016). All the TCNs need to finance the cost of the civic integration courses. Thus the state left the whole responsibility of the integration to the individual and determined itself only a control role. In this respect the precondition of integration test for the acquisition of the permanent residence permit which was introduced in 2007 is still valid (Strik, Luiten, & van Oers, 2010).

the marriage migrant is considered by the Dutch government as his/her own responsibility and the state transfers its role in the process to the private actors. It is perceived that their rights and opportunities has become conditional to their assimilation in cultural terms and labour market participation rather than their citizenship. It could be suggested that the neoliberal shift from welfare to workfare state led to change in not only integration but also family reunification processes of SGTD sponsors (Suverierol, 2015). In this context they take the help of the Turkish community in the Netherlands, mainly their family members for the integration of the marriage migrant. The female marriage migrants are guided by the female family members of the sponsor for the life in the Netherlands. Male family members of sponsors orient male marriage migrants to ease their initial days in the Netherlands while their wives are at work. When the reception facilities of the Netherlands for the new migrants are taken into consideration, the marriage migrants first integrate to the Turkish community in the Netherlands. Nevertheless, this do not necessarily constitute obstacle for their integration to the Netherlands.

### **7.2.3. High Administrative Costs**

Despite of lack of the programmes to facilitate integration funded by the government, SGTD sponsors are confused with the perspective of the government which views marriage migrants as burden. Thus they feel angry with the high administrative fees they had to pay during the family reunification process. I had the impression that they mainly get angry after the decline in the charges for Turkish citizens through Court decision. From their expressions, I derived a conclusion that by this way they had realized the unjust implementation of high administrative fees for MVV, language test and residence permit.

F9: Most of the requirements we had fulfilled during the family reunification process have been retracted. We had paid €350 for the Dutch language test. They abolished that. We paid €800 for MVV. Later, it is determined as €60. These changes led us to question why we had paid those amounts.

Although she reasoned these restrictive changes with Turkish community's abuse of the opportunities served by the Dutch government during 1980s through the

Ethnic Minorities Policy,<sup>336</sup> she is disturbed with the fact that they are paying the bill of the older generations' faults. One of the interviewee reflects her concern about the high administrative fees for the family reunification process.

F20: It seems like the government wants to fill its safe. It tries to circumvent and fill from there. (...) If it was not with the purpose of income why do they charge us for those civic integration courses? Both state and you pay for it.

During the field research most of the interviewees draw my attention to the unjust implementation of disproportionate administrative fees. While some claimed that this is the outcome of the Dutch perspective which views immigrant origin Dutch as an income opportunity, some considered this as another way to say that they are unwanted immigrants. They feel being discriminated since marriage migrants from some countries are exempted from this requirement due to their socio-economic development level (Tezcan-İdriz, 2011).<sup>337</sup>

#### **7.2.4. Age requirement**

The Dutch government defends higher minimum age requirement to ensure the higher mental and economic resisting capacity of the marriage candidates against “forced” marriages<sup>338</sup> and patriarchal structure. It often refers to two concerns: The parental involvement in partner choice decision and the dependency of marriage

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<sup>336</sup> During field research, the Turkish community referred to the some of the application of the first generation sponsors for the family reunification as a immigration tool to obtain legal residence and work permit during 1980s and first half of the 1990s. In addition to this at the same period the abuse of the welfare benefits by the first generation immigrants was also criticized by the interviewees (Hooghiemstra, 2003).

<sup>337</sup> According to the Article 16(1)(h) of Integration Abroad Act and Article 17(1)(a) of Aliens Act, the marriage migrants from EU and EEA MS, Australia, Canada, Japan, Monaco, New Zealand, South Korea, Switzerland, the US, and Vatican are not considered under the scope of the integration abroad exam and MVV. See Chapter 5 for further discussion.

<sup>338</sup> As it has been discussed in Chapter 6, arranged marriages are often equalled with forced marriage at the Dutch policy and public opinion. During my field research, the individuals, civil society representatives and Turkish origin social workers stressed the difference between forced marriage and arranged marriage. While in both partner choice process there is a certain level of parental involvement, in the arranged marriages it is more limited compared with forced marriage since it do not exclude the freedom of partner choice. They referred to forced marriages as a common concern for first generation immigrants during 1980s and 1990s (Hooghiemstra, 2003; Bonjour & Kraller, 2015).

migrants. In this regard the policy mainly targets the women from Muslim countries who are viewed as victims.

First, as a result of my field research, I concluded that although arranged marriages are common practice within Turkish community, forced marriages do not constitute one of the concerns for the Turkish community in the Netherlands since 2000s. Nevertheless, nearly all the interviewees consider the target group of these requirements as Muslim migrant groups with the allegation of prevalence of forced marriages in Muslim communities.

M20: They (native Dutch) also get married here before the age of 21. How they had the impression that the early marriages in Turkish community are forced but not the ones in here. There are Dutch girls who become mother at the age of 15-16. When it is convenient, it is oppression. When it is convenient, it is freedom. These are rubbish.

Since the participants of my research consider allegations of forced marriage as irrelevant for Turkish community or misinterpretation of Turkish culture, they led to the feeling of being excluded and discriminated in cultural terms. It could be suggested that this is the outcome of the essentialist perspective of the Dutch government to culture.

It is also important to highlight the perspective of the parents of SGTD for the early marriages. During the field research, I realized that there are many Turkish parents mainly mothers who are opposed to the early marriages of their children and often support the age requirement. A mother whose two daughters got married from Turkey at the age of 18 told the positive side of the regulations. Her perspective was closed to the one of the justifications of the Dutch government's incentive to increase the minimum age requirement: Marriage at later ages would prevent the drop out of school, permit more adequate preparation for the labour market and his/her development in the society.<sup>339</sup>

Mother<sup>340</sup> of the interviewees F15 and F16: You cannot oppose to the wishes of your children in these ages. I actually did not want my daughters to get

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<sup>339</sup> See Dutch Government Response to the Green Paper on family reunification

<sup>340</sup> In addition to my systematic analysis based on the interviews with SGTD who got married from Turkey, I conducted interviews with the parents and partners of the SGTD participating during my

marry at their early ages. I would wish they would continue their education. The Netherlands introduced these regulations the age requirement of 21 years old to prevent early marriages. I was ready to accept the regulation. However, when your child said that we want to marry, you could not oppose this. You have to accept this and try all the ways to bring her partner. Thus you have to endure the regulations.

In this context it could be suggested that parental involvement do not necessarily mean a challenge to the Dutch perceptions over partner choice or early marriages. In the cases of F15 and F16, despite the reluctance of their parents, they got married at the age of 18 with their own will. Nevertheless, their parents do not oppose since they are afraid of their daughter to elope which would lead to dishonor and shame for them. Thus they cooperate and help their children to fulfill the requirements in the family reunification process. This could be interpreted as the revitalization of patriarchal culture from different perspective. Although SGTD sponsors could convince their parents and obtain their freedom for partner choice, they develop new dependency with their family in material terms in the process of family reunification due to their coping strategies to bypass the age requirement.

It is important to highlight the gender differences in the perceptions of the SGTD sponsors. Since early marriages are more common for women in Turkish culture, the perceptions over the age requirement was reflected by the male respondents for their partner. Mainly male interviewees complained about the implementation of minimum age requirement for family reunification which is higher than minimum legal marriage age. They consider the minimum age requirement as a dual standard imposed for the immigrants.

M6: In the Netherlands, the government considers a person at the age of 18 years old as mature. They sent their children from home at that age to build their own life. Then why, is it like this for us? They say their child at the age of 18: "Go. Knock yourself out." That boy rent his own place, go to school, cooks so takes care of himself. It is not a problem. When we get married from Turkey and stand up at our own feet at the age of 18 it is a problem. I understand my wife will be new in the Netherlands and young but I am at

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field researches. These are not listed in the Appendices B and C since they are considered as part of the ethnographic research. I refer them in the text by specifying their relation with my interviewees.

the age of 25. I know the life in the Netherlands, how to live here. They could be right if we would have been both at the age of 18 years old.

The discourse of M6 in which he stressed the dependency of his marriage partner could be interpreted as the reflection of patriarchal structural relations. It may be suggested that the combination of Dutch policies on family reunification and integration foster the dependency of marriage migrant on the sponsor. It may also lead to the dependency of SGTD women on their parents even after the arrival of their husband. In this regard the age requirement could foster the revitalization of patriarchal family structure.

To sum up, SGTD sponsors mainly perceive the restrictive family reunification regulations (income, civic integration, high administrative costs and age requirement) as a new method of Dutch government to put barrier to their family reunification or new migration rather than facilitating their integration. Their level of trust to the Dutch institutions decrease since they become target of the policy due to their cultural differences despite of their privileged rights derived from Association Law. Thus they feel discriminated and excluded from the society. The shift from welfare state to the workfare perspective also contributes their negative feelings. In this context they develop coping strategies with the help of their ethnic community in the Netherlands to fulfill or bypass the restrictive family reunification requirements.

### **7.3. Coping Strategies of the SGTD Sponsors to Fulfill the Requirements**

The SGTD sponsors experience difficulties to unite with their partner in the Netherlands due to the restrictive family reunification requirements and their restrictive interpretation by Dutch institutions. They have to manage long distance marriage life until they fulfill the requirement. My interviewees who got married from Turkey defined this process as “stressful” and “threatening their marriage”. Some of them told that they broke up with their partner several times during the family reunification process due to the difficulties in fulfilling the requirements. F17 stated that she was demoralized during the process since she was put to it to fulfill income requirement.

F17: I had nervous breakdown. I was determined to see a psychiatrist. I lost all my hair. I tore my hair because of my grief. I went up in the air.

Researcher: Why were you feeling like this?

F17: Since I could not bring my husband. I also wanted to have a separate house. I did not want to stay with my parents as a married woman.

During the field research I realized that the stress over the sponsor is mainly related with the position of marriage migrant. The ambiguity of the result and duration of the family reunification process put the marriage migrant that has to wait in Turkey in a difficult position.

Researcher: What were the difficulties you experienced?

M5: After receiving the refusal for family reunification, a perception arose as if it was my fault as if I did not want to bring her. I mean she started to think that I did not want her in the Netherlands thus she was waiting. In addition to this, the social pressure in Turkey also tired my wife out. I mean the questions: why she stayed, when her visa would be issued. At each phone call she started to be more nervous.

In order to ease the family reunification process and manage the long distance marriage, M5 explained that he had stayed in Turkey with his partner for five months and made frequent travels to Turkey afterwards. During the field research, the suspicion of the marriage migrant over the wish of the sponsor for family unity was associated with the past experiences according to which after the marriage, sponsors had not brought their partners from Turkey and started new relationships from within Netherlands.<sup>341</sup> These stories constitute additional social pressure over the female marriage migrant. The waiting period was expressed as stressful mainly for the women either as a marriage migrant or a sponsor. The vulnerability of the women during the waiting period could be associated with the socio-cultural perceptions and practices for married women who are distant from their husband. Wife of one of the participants of my research told the difficulties she had during the waiting period which had taken two years in their case:

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<sup>341</sup> Two marriage practices were common in the past within the first generation labour migrant Turks due to the “kuma” tradition in Turkish culture. Although they had had religious marriages in Turkey, they got married officially in the Netherlands in order to obtain legal residence and work permit. In this context they did not bring their wives from Turkey to the Netherlands. It had continued in a limited extent with the one and a half generation due to the social pressure, parental involvement and cultural considerations over marriage and child raising (Kalaycioglu, Celik, & Bospinar, 2010).

Wife of M15: You burn out. Not to upset your family, you could not reveal your sorrow. You cannot share many things in the process with your family. You got married, you went out your father's house with your wedding dress and you come back as if you had not got married. It is really difficult. The other people on the street ask: When he will come? When he will make a request (exact translation of "istek yapmak" they use this to refer to the legal application process for family reunification)? When he will take you to the Netherlands? Will he come or not when you are going? Will you go or will they come? These destroy your morale. It is difficult, extremely difficult... Now I am telling the girls in Turkey who are at the beginning of transnational marriage process think again!

Researcher: Did you ever think of to give up?

Wife of M15: No. Never. Since I am in love with my husband I never wanted to give up. But for some time... Actually a person has stamina...I guess I passed the limits of my stamina. I actually said him to come to Turkey. But it is not giving up. I still wanted to be with my husband. But I wanted him to come to Turkey from here. Of course he burned out as well. You ill-treat each other.

In this context the sponsors try to unite with their partners from Turkey as soon as possible. Thus rather than struggling for the implementation of their rights derived from Turkish citizenship they mainly develop their own coping strategies to meet the requirements.

Lawyer 1: The Turkish sponsor is in a difficult position since they could not bring their partners to the Netherlands for two or three years especially during the implementation period of civic integration exam abroad. Thus there is possibility that they apply to strange methods. Some of them is not right. However, they perceive the regulations as unfair. They feel that their rights are taken away from them.

He used a Dutch idiom to refer to the coping strategies of Turkish sponsors in order to meet the regulations: "A cat in a dark makes strange jumps" (in Dutch "enn kat in het donker maakt rare sprongen"). Since they perceive the Dutch family reunification policy as unfair, unjust and discriminatory, they try to fulfill the requirements sometimes by developing strategies to fulfill them only on paper or bypassing the restrictive Dutch regulations. In this part, I will highlight five main coping strategies of Turkish sponsors for family reunification with their partner from Turkey: (1) Procedural rearrangements, (2) age increase, (3) stay in the Netherlands with different motivation, (4) Belgium route and (5) the strategies to fulfill the income requirement.

### 7.3.1. Procedural Rearrangement of Marriage Process

Turkish Dutch experience a different marriage process compared to their parent's country of origin. In Turkey the common practice is to perform the civil marriage and the wedding ceremony on the same date and consecutively start the marriage life. Some also have religious marriage<sup>342</sup> in addition to the legal one with the same partner. It happens either on the same date with the legal marriage or afterwards. When similar path is followed for the transnational marriage, the family reunification process of the couple takes long time.

Due to the procedural concerns for family reunification, legal marriage is often proponed. However, this does not mean the couple starts the marriage life. It is perceived only a procedural first step for the start of the family reunification process. After the legal marriage, the sponsor returns back to the Netherlands and apply for the family reunification in the Netherlands.

M7: In 2009 we bound with a promise to wed and got engaged two three weeks after in 2009. Let me say they were the same. We solemnized legally in three days. However, we did not get married. It was only on paper. Actually I wished to have a real marriage with a wedding ceremony and register. In order to bring my wife right after the wedding, I had no choice other than getting married in legal terms in advance.

When the marriage partner obtained the MVV for family reunification they follow the Turkish customs for marriage mainly wedding ceremony to announce the marriage of the couple. Thus the commencement of their marriage life mainly depends on the timing of the positive decision of Dutch government. One of my lawyer interviewees who got married from Turkey in 2010 told the procedural rearrangement in her marriage process as following:

Lawyer 3: First the legal marriage had taken place. And then the marriage ceremony had happened. Because I really wanted to obtain his visa first to

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<sup>342</sup> In Turkey only the civil marriages (marriages registered at the State Offices) are legally recognized. Until the recent judgment of the Turkish Constitution Court on 27 May 2015 (Decision No. 2015/51), the religious marriage before the civil one was used to be considered as a criminal offence since it may foster kuma practices, fraud, child marriage and legal and economic problems for mainly women. Nevertheless, it has been a common practice to perform a religious marriage either before or after the civil marriage. Though the time between these two marriages are short.

pass through the custom with my husband. When he had his visa we directly made our wedding ceremony and we came to the Netherlands together.

This procedural rearrangement mainly results from the implementation of temporary residence permit according to which the marriage migrant needs to wait the positive decision of the IND for family reunification in the home country. Sometimes they develop different strategies such as coming to the Netherlands with a touristic visa and wait the procedure in the Netherlands.

Turks in the Netherlands develop another strategy to fulfill the Dutch regulations and while preventing the stressful situation resulting from the long waiting processes and the possibility of refusal of their application despite of their legal marriage. They apply for family reunification as partners who wants to live together (*samenwonen*) rather than as a married couple. This strategy is preferred mainly to protect women from the pejorative labeling of divorced in the case of refusal of the family reunification application. There are also the ones who apply for *samenwonen* (live together) to prevent long distance relationship before deciding marriage which would be life course decision.

F20: We wanted to continue our relationship after summer. I applied for family reunification to live together since marriage was too much. Both of us were not marriage type people. However, they did not accept our *samenwonen* application since there is not such a legislation in Turkey. I asked Dutch friends at my work. One of my friends offered to apply. I told that they did not issue to me how they would accept yours. That was a mistake. I am from Ardahan. There is a TV show which reunites the lovers. She wrote a letter to them and told that we tried all the possible ways but they did not let her to bring her husband. They called back from the TV show and asked what we can do if the government did not give permission. She asked why they reunite couples from all over the world, USA, Australia but not from Turkey. She explained that Turkey is even closer. But it did not work. Thus we had to get married.

Another Turkish Dutch woman who applied to family reunification without legal marriage told about her disappointment during the process. She stressed that they were not well-informed about the process and the necessary documents timely.

F14: Our legal marriage had taken place after our wedding ceremony. We made the application for family reunification for living together since one of my colleagues told that it was easier. Our application was refused two months after our application since one form from Turkey was missing. Two months after sending the form we had received second refusal since they did

not believe in our relationship and asked for some documents to prove: photos, emails, and list of questions. They questioned whether he had any relatives in the Netherlands, he was married in Turkey, he had child in Turkey, and he had the custody of the child. I really got angry and called IND. I told to officer on the phone that if they had not believed in our relationship, why they had not explained this at their first refusal; they had told only one document was missing at the first refusal. I asked whether they needed to think two more months about genuineness of relationship. The officer agreed with me and asked for few documents. After a week I received refusal on Thursday. I called IND, the same officer told me to send the documents to him through fax and called me back on Friday and told that there was no problem I could go to Turkey for my wedding ceremony. I had to go on Saturday anyway to have my wedding ceremony.

Most of the sponsors complained during the interviews about the ambiguity of the process, the documents and the assessment procedure. The ambiguities are more prominent at family reunification applications to live together (samenwonen). The recent perspective of the Dutch government also directs the Turkish sponsors to family reunification as married couples rather than living together. Turkish couples started to be exempted from the privileged rights in the case of “samenwonen”. According to the current administrative implementation Turkish citizen sponsor and his/her Turkish partner have to fulfill the age requirement of 21 years old. Lawyers expect similar perspective for the implementation of the liberalization of MVV procedure.

### **7.3.2. Age Increase**

Second generation Turkish Dutch get married at their younger ages compared with natives. This could be associated with their negative stance to the cohabitation and differences in cultural perceptions (Huschek, Liefbroer, & de Valk, 2010; Lievens, 1999). Since the decrease in the age requirement from 21 to 18 years old started to be implemented after my field research, most of the NGO leaders criticized this requirement.

NIF South: A person is free. I mean he/she is free after 18 years old. He/she could marry when she is 18 years old. The marriage should not be restricted. The liberty of people should not be taken away

Researcher: Actually the marriage is not restricted.

NIF South: But you could not sustain family unity. You disjoint the family. The couple who got married at the age of 18 have to wait for two years for

applying to family reunification. You are hindering the family unity for two years even if they had legal marriage.

Seven of out of forty-five interviewees participating to my study referred to age requirement as an important obstacle for their family reunification. I concluded that the number of my interviewees who postpone their marriage decision could be more considering their relationship story and ages. However, they did not refer the requirement since they postponed not only the family reunification but also their marriage. Four of them mentioned their coping strategies to meet this requirement.<sup>343</sup> One of these strategies is to apply for age increase in registration office in Turkey. However, some of them referred to the difficulties in this process. They have to apply to the Court and Turkish Court asks the hospital records for the birth and the submission of the medical report on the bone age of the applicant in order to prevent child marriages.

M6: We tried hard to increase her age. Our case in Turkey still continues. The judge postponed five times since he was not sure. Since she was born at the hospital they do not thrust the medical report. In order to bring our partner to the Netherlands we have to lie in Turkey. Since there is a current sensitivity over “child bride” related with the marriage migration to Europe concern, the judges scrutinize the applications.

In this situation the age increase through Court decision from Turkey is not a common strategy for the last two years.<sup>344</sup> Nevertheless, one of my male interviewees (M11) told that they managed to increase his partner’s age through the Court decision in Turkey easily. However, this strategy was applied only for the marriage migrant who was below the minimum age requirement but not for the sponsor. When the partners could not fulfill the age requirement, they sometimes opt for other strategies: the visit of the marriage partner to the Netherlands with different purpose and Belgium route.

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<sup>343</sup> It is still important to state these coping strategies since registered partners with Turkish citizenship and Dutch and TCNs are still subject to age requirement of 21.

<sup>344</sup> Currently age increase is not even on the agenda of Turkish citizens since they are not under the scope of this requirement anymore.

### 7.3.3. Touristic Stay and Overstay

Some of my interviewees who could not have fulfilled the family reunification requirements opted for different strategies for sustaining their family unity in the Netherlands: touristic stay and overstay. First of all, bringing their partner to the Netherlands for touristic purpose is one of these strategies. The marriage migrants who are holding Turkish special passport (Hususi Damgalı Pasaport) due to their parents' position at the public sector do not need a visa for their touristic stays in Schengen countries up to six months in a year. In this case marriage migrants do not get marry legally to prevent the loss of the right to possess that passport and stay in the Netherlands with their partner for half of the year. They continue to travel between Netherlands and Turkey until the sponsor meet the family reunification requirements.

Secondly, the Turkish marriage migrant come to the Netherlands near their partner with a touristic visa and they do not return back despite of the expiry of their visa (irregular immigrant). Two of my interviewees started a relationship and decided to get married to an irregular Turkish immigrant who was already residing in the Netherlands. In these cases, the marriage migrants had to go back to Turkey to pick up their temporary residence permit (MVV) after their application for family reunification. One of the marriage migrants who was already at an irregular position before their marriage explained his own strategy to return back to Turkey through Belgium as follows.

Husband of F4: I exit the EU from a different country. I had passport for 15 days. If I would have exit from the Netherlands, I could not enter to the country for five years. Thus I went to Belgium, told that I wanted to return to my country. They gave me a temporary travel document which was valid for a month. I even did not show my passport to Turks. I could return to Turkey from any country with that document.

The lawyers actually warn Turkish community about the risks of this strategy.

Lawyer 3: Therefore, they hide that the marriage migrant was in the Netherlands during this process. But this is not legal. They have high risks since you sign a paper that you did not commit a crime. But you actually commit a crime.

Lawyers claim that Turkish citizens do not need to develop such strategies. Although it is not explicitly referred at the web site of the IND, according to the perspectives of lawyers waiting the issue of the MVV in the Netherlands (staying as a tourist or worker) would not constitute an obstacle for the married couples with a Turkish sponsor. In addition to this, they also argue that depending on the interpretation of *Demir* (C-225/12, paragraphs 38 and 39) judgment of the CJEU, the constraint on the issue of residence permit with the purpose of family reunification for the marriage migrants who are not considered as “legal” in the Netherlands is also open to discussion (Tezcan, 2015).<sup>345</sup>

#### **7.3.4. Belgium Route**

As it has already been discussed in Chapter 5 (5.3.2.3. Europe Route), the Belgium route is actually a common coping strategy in the EU to bypass the national family reunification requirements. SGTD mainly invoke their rights derived from Dutch citizenship by using their free movement right within the EU. Since they are subject to EU regulations which are less restrictive when they reside in a EU MS different than their nationality, they often move to Belgium (due to its proximity to the Netherlands in terms of distance, culture and language) and sometimes to Germany (due to their transnational networks) to bypass the restrictive Dutch family reunification regulations. During my field research, I realized that Belgium route is not on the agenda of the Turkish community anymore since they are exempted from most of the restrictive requirements due to their rights derived from Association Law. Nevertheless, some of my interviewees opted for Belgium route during the implementation period of civic integration exam abroad (2006-2011), income

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<sup>345</sup> Although there is the condition of legality for the application of Association Law, the definition of legality needs to be defined in accordance with the understanding dates back to 1980 according to the standstill clause of the Association Law. As argued by Tezcan (2015, p. 87), “Turkish nationals whose status appears to be illegal should be able to rely on the standstill clause, as it might be the new tighter rules that pushed them to the status of illegality”.

requirement of 120 percent of the minimum wage (2004-2010) and age requirement of 21 years old (2004-2015).<sup>346</sup>

F15: We already knew that we would have got married. I moved to Belgium when I was 17 years old before our marriage since there was an age requirement of 21 years old in the Netherlands. We rented my uncle's house in Belgium since we needed to have a contract to obtain a residence permit in Belgium. When we moved we realized that I had to attend to school in Belgium since I was below 18 years old. After school I found a job and applied for family reunification. Due to his obligation for military service in Turkey it would take longer if we would not hurry up for family reunification. I lost my job there. In addition to this the officer at the municipality had not believed in genuineness of our marriage. As if she had already known she asked questions: Why I came to Belgium and why I studied in Belgium. She refused our application for six months thus we had to move to another city within Belgium. I found another job and a house. After having the residence permit there I applied for family reunification and succeeded.

She told that although she was not planning to come back to the Netherlands, they returned since she wanted to be close to her family residing in the Netherlands. However, I realized during my field research that settling in Belgium permanently was also common for Turkish community who opt for Belgium route to bypass Dutch family reunification regulations. Nevertheless, Belgium route is reflected as a very difficult coping strategy. There are Turkish forums at the internet in which they share their experiences and guide each other about the implementation of regulations. They manage to survive if their partner was not in irregular position. One of my interviewees who used Belgium route for family reunification with her husband with irregular position told her failure in Belgium route.

F10: We had wedding ceremony and religious marriage but not the legal marriage. Belgium route was recommended to us since it was less time consuming and my partner would not need to go back to Turkey. After we moved to Belgium we started the paperwork. In the past there had been a lot of people going to Belgium from other countries. The marriages of convenience were also common to obtain the legal residence permit. Since they did not believe in genuineness of our marriage they did not issue residence permit. We applied to the Court but they put my husband into

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<sup>346</sup> See 5.4.2. Restrictive Requirements for Family Reunification for the detailed discussion over the implementation of Dutch family reunification regulations for Turkish citizens.

prison for ten days since he was here despite of the expiry of his touristic visa. (...) Anyway at the end the state told to my husband: “We will take you to the airport. You could return on your own free will or stay and you bare the consequences”.

Thus she told that they returned back to Turkey together and had the legal marriage to apply for family reunification. After she returned back to Belgium, she applied for family reunification. Nevertheless, the genuineness of their marriage has been questioned and their application has been rejected. Thus she told that she had to move back to the Netherlands and prepared a new application for family reunification. It was surprising for me to see their transnational ties with the Turks not only in the Netherlands and in Turkey but also in other European countries. Thus, when they opt for Belgium route their transnational networks help them to cope with the difficulties in the new life. Thus it could be interpreted that the choice of SGTD sponsors for Belgium route could both lead to and/or be resulted from their transnational ways of living and being.

### **7.3.5. Strategies to Fulfill the Income Requirement**

The income requirement constitutes an important hurdle to family reunification (WODC, 2009; Sterckx, Dagevos, Huijnk, & van Lisdonk, 2014). According to the WODC report migrants, young people and women experience negative impacts of income requirement more compared to the non-migrant, older people and men respectively. Young sponsors who are new in the labour market or self-employed or less educated face more difficulties to meet the income requirement (de Hart, Strik, & Pankratz, 2012, p. 73). According to the CBS statistics, since 2010 the unemployment rate for Turkish origin immigrants aged between 15 and 25 years old is around 20 percent while it is around 10 percent for native Dutch. The unemployment rate of Turkish origin allochtoons aged between 25 and 35 is more than triple of the unemployment rate of the autochtons at the same age group for the same period. Thus it is not surprising that the income requirement constitutes an important hurdle for the family reunification of SGTD. My field research also confirmed these findings.

Lawyer 4: Income requirement is the most difficult requirement for the Turkish Dutch to fulfill. Even the submission of the income one euro below

the requirement results in negative reply to their family reunification application. Since main concern of our clients is to bring their partner in the shortest period the income requirement is very important. They look at sponsor's contract valid for a year on the day of application, the amount of his salary, its payroll sheets. If he/she runs his/her own business, he should have it for minimum one and a half year. In addition to this the level of its profit share is an important issue.

Although income level has decreased from 120 percent of the adult income level to the 100 percent for all TCNs in 2010 through the Chakroun decision of the CJEU, it is still not easy to fulfill the requirement for the SGTD. Despite of the fact that half of my interviewees united with their partners after the implementation of Chakroun decision of the CJEU, nearly all of them still consider it as the most important hurdle. As it has been discussed, according to the lawyers the income requirement should have been 70 percent of the minimum income level for the sponsors with Turkish citizenship. Nevertheless, there is no Court decision about this yet. This results from their reluctance to lodge a complaint to the Courts about the misimplementation of their rights derived from Association Law due to the long duration for receiving the final judgment from the court. SGTD sponsors develop their own coping strategies to fulfill the income requirement at the earliest possible time. They mainly opt for one of the following five strategies: (1) Negotiation with the employer for salary increase, (2) emigration to Turkey, (3) arranging fictitious contract, (4) finding second job, and (5) changing or finding a new job.

First, sometimes they meet the requirements by negotiating with their employer either for amount of their salary or contract. The ones with better education or longer employment history with same employer have more chance to make the necessary arrangements for salary increase.

F20: As far as I remember I was earning around € 25 less than the income requirement. If I had been earning € 25 more he (her husband) would have come immediately. It would be easier. I got angry. I told my boss: You would raise my salary €50. He asked why? I said that I would bring Ahmet. He said, he would if he could come in this way. I also added that you will not take the raise back after his arrival.

Some of them convinced their employer whom they were already working for to make a contract for one year by agreeing on paying the employer share. In this regard, the income requirement for family reunification often results in the

vulnerability of the sponsors for exploitation of the employers either in term of payments or working hours.

M6: It is not easy to have an employment contract for a year. They gave the contract for zero hours. This means they call the employee whenever they want. But you cannot use that contract since they do not pay the same amount each month. My Moroccan employer is a friend of my father. Thus he did a favour to me by arranging a contract. He showed gross € 1.490 on paper and paid through bank account. However, he asked me to pay €400 of the employer's taxes which cost €680.

As it is highlighted in SCP report, young immigrants, in which SGTD are also represented have weak labour market position due to high proportion of flexible jobs in this group (Huijnk & Andriessen, 2016).<sup>347</sup> In this context they mainly apply to their own ethnic community to ask for help to fulfill the income requirements (minimum level of income and contract).

Researcher: Do you consider the help your acquaintances to meet the income requirements as a sign of ethnic solidarity?

F4: No. There may be ethnic solidarity at some places. But in my case and what I have heard they always ask for return either through long working hours or payment.

Although this coping strategy could be interpreted as an outcome of ethnic solidarity within Turkish community, it often leads to the exploitation of their labour force. Second, emigration to Turkey for family reunification is referred as another strategy mainly preferred by SGTD women. Due to their immigrant origin, the SGTD had influenced more from the financial crisis of 2008 in the job market. Depending on their education and experience, they face more difficulties to find a job with contract. According to the motion of the Green Left, family formation had dropped by 37 percent after the introduction of income requirement of 120 per cent of the minimum wage in 2004. It limited family formation of female sponsors more compared with the males (WODC, 2009, p. 14). In line with the quantitative researches, the individuals and Turkish civil society representatives drew my attention to the return of the SGTD sponsors (mainly women) to Turkey to unite with

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<sup>347</sup> 76% of young migrants aged between 15 and 24 years old are in flexible employment according to the Dutch statistics (Huijnk & Andriessen, 2016).

their partners in Turkey since they could not meet the income requirement in the Netherlands.

F4: I was scared of failing to find the necessary salary and contract. The thoughts about return to Turkey come to my mind. If there were not those regulations, we could have got married earlier.

The gender difference in the decision of emigration to Turkey for family reunification could be associated with the disadvantageous position of the SGTD women in the labour market in the Netherlands. In addition to this, the higher possibility of reversed gender roles within the family, in which male partner residing in Turkey would not fulfill his breadwinner role if he came to the, could contribute to the decision of sustaining family unity in Turkey for SGTD women.

Third strategy for fulfilling the income requirement is arranging fictitious contracts. The minimum income level of 100 percent for family reunification is calculated according to the minimum amount of wage for the adults (people at the age of 23 and older) which is determined by the Dutch government.<sup>348</sup> In this respect SGTD especially who are younger than 23 years old have difficulty to meet the wage amount together with the contract condition. This could be interpreted as the age discrimination in the implementation of the income requirement. In order to minimize their suffering from the requirement, SGTD opt for fictitious contracts by applying to their ethnic social networks.

F17: I was working at a Dutch company at the cleaning sector. My salary was 200€ less than the requirement, I requested to arrange it according to my needs. But they did not compromise. My father found a Turkish friend who was running a company at the same sector. He accepted to give me a contract. But it was not a real job offer since he had no place for me. God bless him. He helped me a lot. He arranged a contract for me although I was working at the other Dutch firm. Thus he was depositing €1.500 to my bank account each month. After withdrawing the money, I was paying it back to him. Who could do this in these hard times?

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<sup>348</sup> While gross minimum wage amount is determined by the Dutch government in July 2016 as € 1.537,20 for the people at the age of 23 and older, it is lower for the younger people: € 1.306,60; € 1.114,45; € 945,40; € 807,05 and € 699,45 for the ages of 22, 21, 20, 19 and 18 respectively. The Dutch government adjusts the statutory minimum wage amount twice a year – on 1 January and 1 July. For the family reunification, all the sponsors are expected to earn minimum adult amount independent from their ages. <https://www.government.nl/topics/minimum-wage/contents/amount-of-the-minimum-wage> (last accessed on 20.01.2017)

Researcher: So your income had not changed?

F17: No. I had to pay to that Turkish man €200 each month for the taxes.

They consider themselves lucky if they find an employee who offers to sell an employment contract. In these terms this transaction could be interpreted as an opportunity to foster their ethnic solidarity (Vasta, 2011). Meeting the income requirements for the SGTD who are self-employed or working at the family company is reflected as even harder. During the field research, duration of the business<sup>349</sup> and difficulties to prove their monthly salary due to the lack of bank transfers were stated as the main problems for self-employed sponsors. Thus they either have to postpone their family reunification to submit the bank receipts or find another job on the contractual basis.

M17: I had had a firm when I applied for family reunification. When you owned your own firm there are lots of problems. They think that it is here today but not tomorrow. Thus they say that we could add burden over their shoulders. So I started to work at another place

Researcher: Were you really working at another company or was it only on paper?

M17: It was also our firm. How could I tell? It was my brother's company. I seemed to be working there.

Two out of twenty-five male interviewees who were working at the family businesses stated that their initial applications for family reunification were denied by IND due to fraud suspicion. They expressed that they had to ask for fictitious contract from the companies they are working with. It could be suggested that their ethnic ties within the Netherlands have been strengthened in order to arrange fictitious contracts to fulfill the income requirement. In this context the income requirement neither result in their structural integration nor socio-cultural integration.

Fourth, finding a second job is another strategy to fulfill the income requirement. However, for the second job, young sponsors have to work for more hours and paid less due to the additional taxes imposed on them. This mainly results

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<sup>349</sup> Self-employed sponsors need to provide a declaration of sufficient net income and profit for the current and immediately preceding financial years certified by the financial administrator in order to prove the sustainability of their income.

from their working hours and the amount they earn which is higher than the average income determined for their age. In this context, they try to arrange fictitious contract with the help of the Turkish community.

F2: I was working twelve and a half hours per week before meeting with my husband. For family reunification process I found a night job. In order to bring my husband, I was working including Saturdays more than fifty hours per week. Since it was a love marriage, I was working without complaining.

They often quit their second job after the arrival of their partner or with the end of the inspection period of the IND for income requirement or with the participation of their partners to the labour market in the Netherlands. The gender difference is not so apparent at the beginning of their family reunification process, it became important after the arrival of their partner. While the female SGTD sponsors start working less hours and earn less after the arrival of their partner, the SGTD men work at flexible jobs in order to earn more. This could be associated with the breadwinner roles of the Turkish families. In this regard it could be suggested that the income requirement have limited role in the shift in the gender based tradition perspectives of the Turkish community (Bonjour, 2008).

Fifth and final strategy to fulfill the income requirement is to change job or finding a one. The restrictive family reunification requirements imposed on Turkish community in the Netherlands despite of their rights derived from Association Law result in the increasing reactive identification<sup>350</sup> of SGTD (Rumbaut, 2008; Portes, 1999). Thus the common hurdles imposed on the Turkish community by the Dutch government result in search for solutions within their own ethnic group. In this respect, it is common to ask for help from Turkish enterprises in the Netherlands. One of the female respondent who had eloped with her husband to Turkey expressed the difficulties she experienced in meeting income requirement after her return to the Netherlands.

F19: I could not find a job. There was economic crisis at the time. (...) None of the companies either Dutch or Turkish were offering a job for forty working hours per week with the salary of €1.300 without trial period and a

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<sup>350</sup> See Chapter 6 on Partner Choice for further discussion over the reactive ethnic identity.

contract for six months. They actually do not offer a job with those working hours and salaries. That's why I had trouble. I worked at an elderly care home. They offered a contract for six months after the trial period. Thus I quit and started working at a Turkish market since they increased my trial period to six months. It would have taken too long. (...) I found a new job at a Turkish market. Since the owner of the market was not good at Dutch language, I was handling all the work: dealing with the cash account, paper works, and issues related with the municipality. They provided me the necessary conditions for family reunification.

Although Turkish employers sometimes reflect ethnic group solidarity and help to the SGTD sponsors, they often try to benefit from their vulnerability and exploit their cheap labour force. Nevertheless, SGTD sponsors often give consent to their exploitation by their ethnic network since in return they could fulfill the requirements for family reunification. In addition to this, it is hard for them to find a solution with their Dutch networks. In this context M2 could be considered as an exception since he changed his job with Turkish employer to the Dutch one.

M2: When you are working at the courier business with Turkish people, it is really a problem. It is not regular and registered. Thus I changed my job during the process of family reunification. I started to work at a Dutch company at catering sector. After her (his wife) arrival I am planning to shift again.

Most of the male interviewees were planning to change their job after the arrival of their partner or after the inspection period has ended. They reason their career plans with their higher income level at their previous jobs. In this context, it could be concluded that their coping strategies to fulfill the income requirement for family reunification is temporary. To sum up it could be suggested that their higher income and contractual employment do not actually contribute to their integration when it is assessed in the long run. In addition to this, it could be concluded that the shift from welfare state to workfare state perspective in Dutch immigrant integration policy result in their feeling of being excluded and discriminated since their family unity depend not only on their labour market participation but also on their labour market position.

To sum up, as a result of the negative and essentialist Dutch view on the culture of the Muslim immigrant communities which become concrete through restrictive family reunification regulations, SGTD sponsors often feel being

discriminated and excluded from the Dutch society. In this context it could be suggested that they develop coping strategies within their ethnic community to fulfill the requirements. All the coping strategies (procedural rearrangement of marriage process, age increase, touristic stay and overstay, the Belgium route and strategies to meet the income requirement) developed by the SGTD sponsors actually aims to sustain the family unity as soon as possible. Sometimes postponement become the coping strategy itself (for income requirement and age requirement) if the duration of the postponement takes shorter than possible coping strategies. Although it was not the aim of the policy, it could be suggested that their coping strategies and perceptions actually foster their transnational and ethnic identities and practices. In order to understand the success of the restrictive requirements, it is important to assess the influence of the SGTD sponsors' perceptions of restrictive requirements and their coping strategies to fulfill them on their structural and socio-cultural integration.

#### **7.4. Impact of Family Reunification Regulations on the Integration of SGTD Sponsors**

The family reunification had been viewed as facilitator of immigrant integration during 1980s not only by scholars, international organizations but also by nation states. Thus the legal context for Turkish citizens sustained by Association Law reflects this perspective.

Lawyer 5: There is Article 7 in Association Council Decision No 1/80 about Turkey. Family right of Turkish citizens are protected there. It is declared that it would have a positive impact on their integration. The integration idea in Decision 1/80 and Ankara Agreement more or less complies with the integration idea of the Dutch minorities' policy during 1980s.

In this context, the individuals and lawyers and civil society representative participating my research associate the introduction of the restrictive family reunification regulations for Turkish citizens in the Netherlands during 2000s with the assimilationist shift in Dutch integration policy perspective. The interviewed lawyers think that Dutch government had considered Turkish citizens under the scope of restrictive regulations despite their knowledge on the Association Law in

order to facilitate their aim of diminishing immigration to the Netherlands at least for a certain time.

Lawyer 6: During the Ministry of Verdonk we had told... They raised the administrative fees excessive. We told that you cannot do this. The legal struggle for the abrogation of the practice of excessive administrative fees for Turkish citizens had taken six years. At the end they only reimbursed a limited amount of money. It was the same for the civic integration conditions. They did not give residence permit to the people who could not receive MVV visa and expelled due to the failure of these requirements. Thus they prevented immigration at least for some time.

They perceive the implementation of restrictive regulations for family reunification as unjust and discriminatory. They consider that the main motivation of the Dutch government by introducing restrictive family reunification policy is the will to involve in the selection process for the new migrants including the marriage migrants rather than integration concerns which have been defended by the Dutch government. It is important to note that my interviewees refrain from associating the changes in their lives during the family reunification process with their integration since they consider themselves as already integrated. Nevertheless, depending on my field observations, the restrictive family reunification regulations and their implementations had a negative impact on their participation to the life in the Netherlands. In this part, the influence of their experiences during the family reunification process will be scrutinized under the subtitles of structural and socio-cultural integration.

#### **7.4.1. Structural Integration**

As it has been discussed in Chapter 2, structural integration has been defined in this study related with their acquisition of rights and access of citizenship positions and statuses in the socio-economic spheres of life. Thus the structural integration is considered mainly relevant with the public domain of life. The position of immigrants in the spheres of labour and housing market, education, health, welfare state institutions are important to assess to understand their level at the structural dimension of integration process. In this context the access to citizenship, their awareness and ability to enjoy with their rights and the discrimination are important in their structural integration. In this part context, while assessing the impact of

family reunification on the structural integration of SGTD sponsor during the legal process of family reunification process, four issues will be highlighted: (1) School drop outs; (2) labour market participation; (3) housing conditions; and (4) their awareness of their rights in the Netherlands and their ability to sustain their implementation (legal integration).

First, SGTD sponsors, lawyers and civil society representatives who participated in my research raised their experiences and observations related with the influence of the family reunification regulations on the education level of SGTD sponsors. During the interviews the decision to quit their school for work was commonly reasoned with meeting income requirements. Eleven interviewees out of forty expressed that although they wanted to continue their education they had to drop out school during the process of family reunification.

M18: If there was not an income requirement for family reunification, I would have continued my education. Then I could have earned more. I could have looked for better jobs. However, I had to drop out of school to start working full time to bring my wife.

Although four of them stated that they gave a break to their education to meet the income requirement only one of them managed to continue his education after the arrival of his partner. In addition to this, the ambiguity of the family reunification process also led to their decision to leave their education. One of the couple told that since they had thought the family reunification process could have taken longer, they started the process before finishing their schools.

M21: Actually we were planning to get marry after we finished our schools. However, they told us that the process takes a long time. We did not want to wait that long. Thus I drop out of school to meet the requirements.

In this regard, despite of the capacity of SGTD to take the responsibility of their partner with a less income level due to their cultural and social living habits (living with their parents after marriage), they need to meet the same income amount for family reunification. When the timing of their marriage which is earlier than the natives is considered, it could be suggested that the income requirement negatively influence their structural integration since they discontinue their studies or job trainings in order to meet the requirement (WODC, 2009; de Hart, Strik, & Pankratz,

2012). Thus it leads their integration to the lower socio-economic segment of the Dutch society in the long run (Kulu-Glasgow & Leerkes, 2013). Although with the age requirement, the Dutch government tried to prevent early marriages and sustain their orientation to the labour market, the SGTD were used to bypass the age requirement by applying to Belgium route. When they applied the Belgium route they also had to leave their education and participate in labour market.

Second, as it has been discussed in the previous part of this chapter, the income requirement (the level and sustainability of income) have an impact on the labour market participation of SGTD sponsors. They sometimes opt for jobs with less salary and/or longer working hours since they offer one-year contract. In addition to this, they sometimes ask for fictitious contracts and pay the employer tax from their own pocket. In this regard, in practice they often earn less during the family reunification process comparing with their earlier income without a yearly contract.

Researcher: Did your second job result in increase in your actual income?  
F5: No. On the contrary, it led to the decrease in my income since I had to pay 350 € to the employer for taxes to show me as working for covering the missing hours of the requirement.

Both the individuals and lawyers underlined the fact that their priority was bringing their partner as soon as possible. Thus they were ready to accept any job or opportunity which would help them to reach their aim in this period. SGTD sponsors become more vulnerable for exploitation of their labour force. Considering their vulnerability for exploitation, the money they paid for the fictitious contracts, the quality of their jobs which was below their education level and temporariness of their increased labour market integration, it is hard to consider the income requirement as fostering their labour market participation and contribute to their structural integration.

Third, the housing conditions have been elaborated within the context of structural integration of immigrants as it has been highlighted in Chapter 2. Although, according to the Article 7(1) of the EU Family Reunification Directive (Directive 2003/86/EC) MSs could introduce accommodation conditions for family reunification, the Netherlands has been criticized by the European Commission in its

report, COM (2008) 610 final, due to the lack of implementation. Rather than a separate housing condition, the Dutch government only asks for the registration of the sponsor and marriage migrant in the same address. Thus it is common for the SGTD sponsors to start their marriage life in the Netherlands at their parents' house due to the difficulties in finding a house since they do not have other choices (see Chapter 6).<sup>351</sup>

F11: I am registered for social housing since 2012. It has been drawing lots for houses biweekly. But still I could not have a house. Just yesterday we went for looking for sale.

Moving to a separate house takes time for SGTD sponsors due to the social housing system and the housing shortages in the Netherlands more specifically in Utrecht. In addition to their coresidence with their extended family, the neighbourhoods where they live in are also important to highlight. The houses of their parents or themselves if they manage to arrange are often at the neighbourhoods which have high immigrant concentration. The difficulties they experienced to rent their own houses and their residence in the neighbourhoods with high ethnic concentration could be considered as an issue which hinders their structural integration. In addition to this, both would contribute to their ethnic and transnational identification since Dutch society, culture and life in the Netherlands would be introduced to them through ethnic and cultural lenses. Nevertheless, considering the limited integration facilities for the new immigrants, this could be elaborated as positive for their integration. The necessity to live with their parents after the arrival of the marriage migrant could also contribute to the revitalization of the patriarchal social structure and parental influence on their lives.

Finally, the awareness of the rights and ability to invoke them is considered as an indicator of their integration at the structural dimension. In this context, the access to citizenship is often highlighted. Nevertheless, due to the economic and

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<sup>351</sup> Although the SGTD started to register to the social housing association at their early ages, many times, they could not rent their own house at the time of marriage due to the long waiting list. During field research I realised that it takes three to five years to reach and appropriate house for a married couple at their early 20s in Utrecht.

cultural stratification of membership, the citizenship does not mean the equal enjoyment with the rights and opportunities for immigrants (Block, 2015). In order to enjoy the rights, they need to participate in the labour market and reflect their attainment to Dutch values and traditions in both public and private domains of their lives. However, Turkish citizenship rather than Dutch citizenship provide privileged status and extended rights to the SGTD sponsors in the process of family reunification. Thus, their awareness of their rights derived from their Turkish citizenship in the Netherlands and their ability to sustain their implementation are important to highlight to understand their integration to the Netherlands at the institutional and legal sphere.

Despite of the restrictive administrative implementation of the regulations and disorientation of Dutch institutions, SGTD sponsors have the necessary knowledge about their rights and responsibilities in the process of family reunification. Most of the individuals and NGO representatives explained that the individuals mainly learn their rights and responsibilities when they face with the difficulties. They often prefer to apply first to the Dutch institutions.

M7: When I am curious about something I search for it from the main source. I have asked the family reunification regulations to the Dutch government. I called IND and read its website.

Nearly all the interviewees told that they received information from IND through either phone call or its website. Few of them who had difficulties in the application process or wanted to guarantee the process told that they also consulted or hired lawyer. Nevertheless, many interviewees explained that they learned the exemptions of Turkish citizens from certain requirements from Turkish community in the Netherlands. In addition to this, since they perceive the family reunification regulations as unethical, they also develop unethical but (often) legal strategies to bypass or meet the requirements. Lawyer 5 interprets these coping strategies of Turkish Dutch as the sign of their legal integration.

Lawyer 5: Since the Dutch government has a restrictive legal approach which does not take the individual circumstances into consideration, they also develop legal strategies. We tell them the policy perspective and implementation of the regulations. Since they were used to cope with the state, they manage it.

Considering the knowledge of the SGTD about their rights and their coping strategies in which they develop legal ways to bypass or meet the Dutch national regulations, it could be argued that they are structurally well integrated to the Dutch society. The process also contributes to their structural integration and their increasing awareness about their rights mainly derived from Association Law.

To sum up, considering the changes in their education life, labour market participation and stability in their accommodation, it could be concluded that the process influenced their structural integration negatively. Nevertheless, when their increasing awareness about their rights and their attempts for their implementation in this period, it could be suggested that the family reunification process contributed to their structural integration. This could also be interpreted as the contradictory outcome of their low level of trust to the Dutch institutions.

#### **7.4.2. Socio-Cultural Integration**

In this part, the impact of legal process of family reunification on the socio-cultural integration of SGTD is assessed. As it has been discussed in Chapter 2, the socio-cultural dimension of integration is defined in this study under social, cultural and identificational spheres. Developing some degree of common points such as language and knowledge about the traditions and values to ease the life in the Netherlands and to develop social relations with Dutch natives while maintaining their cultural differences are the main considerations for integration in the socio-cultural dimension. The transnational ties are considered as a separate issue which are not directly relevant with the integration process. Although this understanding has been shared by SGTD sponsors at the micro level and by the EU at the macro level to a great extent, the Dutch immigrant integration perspective differs. Dutch perspective on integration since 2000s mainly reflects the expectation of assimilation of SGTD which targets cultural and identificational spheres and perceives the

cultural differences and ethnic and transnational ties as a challenge to their integration to Dutch society.<sup>352</sup>

The restrictive family reunification requirements introduced by the Dutch government could be assessed as pursuing the aim of fostering integration to the Dutch society. Nevertheless, when their implementations have been taken into consideration, from the immigrants' perspective it could be suggested that the ones from different cultures are excluded and their rights are stratified depending on their level of assimilation or capacity to be integrated. In this context more than one third of the SGTD sponsors in my research explicitly stated that they understood the perspective of the Dutch government and partially agreed on it. Nevertheless, they find the regulations and their implementation problematic since they have the feeling of excluded and discriminated due to their ethnic cultures and transnational ties. In this context their perceptions and experiences during the legal process of family reunification have an impact on their integration under two spheres: identificational and social.

#### **7.4.2.1. Social Integration: Social Networks**

The integration of SGTD sponsors in the *social sphere* mainly related with their ability to develop new social networks within and beyond the workplace (friendships), participation to social institutions (membership of immigrants to the NGOs, political parties, unions and sport clubs in the society).<sup>353</sup> During the family reunification process the SGTD sponsors admitted the decrease in their participation to social life since they need to concentrate on bringing their partner and fulfill the requirements. Thus they had to make a choice to use their limited spare time within their ethnic community. Their socialization with Turkish community during family reunification process results from three issues: (1) privileged rights derived from Association Law and (2) sharing similar problem and experiences.

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<sup>352</sup> See discussion over integration policy of the Netherlands in Chapter 4 and the discussion over ethnic and transnational identification at the private domain of life in Chapter 8.

<sup>353</sup> See Chapter 2 for the discussion over dimensions of integration and perspectives over integration and transnationalism.

First, due to the fact that Turkish citizens have privilege rights derived from Association Law, they turn into their own ethnic group during the family reunification process. The SGTD sponsors who got married from Turkey construct their social network by getting in contact more with the people who are going through similar problems and who could help them. Considering the familiarity of the Turkish community with the restrictive family reunification requirements and their solidarity spirit due to their collectivistic culture, they turn more to their Turkish community in the Netherlands. They get in contact with lawyers, friends and neighbours who had recently brought their partner from Turkey or had knowledge about the process. It could be considered as the outcome of their need to share not only their experiences and coping strategies but also worries and feelings.

Lawyer 4: Turkish community is very interdependent to each other. And reflect solidarity spirit when one of them is in trouble. For example, when I had clients with different nationalities, it takes sometimes years for them to fulfill the requirements mainly to arrange an employment contract. But the Turkish citizens help each other. For example, an acquaintance who is employer helps. The sponsor works at his place and the necessary arrangements for the contract are made. Premiums are paid. There is cooperation within the Turkish community in the Netherlands.

The Turkish origin Dutch NGOs and lawyers also cooperate under the umbrella of IOT in the struggle against the implementation of restrictive family reunification regulations. In this respect, nearly all the civil society representatives participating in my research highlighted information meetings they organized regularly in order to inform Turkish community about their rights derived from Association Law. In addition to this they also organize and/or coordinate the legal and political struggle to defend the rights of the Turkish community in the Netherlands both at the national and EU level (Groenendijk, 2015). The representative of the HTİB told the protests the Turkish community organized in 1982 against the income requirement of 1445 gulden net and indefinite contract. He also explained the legal and political struggle of the Turkish origin Dutch NGOs under the umbrella of IOT for the exemption of Turkish citizens from the civic integration requirements and high administrative fees.

HTIB: They introduced restrictive family reunification requirements in 2004. We applied to the Court for the exemption of Turkish citizens since they violate their rights derived from Turkey-EU Association Law. And we managed its rescindment in 2011.

Second, nearly all the participants told that they become closer to the Turkish community in this process. This is mainly related with the fact that family reunification is more common for them and they have privileged status resulting from their Turkish citizenship.

F8: You come together with the people in the same situation, of necessity. It is as if you search and find them or vice versa. You get in contact with the people who are in the process of family reunification or had brought their partner from Turkey to ask how they brought their partner, the necessary papers. One mentions that a woman who is bringing her husband. You go and meet with her to learn how she is doing. In this way you meet with people that you do not know before.

They try to control and diminish their stress by sharing their experiences and take moral support from within the Turkish community in general. Nevertheless, I had the impression that it is not mainly related with their ethnic self-identification. They want to come together with the people sharing same experiences independent from their ethnic origin.

F19: You make trouble about his arrival: What would happen? When will the decision arrive? There are Turkish and Dutch forums about the family reunification at the internet. I was following those every day. I was talking with the other members of those forums about their experiences. (...) These are forums in which the main subject is bringing a marriage partner from Turkey. Thus both Dutch and Turkish sponsors were writing in both languages.

The solidarity spirit could also be interpreted as the outcome of their victimization during the family reunification process. When they come across with native Dutch in the same situation they empathize and socialize with them as well and include them to their social network. Father of my two female participants told his cooperation for the family reunification of a Dutch woman who eloped to her Turkish husband. He explained that he met with her in the house of her mother-in-law in Turkey.

Father of F15 and F16: We also helped Fleur to bring her husband. When I met with her she was sad. Crying all the time. I promised her to bring them

to the Netherlands. I told that if I could not receive a residence permit for him from the Netherlands, I would definitely bring him through Belgium. Since she was 18 years old their family reunification was impossible in the Netherlands. I brought Fleur to Belgium and found job for her. Since they see Dutch people superior, it was easier for her compared with my daughter. We needed to rent a house. Although real estate agencies ask for employment contract to rent a house in Belgium, they rented her even before finding a job. Finding a job or house in Belgium is not that easy for the Turkish citizens. Anyway I also talked with her parents and revealed her legal marriage with the Turkish boy whom they were opposed to. I explained that she is not happy and living in Belgium now for family reunification and gave them her new address.

He told that at the end they managed to sustain both the peace within the family, family reunification in Belgium and their return to the Netherlands. Such cooperation and socialization with the natives in the Netherlands is rare for Turkish community. They mainly socialize within their own ethnic community as a result of their feeling of being excluded and discriminated especially during the process of family reunification.

Lawyer 5: I think the system refresh their minority psychology. They feel different as an ethnic group. For example, it is argued that the ethnic identification of the highly educated immigrant origin people is limited and they are less attached to their ethnic community and relatives. Nevertheless, you see that these policy practices foster their family relations and ethnic identification. When they are in difficulty they also call their cousins, fellow villagers to ask for help.

In this context he stressed not only the increasing ethnic socialization in the Netherlands but also their refreshment of the transnational identity and increasing transnational practices of SGTD. He referred to the stimulation of family relations across borders within Europe mainly in Belgium, Germany and France in the context of their strategy to bypass the restrictive national regulations through Europe route. To sum up, during the family reunification process, they mainly socialize in their ethnic community and decrease their level of interaction with Dutch natives if they do not experience similar problems in the process of family reunification. Due to their rights derived from Association Law Turkish citizens are determined as a different legal category. In this context their legal identification and problem, solution and experience based identification result in their increasing social contacts within Turkish community and decreasing social contacts. In addition to this, their

reactive self-identification in this process also contributes to their ethnic socialization which will be highlighted in the following part.

#### **7.4.2.2. Feeling of Belonging - Identification**

Some degree of having belonging to the Netherlands and Dutch society and development feeling of home to the country or neighbourhood while maintaining their cultural and religious ties is considered as important under the identificational sphere of socio-cultural integration of SGTD sponsors (see Chapter 2). In order to understand the influence of the restrictive family reunification regulations on their identification with Dutch society and citizenship will be discussed by highlighting their feeling of being excluded and discriminated. First they feel being excluded due to the fact that their family reunification hardened mainly because of the Turkish citizenship of their partner. Second, they also feel less attached due to their realization of reverse discrimination against Dutch citizens in this part.

First, SGTD sponsors participating in my research expressed that discriminatory implementation of the family reunification requirements for the marriage migrants with certain nationalities including Turkey have a negative impact on their feeling of belonging to Dutch society and culture. As it has been discussed in Chapter 5 and the previous parts of this chapter, the existence and fees of the civic integration exam abroad and MVV is discriminatory on the grounds of nationality (ECRI, 2013; OHCHR, 2005).<sup>354</sup>

Lawyer 3: There is not any restriction for Europeans or Americans. An American can come to the Netherlands and wait for residence permit in the Netherlands without obtaining MVV abroad. It is also same for the rich countries. According to me it is discrimination in legal terms. You should ask MVV from abroad either to everyone or no one.

This led for them to the question the justice in the Netherlands and their trust to Dutch institutions.

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<sup>354</sup> The requirements of acquisition of MVV and the civic integration exam abroad do not apply to the nationals of EU and EEA states, as well as Australia, Canada, Japan, New Zealand, South Korea, Sweden, Switzerland, the Vatican, and the US.

Lawyer 6: There is justice in the Netherlands. However, when you look at the Aliens' Act, it seems there is not. Thus it hinders the integration of immigrants.

In this context SGTD sponsors participating in my research often stated they perceive of the main motivation of the requirements as reducing new immigration from Muslim countries rather than facilitating integration by referring the implementation of the regulations.

M5: You know that they are implementing these restrictive regulations to make you give up. Otherwise it does not make sense. You could get marry to a person in Europe who did not integrate to the Dutch society. For example, Greece, if you consider the cultural proximity, they are as different as chalk and cheese. It is closer to Turkey considering the food culture. Nevertheless, they are not conditioning minimum age requirement of 21 years old, that high amount of income, having certain degree of knowledge about Dutch culture and language. They are doing these to dissuade us from our marriage decision. These regulations revolt the person from the Dutch government. They do not respect individuals. They are putting effort to prevent the increase in the foreigners. They are successful. We know that people changed their mind to get marry from Turkey.

According to the Turkish community in the Netherlands, integration perspective of the Netherlands since 2000s views Muslim immigrants as a threat to the Dutch society. They perceived the Dutch family reunification policy shift as a concretization of this perspective. They highlighted that they have been seen as “unwanted others” in the society.

M20: I think these regulations are discriminatory. Everyone could get marry to a partner from wherever they want. They put restrictive requirements since the marriage migrant is from Turkey. If he/she is a Turk from Germany or Bulgaria, it is not a problem. Why? So to say it is in Europe. They say indirectly that we do not want you.

Most of the participants revealed that although they could understand the privilege status of sponsors and marriage migrants with EU citizenship, they have difficulties to understand the privilege position recognized for the marriage migrant from Indonesia and Japan by the Dutch government with the claim of socio-cultural and economic proximity of these countries to the Netherlands. My interviewees raised their concerns about inequality in the formulation and application of regulations by questioning how the Dutch government considers Japanese culture closer and Turkish culture distant to Dutch. They explicitly state their

disappointment, anger and resentment due to the Dutch consideration over Turkey as legally, politically, economically and culturally distant despite of its candidate status for the EU membership.

Some of the participants also expressed their perceptions of discrimination and feeling of being excluded by explaining the experiences of their partner during the family reunification process. F12 told her perception on the tuberculosis test which was mandatory for Turkish migrants until mid-2015.

F12: It is not fair to put so many hurdles to come to the Netherlands from Turkey. I bitterly resented the tuberculosis test. My husband had to have some x-rays taken within a week after his arrival to the Netherlands to check whether he had tuberculosis. Do you know what come to my mind: The practices in Nazi camps for Jews? What would happen even if he had tuberculosis? Is there no tuberculosis or Ebola in the Netherlands? I bitterly resented this practice.

Although the tuberculosis test is implemented due to the public health concerns, my interviewees often consider it as unfair and humiliating since only marriage migrants coming from certain countries were subjected to this treatment.<sup>355</sup> This leads to the feeling of resentment for the SGTD sponsors. They also expressed that as a result of their personal experiences in family reunification process they had realized the impossibility of their acceptance as an equal member of the Dutch society. Even the ones who consider themselves as Dutch told that they had faced with the inferior attitudes of IND officers due to their ethnic origin during their family reunification process. One of the female sponsors told her experience with the officer from IND who came to her office to control her statements about her employment in her family reunification application.

F3: A person had come to the organization that I worked for inspection without informing us. He teased by asking what kind of organization it is and added it should be Turkish. The director of the organization told that he is actually Dutch. He said that he has a native Dutch mother and Turkish

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<sup>355</sup> The marriage migrants from certain countries have to undergo a tuberculosis test after their arrival to the Netherlands due to the public health considerations. The SGTD sponsors are often reactive to this application since despite of the fact that marriage migrants from more than 90 countries are exempted from this obligation, Turkish marriage migrants were considered under scope of it until mid-2015. See the website of IND for further details: <https://ind.nl/en/forms/7522.pdf> (last accessed on 17.01.2017)

father. After that, the atmosphere at the office relaxed a bit. They discovered that they lived at the same neighbourhood.

While telling her experience she explained that she actually understood the need for inspection visit from the IND perspective due to the fictitious contracts SGTD sponsors applied as part of their coping strategies. Nevertheless, she added that after seeing her working there, it was not appropriate to search for the ethnic origin of a Dutch organization.

As it has been already discussed in this chapter, according to them, the restrictive family reunification regulations categorically target the Muslim immigrant communities in the Netherlands including Turkish community. In this context, most of my female participants stated that they want to forget the family reunification process and try to leave that year behind. Nevertheless, when I explicitly asked their own experiences and feelings, they expressed their anger, resentment and feeling of being betrayed. Although the male participants reflected similar feelings they mainly focused on their perception of the Dutch society and government perspective. In this respect, they perceive the discriminatory implementation of the regulations and the restrictive shift in the regulations Turkish citizens are subjected to as the result of the xenophobic and Islamophobic perspective of the Dutch government.

M6: They are doing these because of the xenophobia. They do not want us in the Netherlands anymore. That's why they are introducing restrictive regulations. During 1980s you could bring your partner when you are 18 years old without language exam or income requirement. Why they tightened later? To prevent the arrival of Turks.

Most of the participants referred to the introduction of restrictive requirements by associating with the assimilationist shift in Dutch integration policy since 2000s. According to them both the Dutch government and society are disturbed by the existence of Turkish community in the Netherlands. Thus they perceive the policy aim as forcing SGTD to return rather than facilitating the integration of the newcomers.

M9: They are trying to obstruct the family reunification through restrictive regulations. As if they are forcing us to go back, return back to Turkey. They are tightening. They put so much pressure on us.

Due to the high degree of feeling of belonging to Turkey and Turkish community, the SGTD sponsors feel being excluded and discriminated because of both the discrimination against their partners on the ground of their Turkish nationality and their personal experiences during the family reunification process. The SGTD sponsors do not find the Dutch family reunification and integration policies “sincere”. They consider that Dutch government employ the immigrant integration argument in family reunification policy to belie its aim to control and limit the new immigration and to motivate SGTD for return back to Turkey.

Second reason for the decreasing feeling belonging of SGTD sponsors to the Dutch society during the family reunification process could be associated with the reverse discrimination against Dutch citizens. It is often assumed that the acquisition of citizenship of the Netherlands would foster the immigrants’ integration since this would result in enjoyment of immigrants with more rights. Nevertheless, in case of Netherlands, the Dutch citizenship does not mean enjoyment with more rights for Turkish citizens during the process of family reunification. As it has been discussed in Chapter 5, Dutch government introduced restrictive family reunification requirements for not only TCNs but also Dutch citizens. However, Turkish citizens are exempted from many of them through the Dutch case law and CJEU judgments since they breach standstill clauses in Turkey-EU Association Law which precludes worsening of the legal situation of Turkish workers and family members. In this context, the rights of Turkish citizens (including dual citizens with Turkish citizenship) derived from Turkey-EU Association Law lead to reverse discrimination against Dutch citizens.

Lawyer 2: If a Turkish citizen legally residing in the Netherlands get married to a partner from Algeria. The marriage partner, woman or man, who is Algerian citizen does not need to enter into integration exam either in Algeria or in the Netherlands. This results from the Turkish citizenship of the sponsor. This is the same for sponsors with dual citizenship (Turkish and Dutch). However, if a Dutch citizen gets married to an Algerian citizen or Russian citizen who reside in a third country, he or she needs to enter these exams. Interesting, isn’t it? I am sincerely telling my clients that enjoy having Turkish citizenship.

In addition to this, reverse discrimination against static Dutch citizens could come to the agenda when it is compared with the TCNs since their family

reunification is under the competence of EU law through the Family Reunification Directive (Directive 2003/86). In this context, as it has been highlighted by the guidance prepared by Commission over the implementation of the Directive 2003/86, COM (2014) 210 final, the Dutch institutions needs to make individual assessment for the implementation of the regulations.

Lawyer 3: Let me give you an example. Let's say there is a dual citizen sponsor with Turkish and Dutch citizenships and he earns fifty euros less than the income requirement. However, he lives with his family. Thus he does not have expenses. He can say that you have to take my individual circumstances into consideration since there is Chakroun decision for third country nationals. However, a sponsor with only a Dutch citizen could not ask for similar considerations since they are not under the scope of that decision which was taken by CJEU.

In this regard, although the immigrants and their descendants could access to the Dutch citizenship, having Dutch citizenship lost its attraction in the context of family reunification.<sup>356</sup> It could be concluded that SGTD sponsors are losing their trust to the Dutch institution due to the coverage of Turkish citizens within the scope of the restrictive regulations. The need to develop collective responses to the common problems and to take emotional support from the people who face with similar problems contribute to the revitalization of their ethnic social networks and result in their decreasing interactions with Dutch natives. It could be suggested that this leads to the increase in their identification with Turkish citizenship, culture and community in the Netherlands and corrosion in their existing identification and bonds with Dutch society and citizenship. To sum up, it could be concluded in the context of this research that SGTD sponsors' feeling of being excluded and discriminated and the reverse discrimination against Dutch citizens during family reunification process result in decrease in their level of feeling of belonging to their Dutch citizenships, society and culture.

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<sup>356</sup> As it has been discussed in Chapter 5, the Dutch citizens needs to migrate to another EU country (use their right to free movement) in order to become subject to EU law (Directive 2004/38) which are less restrictive than Dutch family reunification regulations.

## **7.5. Conclusion**

In this chapter the interactions between family reunification and integration of SGTD sponsors during the legal process of family reunification have been discussed by highlighting the perceptions and experiences of SGTD sponsors, lawyers and representatives of Turkish origin Dutch civil society organization. First, the tendency of Dutch institutions to prevent the implementation of privileged rights of Turkish citizens derived from Association Law in the process of family reunification has been discussed. Second, the SGTD sponsors' perceptions of family reunification regulations and their misimplementation have been analyzed by highlighting their concerns over income requirement, civic integration policy, high administrative costs and age requirement. In the third part of this chapter their coping strategies to sustain their family unity as the earliest possible time have been highlighted. In the final part, the influence of their perceptions of requirements and their coping strategies on their structural and socio-cultural integration has been discussed.

As a result of these assessments, it is perceived that their experiences and perceptions of regulations and their implementation have a negative impact on their structural and socio-cultural integration. First their strategies to fulfill income requirement result in temporary increase in their labour participation and improvement in their position in the labour market. Second, as a result of the requirements, they turn to their ethnic in-group in the Netherlands to develop strategies and share information. Their coping strategies often result in the exploitation of their labour force by their ethnic community. Nevertheless, it could still be suggested that their ethnic solidarity increase since their family unity which was their priority was sustained by virtue of the involvement of their coethnic either to help or to exploit. Third, since the SGTD sponsors need the support of their family and Turkish community in the Netherlands to fulfill the requirements, it could be suggested that the regulations and their implementation stimulate their dependency to their parents and the Turkish community in the Netherlands thus the patriarchal culture. Fourth, considering the higher burden of regulations over the women compared with the men, it could be claimed that the regulations mainly limit the

freedom of female SGTD sponsors rather than facilitating their emancipation. Fifth, the stratification of rights for family reunification process, the strategies of Dutch institutions to prevent the implementation of privileged status of Turkish citizens and reverse discrimination against Dutch citizens leads to their feeling of being excluded and discriminated.

To sum up, it could be concluded that the implementation of regulations fosters their feeling of being discriminated and excluded from the Dutch society due to their cultural and religious differences. In addition to this, it could be suggested that their trust to Dutch institutions also diminish as a result of the Court decisions and lawyers' interpretations on Association Law. It could be argued that although they were raised in the Netherlands, have Dutch citizenship and comply with all the regulations, their right to family reunification become conditional on their position in the labour market and cultural assimilation. This could be associated with two shifts in Dutch integration perspective since 2000s: neoliberal shift which perceives the integration as the whole responsibility of the immigrants and shift from the process oriented perspective to the result oriented one (reformation liberalism to enlightenment liberalism) in integration policy (see Chapter 4). While the initial focus on the compatibility of the standards and values reflected during the process, the later focus on the internalization of the liberal Dutch values by the immigrants.

## **CHAPTER 8**

### **INTEGRATION OF SECOND GENERATION TURKISH DUTCH SPONSORS AFTER THE FAMILY REUNIFICATION PROCESS**

The Dutch government views the marriages of SGTD from Turkey as an obstacle to their integration. In this respect, two of its arguments refer to their lives after marriage. First, Dutch government perceives that a partner from Turkey would foster the retention of their cultural and religious identity. The recent Dutch integration perspective which aims to reach the social cohesion through homogenized society in cultural terms problematized the transnational lives and identities of immigrants. Second, the Dutch government considers that the integration of the Turkish community would stagnate with the increase in the marriage migration. This is related with two considerations: Renewal of the integration concerns for the first generation and second generation. In addition to the integration process of the marriage migrants, integration of the children raised by the marriage migrants constitute challenges to the social cohesion. The Dutch government tries to respond these concerns through the restrictive family reunification regulations. Nevertheless, the restrictive family reunification regulations cover the legal process of family reunification. Thus, after the initial year of their arrival, the marriage migrants and second generation Turkish Dutch (SGTD) sponsors are mainly viewed under the scope of the integration policies.

This part aims to discover the influence of the marriage migrant from Turkey on the integration of the SGTD sponsors after the legal process of family reunification. The already existing literature mainly focuses on the integration of marriage migrants after their arrival (Ivanescu & Suvarierol, 2013). Nevertheless, as it is discussed in Chapters 2 and 5, the concerns highlighted by the government over

the family reunification also cover the integration of the family and the SGTD sponsor. In this respect, this part could contribute to the literature by highlighting the issue from the SGTD sponsors perspective. The analyses in this part are mainly founded on my field observations and interviews conducted with the forty SGTD sponsors (women and men) and with the fourteen representatives of Turkish origin Dutch umbrella organizations.<sup>357</sup>

In order to reflect the perspective of the SGTD sponsors, the influence of the living with a marriage migrant from Turkey on integration and transnationalism processes has been discussed separately in this chapter. While the first part is focused on the structural integration of SGTD after the family reunification process, the second part concentrated their socio-cultural integration. In the third part, the influence of marriage migrant on the ethnic and transnational practices and identities is assessed. In the final part the SGTD's and civil society representatives' perceptions of Dutch integration policy are highlighted. As a result of my analysis, I reached a conclusion that the marriage migrant from Turkey do not have a direct negative impact on the integration of SGTD as it has been claimed by the Dutch government (see Chapter 5). Nevertheless, it fosters the SGTD sponsors' transnational ways of being and belonging.

### **8.1. Structural Integration**

The main aim of this part is to understand the influence of a coethnic partner from Turkey of the structural integration of SGTD after the legal process of integration. Structural integration in this study is defined related with their equal access and participation to Dutch society in the spheres of labour market, education, housing, welfare, citizenship and politics. Nevertheless, the education,<sup>358</sup>

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<sup>357</sup> The methodology of this thesis has been described in detail in Chapter 2 on Methodology. The interview guides, details about the SGTD sponsors participating my research, and the full name of the Turkish origin Dutch NGOs could be find in Appendices A, B and C respectively.

<sup>358</sup> Nearly all my interviewees finished or left their school during the legal process of family reunification (see Chapter 7 for the discussion over the impact of family reunification on school dropout and Appendices B and C for their education level)

citizenship,<sup>359</sup> health and welfare<sup>360</sup> will not be discussed in this chapter since they are not changing after the legal process of family reunification.<sup>361</sup> Thus the structural integration of SGTD sponsors participating in my research will be discussed only in the spheres of labour market participation, housing and political participation.

### **8.1.1. Labour Market Participation**

Labour market participation of immigrants is often discussed in the context of their employment, income level and position in the labour market. Nearly all the SGTD participants<sup>362</sup> of this study told that they were participating in the labour market both before and after their family reunification process. As it is discussed in Chapter 7, the employment of the SGTD during the family reunification process is often temporary. They either change their employer or the conditions with the same employer. It is mainly related with the fact that they were often accepted any job which fulfills the family reunification requirements.

M9: After receiving the positive decision for residence permit, I quit my second job. I started to work at the electric department at another factory. Its salary was better than the previous one.

After the legal process they prioritize the level of income, working hours and their qualifications for the job rather than the contract. They explained the change in their labour market position due to their employment in flexible jobs by associating it with the fictitious contracts and their labor market exploitation during the family reunification.

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<sup>359</sup> Nearly all of my interviewees have the Dutch citizenship since they had spent most of if not all of their lives in the Netherlands and participated in the education in the Netherlands (Appendices B and C).

<sup>360</sup> Healthcare is not covered by the Dutch social security system, thus the SGTD sponsors and their partners have to have a private health insurance. They are also registered and pay to the Dutch social security system and in return they could benefit from it.

<sup>361</sup> SGTD sponsors participating in this research already finished or drop out of school, had Dutch citizenship and not dependent on welfare state institutions.

<sup>362</sup> Few of the respondents told that they were not working before the family reunification process since they were either continuing their education or health problems. The ones with health problems have been receiving state benefits before, during and after the family reunification process.

Most of the interviewees stated that during the initial years, SGTD labour participation was high to cover the financial burden of the high administrative costs of the family reunification process and first settlement expenses of their partners.

M17: My income has increased since I needed to work more hours to look after my wife. Your responsibilities are increasing after family reunification. For example, if you have a health insurance, you need to pay for hers as well. She has expenditures as well. If you earn €1500, after her arrival you should add €1000 more.

In this context the shift in their employment after the legal process of family reunification does not necessarily mean the decrease in their labour market participation and position. It is important to highlight the gender differences in their labour market participation in the long run. Male SGTD sponsors are often ready to work additional hours in order to fulfill their increasing economic responsibilities in the family. While male SGTD participants mainly continue to their long working hours in the long run due to their financial constraints, it is temporary for SGTD women due to higher participation rates of their partners' to labour market compared with the female marriage migrants'. Some of the female SGTD sponsors in my research stated the continuance of their employment but for fewer hours after the legal process of family reunification. Most of them indicated that they quitted their second job or diminished their working hours in a year after the arrival of their partner since they started to share the financial responsibility with their partners.

F7: My husband started to work in a year after his arrival to the Netherlands. We had experienced economic difficulty in that year. When he started to work, our economic situation got better. Now we could even save although I earn less.

Few of the female participants highlighted that they quit their job after giving birth to take care of their child. The gender difference in labour market participation could be interpreted as the outcome of their cultural perceptions of division of labour in the family according to which the breadwinner role in the family should be fulfilled by men.<sup>363</sup> It is also important to highlight that when I asked questions about

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<sup>363</sup> Only F20 told that due to her marriage from Turkey division of work and care within the family has been reversed in her family. She explained that while she fulfills the breadwinner role in the family, her husband stays at home and look after children and cook. She stated that the reversed

their income and labour market participation they often first explained that their spending style rather than their economic situation has changed with the marriage life.

F9: Actually it is not the existence of my husband but the marriage life which influence my life. In the past I could spend without thinking. But when you have a house you think more in shopping. Now while buying clothes I spend my money sensibly.

To sum up, it could be argued that the marriage from Turkey have a positive influence on labour market participation of male SGTD participants. After the family reunification process the female SGTD participation to labour market often diminishes. However, it is hard to associate this with their partner choice from Turkey. Their cultural view on the division of work and care in the family and their increasing responsibilities in child raising and decreasing financial responsibilities with the participation of their partner to the labour market needs to be emphasized in order to understand the decrease in labour market participation of female SGTD sponsors.

### **8.1.2. Housing**

The SGTD sponsors need cope with the long waiting lists due to the tightness of the Utrecht housing market. Due to the early marriages of SGTDs compared with natives and lack of their partners' registration to the municipalities, it could take more than three years to have an independent dwelling in Utrecht (Bolt & van Kempen, 2002). As it has been discussed in Chapters 6 and 7, they often prefer to co-reside with their parents rather than postpone their marriage. When their turn has come they often opt for the one of the first houses shown to them, the least popular dwellings which are at the neighbourhoods with high immigrant concentration.<sup>364</sup>

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gender roles in their example mainly originate from their cost-benefit calculations. She told that despite of the skills of her husband it would be hard if not impossible for him to find a job better than hers and one of them needs to stay at home to take care of their two children.

<sup>364</sup> As it has been discussed in chapter 3 on Methodology, I conducted most of my interviews at the houses of the SGTDs. Thus I had opportunity to observe their housing conditions and ethnic concentration. In addition to this before the interviews during warm up talks they often tell the difficulties they experienced in Dutch housing market to reach an independent dwelling.

Having a separate house in the long run could be considered as a sign for their settlement and positive for their integration. Nevertheless, the houses they found in the social housing system still result in their residential segregation.

Housing is important sphere of the structural dimension of immigrant integration in the Netherlands as it has been already discussed in Chapter 6. Considering the high involvement of the local government in the residential planning through social housing system, it has important role in structural and socio-cultural integration of the SGTD. Nevertheless, Dutch housing policy fails to prevent the ethnic and/or immigrant concentration due to the self-segregation tendencies among native majority rather than the ethnic minority groups (Bolt, van Kempen, & van Ham, 2008). In this context, residential segregation based on socio-economic differences result in the segregation of immigrants in the education sphere and limited opportunities for their social contacts with natives in the neighbourhood or at school. According to my field observations, this also contributes to ethnic identification, social contacts and cultural and religious retention of Turkish community.

### **8.1.3. Political Participation**

The political participation through voting is considered under the structural dimension of integration in this study since the main motivation of the participants to vote in the Netherlands is related with their expectation to prevent structural discrimination against minorities and socio-economic considerations about the life in the Netherlands. According to the Dutch Survey on the Integration of Minorities (SIM) conducted in 2006 and 2011, the percentages of SGTD who were planning to go to vote in the next Dutch elections (yes or maybe) are reflected as of 63 and 64 respectively.<sup>365</sup> My research has reflected the similar finding since thirty one out of forty interviewees stated that they are planning to participate in the Dutch elections.

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<sup>365</sup> The political participation of four immigrant communities (Turkish, Moroccan, Surinamese and former Netherlands Antilles and Aruba) and natives (autochtoons) have been evaluated with the question on their intention to vote. According to SIM surveys conducted in 2006 and 2011, 20 and 18 percent of the SGTD participants were not entitled to vote.

They indicated the increase in their political participation after the legal process of their family reunification.

Some of the interviewees participating in my research mentioned their increasing attention to the Dutch politics after their marriage from Turkey. Most of them explained this change with their increasing concern about their future in the Netherlands after their marriage and having children for some. Half of the interviewees who are planning to vote highlighted their main concerns as economic plans and education policies.

M18: I mainly look for the parties' programmes in the fields of education and economy. If you solve the problems there, you clear away the islamophobia and problems resulted from cultural differences. If you could not find solutions in those fields, you blame someone. This is generally immigrants. Nevertheless, before the crisis when everybody was comfortable there was not any guilty.

Some of the interviewees cynically addressed their interest about the political discourse of the Geert Wilders, the leader of the right wing party PVV, against immigrants and Islam. Actually most of them stated their disturbance from the anti-immigrant, xenophobic, Islamophobic climate in Dutch political discourse. This often leads to their increasing attention to Dutch politics for some.

F8: The negative political discourse against Muslim immigrant communities motivates you to participate in the elections. (...) You are foreigner. You check whether the party says good things about us as Muslim immigrants. Most of the difficulties such as family reunification targets Muslim communities. Therefore, their perspective on Muslim immigrants becomes important when you decide on the party to vote.

Despite of their support to the conservative and right wing parties in Turkey, they mainly vote for the socialist left wing parties in the Netherlands which do not employ the populist Islamophobic and anti-immigrant discourse at the center of their programme. Some of the participants of my research mentioned their increasing attention to Dutch politics as a result of their experience in family reunification process. They expressed this as a realization of Dutch government's perspective against "immigrants", "Turks", "Muslims" or "foreigners".

M5: I started to follow politics more after the arrival of my wife  
Researcher: Why?

M5: All the restrictive regulations are introduced against foreigners. I started to wonder about their politics. The process that you experienced leads you to lose your like and trust to Dutch government.

Due to the prevalence of anti-immigrant and Islamophobic sentiments in Dutch political parties, many of the interviewees stated their preference to the political parties which reflect their perspective on general issues in the Netherlands and have Turkish candidates. It could be suggested that the existence of Turkish candidates foster their trust on the relevant party to defend the rights of the Muslim immigrant communities.

F6: I am mainly interested in the workers' rights in the party programs. Most of the parties are arguing for very coercive policies for workers. The taxes are high. Before receiving salary half is gone. If it also focusses on the rights of the foreigners it is even better. That's why I prefer the Parties with Turkish candidates.

The approach of the political parties to the Turkish candidates and their attitudes towards religiously and nationally sensitive issues are also influential in their party choice. This could be interpreted as the reflection of their ethnic identification to their political perceptions.

M4: I was voting for the Labour Party. It had Turkish origin members. Nevertheless, after the public discussions against Turkish community in the Netherlands Turkish deputies defended Turkish community and fired from their party. I acknowledge them to be right. Thus I would follow them.

They are interested more in voting for the parliamentary elections compared with the local elections. This is mainly resulted from their unfamiliarity with the local politics and lack of their belief in the solution to their problems at the local level. Nevertheless, due to the candidacy of Turkish origin politicians at the local elections with whom they have kinship ties and/or personal references and the right to vote of the long terms resident foreigners, they also participate to the local elections. They mainly vote for the Turkish candidates (Fennema & Tillie, 2001) with the orientation of their family members or their ethnic social network both at the general and local elections.

F5: I only participated in the last elections. I voted to the Turkish candidate with the motivation of my father. Since my father said that Turkish candidate represent us, I opted for him.

The interest of SGTD in Turkish candidates could also be explained with the preferential voting system (“voorkeurstem” in Dutch) according to which all the votes are casted to individual candidates rather than political parties (Andeweg, 2005). The atmosphere in which they lost their trust to Dutch political parties, the preferential voting system and Turkish candidates constitute their main motivation for political participation.

M14: In the Netherlands the view of political parties on Islam and immigrants are like this: one party is extremely against; one party is against; the others do not have any declaration about these issues.

In this respect their transnational identity could be interpreted as fostering their integration in the sphere of political participation. In addition to their political participation through voting, they also try to influence the political decision making processes and sustain the implementation of the rights of Turkish citizens derived from Turkey-EU Association Law by participating in the petition campaigns. In this context, nearly half of my interviewees stated that they participated in the petition campaigns organized by the Turkish origin Dutch NGOs to defend the rights of Turks living in the Netherlands at least once. They explained that they mainly support the campaigns against the increase in the age requirement for re-immigration benefit from 45 to 55 years old, the high administrative fees for immigrants, abolition of the mother tongue classes from curriculum. In this regard their participation to the Turkish origin Dutch NGOs’ activities could be associated both with their integration and transnational identification. In addition to this, nearly one fourth of the interviewees indicated that they were member of the chambers related with their profession or the unions at their workplace. Considering their pragmatic concerns for membership to the Dutch unions related with their labour market position, it could be suggested that this is mainly related with their structural integration rather than socio-cultural.

## **8.2. Socio-Cultural Integration**

In this part, the influence of their family reunification on the socio-cultural integration of SGTD sponsors will be discussed after the legal process of family reunification. As it is discussed in the second chapter, in this study transnational

identifications and ties of immigrants are considered as an outcome of a separate process which is not necessarily hindering their integration process. Therefore, their ethnic and transnational identifications will be discussed in the next part of this chapter. In this part their social, cultural and identificational orientations (see Chapter 2 for the dimensions of integration employed in this study) to Dutch society will be highlighted under five issues: (1) Dutch language use, (2) social contacts and friendship, (3) participation to the social and cultural activities, (4) their perceptions of division of labour in the household and (5) media preferences.

### **8.2.1. Language as a Tool of Communication**

Language has been discussed in the literature with its two functions: Tool of communication and reflector and reproducer of the culture (Güvenç, 2011; Extra & Yagmur, 2010). Both of its functions play role in the social networking of second generation Turkish Dutch in the Netherlands. Nevertheless, only their ability to communicate in the Dutch language is elaborated as directly relevant to their socio-cultural integration in this study. The rest will be discussed in this chapter within the context of their identification.

In line with the previous studies, SGTD interviewees indicated that they had proficiency in Dutch language.<sup>366</sup> Nevertheless, the frequency in using Dutch language is mainly related with their social life which is partially depending on their preferences. The ones who are working with Dutch employers and colleagues stated their higher frequency in using Dutch language.

F15: While working, the customers were asking questions and I was obliged to answer them. I was speaking in Dutch than. Actually I started to speak less Dutch mainly as a result of my unemployment which is mainly relevant to my health conditions. It has nothing to do with my husband.

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<sup>366</sup> At the TIES research which was on the integration of second generation immigrants, more than 97 percent of SGTD participating the research said that they had a good, very good or excellent command of the Dutch language in terms of speaking, reading and writing (Groenewold, 2008, p. 112). According to the results of Survey on Integration of Minorities 2011 which are available in CBS, the percentage of the SGTD who have difficulty in carrying a conversation, reading and writing in Dutch is 1, 1, and 0 respectively.

I had the impression that their frequency in using Dutch language has decreased for the ones who had changed their employer to ethnic one as part of their coping strategies to fulfill the income requirement to reunite with their partner. The change in their usage of Dutch language at their private life after the arrival of their partner varies. One third of the interviewees revealed the fact that even before their marriage they were not speaking in Dutch at home especially with their parents.

F17: For example, when I had talked with my mother in Dutch, she used to say “don’t get me started (in Turkish slang expression ‘başlatma anana’), I do not understand”. Since most of my life was outside the house mainly at school, in general I was speaking in Dutch.

In this context according to them with the arrival of their partner, there is not much difference in their Dutch usage. One third of the interviewees even indicated that they started speak more in Dutch after the arrival of their partner to facilitate their partners’ Dutch language acquisition.

M17: I speak in Dutch even more after marriage. Before marriage with whom I would speak in Dutch at home? My parents do not speak in Dutch. However, after marriage, I started to speak Dutch more at home for her to learn from me. I was even writing through WhatsApp in Dutch to make her understand.

When I asked the SGTD interviewees to compare the Dutch language usage before and after marriage, they start explaining the fact that the language they were using at home was neither Turkish nor Dutch even before the arrival of their partner. They described it as a mixed language. Nevertheless, they stressed the difference after the arrival of their partner in the short run and in the long run. More than one third admitted that they had tried to speaking in Turkish without mixing with Dutch at the beginning. Nevertheless, they stated that in two or three years with the adaptation of their partner to the life in the Netherlands and the usage of Dutch in their social network, they returned to speak the mixed language.

M24: The Turkish language we are speaking here is easier. When we could not remember a Turkish word, we immediately shift to Dutch. My wife gets used to this now. For example, she started to say “druk” instead of “crowded”.

The participants who had children also clarified the increase in their Dutch language usage in the long run in the context of their child raising. Most of them

stated that they have paid attention to speak only in Turkish in the house for the language ability of their children at the first two years. They underlined the fact that this is mainly the advice of the Dutch nurses who are guiding the parents in child raising. After that period (sometimes from the beginning) the SGTDS speak in Dutch with their children for their Dutch language acquisition. Although there were few interviewees with the children at the school age, as a result of my field observations, I concluded that with the start of their children to school the usage of Dutch language of SGTDS at home increases. This could also be associated with the improvement of marriage migrants' Dutch language skills.

### **8.2.2. Social Contacts and Friendship Relations**

Similar to the findings of the previous studies, SGTDS in this study highlighted their ethnic references for close friendship (Heering & ter Bekke, 2008; Huijnk, Dagevos, Gijsberts, & Andriessen, 2015). Most of the SGTDS explained during the interviews that they had social contacts with the natives in their daily life. Nevertheless, they often do not accept them to their intimate network.

Researcher: If we check your mobile phone now, what would be the percentage of your native Dutch contacts?

M14: Around ten percent. They are classmates from school projects, colleagues and doctor. It was the same before marriage.

Researcher: Why have not you had close contacts with natives?

M14: It is my choice. Actually it happened spontaneously and I am glad about it. I feel more comfortable with Turks. I could be myself. Everything is easier.

They mainly explain their limited friendships with the natives by highlighting the differences in expectations and lifestyles. The planned and well organized lifestyles of the native Dutch people do not meet the expectations of the SGTDS sponsors participating in my research. Even during my field research, the first Dutch words that I had learned in my first day in the Netherlands was “afspraak” and “druk” which means “appointment” and “busy and/or crowded” respectively. I realized that Turkish community in the Netherlands mainly uses these words in Dutch even when they are talking in Turkish. This could be interpreted as an outcome of their externalization of this perspective. While explaining the limited social

contacts with natives most of them highlighted their disturbance in hearing these words in their closed relations when arranging a meeting.

M11: In the Netherlands the social activities are very limited. Everybody is busy. You cannot knock anybody's door without making an appointment. The system here is like this. But Turks here are friendlier. See for example the neighbourhood relations in Lombok.

They often find the intimate and personal contacts, they are looking for, within their own ethnic group. One of the female participants of my research highlighted the cultural differences to explain their reluctance to develop intimate relations. They mainly look for Turkish hospitality and generosity in their friendships. Thus they could not feel comfortable. During the interviews in which I conducted at their houses (see Chapter 3 on Methodology) they often prepared food and tea to welcome me and they explained a Dutch person would not offer any food like that to their guest. They stated that they would only offer one cup of coffee and one cookie nearby.

F13: I do not know why but I am not in tune with them. When I go to the place of a Dutch friend, I do not feel comfortable. For example, you see here; I ask tea or coffee from Leyla (her house owner friend). I behave very relaxed here. For example, you as well put the food in front of me. When I am in a Dutch friend's house, I am shy away from taking something. There are cultural differences.

In this context, their social relations with natives remain in its social context (school or work) or they mainly continue their contact in a limited sense comparing with their Turkish friends. In this context they have native friends at school and work, but they do not prefer to refer to them even as a friend. This is more often the case for the female interviewees. I had associated this with the fact that while SGTD women prefer home visits for meeting with their friends, male spend most of their time outside of their houses.

Researcher: Did you have Dutch friends before marriage?

F1: Yes. However, I would not have gone to them. I did not have an outdoor life.

Researcher: Were you meeting with them?

F1: We were meeting but at school only.

The change in their social contacts with natives varies after marriage. Nevertheless, nearly all highlighted that they started to arrange less time to their “foreign” friends who are not part of Turkish community in the Netherlands. They consider this shift as a necessity for a happy family life which is in line with the Turkish cultural perspective to family life.

M10: My social contacts have decreased with the marriage. I think it is the same for all marriages. When you get married you become more domestic, you are less interested in outdoor activities. You deal with your family.

M5: You need to arrange time for your family. If you also try to spend time with friends, you lose one of the three. You need to renounce either your family or your work or friends. Since the friends are the weakest link, you leave your friends.

For the male participants, the shift in their social contacts from Dutch to Turkish actually means the shift from their bachelor’s life to marriage life. Thus they mainly quit their old socializing activities and develop new ones.

M16: Before marriage I was going to the cafes, bars and discotheques with my Dutch friends. After marriage I am done with these things. Thus I needed to change my social contacts.

They also associate the change in their living styles and social contacts with their increasing workload both at work and at home. Due to their increasing responsibilities both at work and at home (especially after the birth of their children) they prefer to spend their limited free time with the activities in which they could involve their partners. In this respect they want to ease the life for their partners and make their partners develop social network in the Netherlands.

F8: After his arrival my husband had friends in the Netherlands from the Turkish coffee house and work. We start to make house visits to each other and meet as families. After marriage you cannot go to the single people. I cannot take my husband to my single friends. With the help of my husband, I developed contact with Turkish families, closed friendships.

In addition to this, nearly all interviewees also explained that after the arrival of their partners they arranged meetings with their extended family members and friends including the natives to introduce the life in the Netherlands to their partner. They highlighted their diminishing contacts with natives after sometime since both side is not comfortable with translations. Nevertheless, in one–two years with the

marriage migrants' improvement in Dutch language they reconnected with their Dutch network.

It is also important to give the exceptional examples in which their social contacts with natives have increased after marriage. When I tried to understand the reasons through follow up questions, I realized that this could be associated with the structural limitations in their social contacts mainly related with their housing facilities (van Praag & Schoorl, 2008). F4 explained this as following:

Researcher: Have you had any Dutch friends before your marriage

F4: I had never had.

Researcher: How about school? Did not you have Dutch classmates?

F4: No. I had only Moroccan, Surinamese, Afghan and Turkish.

She continued to tell the lack of her contact with natives in their neighbourhood before marriage which was mainly associated with the absence of Dutch residents in their neighbourhood in Utrecht. Due to the change in her living environment after marriage, she revealed her increasing contacts and friendship with natives. In addition to the structural limitations, it could be suggested that the patriarchal culture and social and cultural pressure on women in the family could be one of the reasons for the limited contact of SGTD women with natives before their marriage. To sum up, I concluded that there is no big difference in the social contacts of the SGTD sponsors participating in my research with the natives in their daily life mainly at school, work, sport clubs etc. Nevertheless, their' intimate social contacts with natives has often diminished after marriage. This could be viewed as an outcome of their perspective to marriage, family life, the shift in their priorities in life and their increasing financial responsibilities. It is also important to stress the fact that SGTD sponsors mainly prefer closed friendships from within Turkish community or other immigrant communities. This is mainly related with their need to feel comfortable in their private life without explaining themselves. In addition to this, they also highlight their friendly daily contacts with natives at school and at work.

### **8.2.3. Participation to Socio-Cultural Activities**

The interviewees expressed their participation to social life in the Netherlands often before the arrival of their partners. Nevertheless, they highlighted the limitations in their social and economic participation to the activities of Dutch organization with the process of family reunification.

F20: There was an association on fight against cancer. I made certain amount of donation regularly. It is called “flying doctors” here; they serve in Africa or similar regions. I had supported them. I also donated to the orphans in underdeveloped countries. I was also the head of the women's branch of Ardahanspor for one year. They were all family reunification now I do not have time.

After the initial years of their marriage life some of them mentioned their return to their social activities but under the umbrella of Turkish origin organizations.

M17: I had played football for years at Dutch clubs, during the family reunification process I had to quit. I started to play again last year in Ardahanspor (Turkish origin Dutch NGO with a sports club)

When they give a break to their sportive activities they are reluctant to return Dutch clubs. Nevertheless, it is hard to conclude whether this is mainly related with their integration or social/pragmatic considerations which could be clarified as physical distance, financial dimensions or low level of perceived acceptance by natives.

It could be argued that with the impact of economic crisis, terrorist attacks of ISIS and increasing Muslim refugee flows to Europe, Dutch public space become increasingly insulting for migrants with Islamic background. The SGTD sponsors participating in my research mentioned that they feel being excluded and humiliated in the Dutch society even more after their family reunification. This result in the ethnic and religious affirmation for some. One of my male participants revealed the reason of growing beard as a reaction to the discrimination he experienced. He stated that the natives were trying to stand away from him on the street, at the supermarket anyway due to his skin color and appearance without beard. He explained that he had wanted to make the fear of the natives from him as a terrorist “reasonable” or “understandable”. They also reflected their disturbance for being categorized by the

Dutch society as the “other” and even threat. They feel reluctant to refute the natives’ negative perceptions of Islam and Muslims

M20: Sometimes people could have biased acts. It generally happens with Dutch people. Although they do not know who and what kind of person you are, they put a label on you. They see you within a group. Not everyone tells this to your face.

Researcher: What do you feel when you experienced this?

M20: It passes by. I leave behind. At the end, I do not interest in what they think about me.

Researcher: Does this lead for you to feel distant to Dutch government or society?

M20: For the people who are keen to being one of them, this could have more influence. Since I am not keen to that, it is not a problem for me.

It could be suggested that the discrimination they actually experienced or perceived result in increasing schism between SGTD sponsors and natives and their lower level of participation to the socio-cultural activities. According to my field observations, Turkish community in the Netherlands including SGTD have low participation for the cultural, national and religious Dutch activities. I had the impression that even if they had attended to the traditional activities of the Netherlands or try Dutch products it is more or less like a “cultural adventure” rather than part of their acculturation process. The SGTD interviewees indicated that they had never attended to New Year’s dive on first of January, the typical Dutch tradition to celebrate new year in which they jump to the sea or lake over sixty locations. If they participate to the Queen’s Day, they express their lack of enthusiasm. It is like a touristic sightseeing for them.

M18: I was not participating. I was working on those days. Queen’s Day would mean extra income for me. Their festival becomes opportunity for us. Actually I had attended to the Queen’s Night once. We had wandered and seen.

The Dutch society expects not only the respect but also the participation of immigrants in local culture as a sign of their integration (Eurobarometer, 2011, p. 70). According to my field observations and interviews, SGTD have different point of view. According to the Turkish community in the Netherlands, knowing and respecting Dutch values and traditions could be the only criteria for their socio–

cultural integration. In this respect, they think that they do not need to participate to the cultural, social and religious Dutch ceremonies for being accepted as integrated.

Researcher: Do you think it is necessary to be integrated in the socio-cultural sphere?

SCIN: To be integrated? We have already been integrated. Since it is holiday during Christmas, we benefit from it; we do not go to work. Nevertheless, we do not celebrate Christmas. Well sometimes we could even participate to the celebrations. I think we do not need to behave as if it is our own holy day. If we are talking about integration, I think this is where the boundary is. I could represent my organization at Christmas dinners. Nevertheless, I do not need to participate to the Christmas ceremony at the church or Christmas dinner of my neighbor with my wife. (...) But it is useful to respect each other's cultural and religious beliefs, ceremonies.

It was interesting to notice that SGTD participating my research started to participate more to Dutch cultural and religious activities and put into practice some Dutch cultural traditions after having child. This sometimes leads to dilemma between partners. Few of the SGTD sponsors participating in my research expressed their wishes to make their child experience the Dutch cultural and religious traditions and objection of their partners since they find those practices contradictory with their beliefs and culture. Decorating "pine tree"<sup>367</sup> for New Year and Sinterklaas festivities<sup>368</sup> on 5<sup>th</sup> of December were two of the most commonly referred issues during my interviews especially for the couples with children due to the timing of my interviews.

M21: We took our children to the Sinterklaas this year. We could do some Dutch activities for entertainment. But at the end when they grew up we will explain that they are against our culture and religion. We did it for them to have fun.

Half of my interviewees with children explained their attendance to Sinterklaas festivity which takes place in mid-November in the Netherlands.

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<sup>367</sup> They avoid using the Christmas tree.

<sup>368</sup> It is considered as the most important cultural festivity with religious connotations in the Netherlands which is broadcasted live on TV. It is actually celebration of the arrival of the Sinterklaas (Saint Nicholas) by a steamboat from Spain to the Netherlands with his Zwarte Piet assistants (which has been widely criticized due its racist connotations by human rights organizations). Sinterklaas on his horse parades on the streets and welcomed by children. By the mean time Zwarte Piet assistants give typical Dutch cookies called ruidnoten or pepernoten to the people mainly children.

Nevertheless, it is less contradictory issue for the partners compared with decorating “pine tree”.

M16: I introduce my wife and daughter with Sinterklaas or Queen’s Day. They are important for me since I like Dutch culture, Dutch people and Netherlands

Wife of M16: But we do not prepare a tree. They are not something prepared in the house. Nevertheless, you could see them everywhere at the shopping malls, city center. I respect him. He was born and raised here. Since primary school he had celebrated those festivities. I want him to make my child get used to these cultural issues since I do not want her to experience integration problems when she started school. I am not against having an idea about Dutch culture for her. But we do not decorate pine tree.

M16: I sing the special Dutch songs to her on 5th of December. Although she does not understand know, she gets used to them.

Researcher: Why you do not decorate a pine tree?

Wife of M16: Actually my husband wants but I do not find it nice due to religious concerns. If we decorate I would feel bad I guess.

M16: Even when my parents visited us, they would not welcome this. I do not suppose that they would understand me.

Wife of M16: If we would be alone I could also do. But I am indecisive about it.

It could be concluded that SGTD sponsors participating in my research often had had limited contact with Dutch natives in their social activities even before marriage. Their social and cultural contact with natives could be interpreted as diminishing even more at the initial years of their marriage. However, in the long run with the adaptation of their partners to Dutch society and their increasing competence in Dutch language, it could be suggested that they start to involve more in Dutch social and cultural activities. Raising children in the Netherlands and their focus on the life in the Netherlands rather than return plans foster their link with the Dutch society. Nevertheless, in the child rearing bidimensional identity of SGTD sponsor often contradicts with their partners’ perspectives which mainly reflects the ethnic cultural and religious concerns. Furthermore, the high level of perceived discrimination could also be associated with their increasing reluctance to participate in Dutch socio-cultural activities.

#### **8.2.4. Division of Labour: Changing Gender Roles for Women**

Many studies in the literature reflect negative correlation between the traditional conservative cultural values of immigrants and women’s labour market

participation (Fortin, 2005). This perspective often employed by the Dutch government to explain the low labour market participation of Muslim women by their patriarchal social structure. Nevertheless, it could be criticized since it reflects essentialist view on culture and underestimates the conditions served by the social welfare system to the immigrants during 1980s. Family migration in this period which was the main motivation of legal migration forced Muslim immigrant women in a dependent position in social, legal and economic terms and led to the male control over women and fosters the revitalization of family model of interdependency, obedience orientation and women as heteronomous related selves (Kofman, Phizacklea, Raghuram, & Sales, 2000). In these terms, the male breadwinner model and women care giver role in Turkish immigrant families need to be addressed in the context of not only their cultural heritage but also their limited access of immigrant women to formal employment (Morokvasic, 1984). Nevertheless, this patriarchal family relations and division of household roles has shifted with the second generation. The emancipation of women could be associated with the cultural liberalization and the increasing access of immigrant women to the formal employment.

During my field research, the male participants often reflected this perspective shift from “male breadwinner model” to “dual breadwinner model” (Fortin, 2005). Most of the interviewee stated that their mothers were either housewives or informally employed at the family businesses or cleaning sector. Although they pointed out their wish for their partners’ participation to labour force, they mainly do not want to force them for working at the low qualified jobs with sole economic reasons.

M19: She (his wife) is attending to school (university) now. Her qualifications are not sufficient for a qualified job yet. She could only find jobs at the cleaning sector. I could never say to my wife to work at cleaning. She was a teacher and running her own private teaching institution in Turkey before our marriage. She closed it for me.

It could be suggested that, whether intentionally or not, the limited reception facilities and employment opportunities led to the revitalization of traditional division of labour. In this respect the male participants often prioritize the Dutch

language acquisition of their partners in their integration process. They consider these both as a condition for their structural and socio-cultural integration which would also ease the life for themselves. Due to the high costs of the language courses, education, obtaining driving license, the marriage migrants and their sponsors develop a coping strategy in which male sponsors have the breadwinner role which is not contradictory with Turkish culture. In addition to this, their timing for having child and high cost of child care facilities in the Netherlands also support the traditional and conservative division of labour in the household.

Due to the traditional understanding of the breadwinner role of the men in the Turkish family structure, I realized that different from the female marriage migrants, males are ready to accept the low qualified jobs and/or informal employment. In addition to this, Turkish community in the Netherlands is also more ready to help male marriage migrants in finding job.

F14: I was joking to a friend of my brother who runs his own business that my husband would sit back for three months while I was working. He said no need and offered my husband to start working there on Wednesday. (...) We were very lucky. Although it was not a registered as worker on paper, he starts working within two three weeks after his arrival. It was the minimum amount of salary. But it filled the bill.

Despite of the participation of the male marriage migrants to the labour market, the SGTD female sponsors often prefer to work to increase their living standards after the legal process of family reunification. In these terms, marriage from Turkey contribute to the equal if not reversed division of labour for the families in which SGTD sponsor is women while it is the opposite for the families in which SGTD sponsor is male. To sum up, although the traditional cultural values of Muslim immigrant communities are interpreted as the only reason of the gendered division of labour in Muslim immigrant families by the Dutch government, it is important to take the labour market situation and reception facilities into consideration in the context of the families with marriage migrant.

### **8.2.5. Media Preferences**

According to my field observations, Turkish community in the Netherlands mainly watches Turkish television channels through satellite or cable. This is also

similar for the SGTD involved in transnational marriages from Turkey. Most of them expressed they were following Turkish TV stations before marriage due to their parents' dominance. Nevertheless, some of them mentioned that they were also watching Dutch TV channels since they had their own television at their rooms or the hours they watched TV were different due to the working hours of family members.

I had the impression that their preference on following Turkish or Dutch media mainly shaped by their socio-cultural life. Since they are more in contact with their ethnic community in the Netherlands, the subjects of their daily conversations are derived from Turkish TV programmes. They mainly watch Turkish TV serials, reality and entertainment shows such as “Survivor” or “O Ses Türkiye” or “Esra Erol’la Izdivac” and Turkish news and sports programmes.

F6: In general Turkish serials as you could assume. If I am off duty during day time, I watch for sure Esra Erol. I also watch music, quiz and reality shows at Turkish TV stations.

Researcher: How could you evaluate your TV preferences before and after marriage between Turkish and Dutch TV channels?

F16: Nothing has changed actually. Before marriage I was watching them with my brother, now with my husband.

Some of them expressed that they follow Turkish TV serials and Dutch reality and entertainment programmes such as bingo and singing contests. Nearly all the participants of my research explained that they started to watch less Dutch TV channels with the arrival of their partner. They associated this with either as lack of proficiency of their partner in Dutch language or their way of spending time as couple. In addition to these with the children they shift more to Dutch channels for the cartoons or programmes for kids in order to make their children to get used to the Dutch language.

Most of the SGTD interviewees explained that they have been following Dutch news through their smartphones by visiting Dutch news web sites or by using some news applications (Dutch newspapers) or social media (often Facebook). Few interviewees who use car for transportation indicated that they receive Dutch news from radio while they are going to work. Nevertheless, few of my interviewees highlighted their increasing interest in Turkish agenda and Turkish news after the

marriage but not directly relevant with their partner preference from Turkey. They reasoned this with their disturbance from highly politicized Dutch broadcasting and increasing racist political discourse.

M24: I preferred to follow Dutch news since I used to perceive them more objective. But once I had come across a news on the speech of Tayyip Erdogan's speech in Cologne in which he was telling the need for the integration of Turkish community in Germany at Dutch TV channel. He said that integrate but do not assimilate and do not forget where you come from. At the Dutch news they translated this as if he was saying do not integrate. Since I can understand back voice of Erdogan in Turkish, I know what he had exactly said. After that I lost my trust to Dutch media. I realized neither media nor the politicians are objective.

During the interviews most of my participants referred the Dutch media coverage on the discourses of right wing Dutch politician Geert Wilders, refugee issue, and the perceptions of incompatibility of Islam with Dutch values during the interviews to exemplify their disturbance about the Dutch media. While explaining their decreasing interest for Dutch TV channels after the arrival of their partner, they clarified that it is mainly related with their perceptions about biased media coverage.

M4: There was not economic crisis before my marriage. Now everything is so complicated that for example they blockade Muslims. If one person breaks the law they target everybody from the same ethnic community with the same brush. If it had been a Dutch person, he would have been considered as the only responsible. For example, let's say Ali did it, it is reflected as all Muslims did it. They do not write the name of Ali. But if it was native Dutch Peter, they would accuse of only Peter. The rest would have been irrelevant. This is because of the Dutch media. I am against this though.

It could be concluded that ethnic media consumption of SGTD sponsors has increased after family reunification due to the limited Dutch language capacity of their partners and their higher level interest in the agenda of Turkey. Nevertheless, their increasing interest in ethnic media channels could also be interpreted as the outcome of their diminishing interest and trust to Dutch media due to the prevalence of the biased motivated discourse.

To sum up when Dutch language usage, social contacts and friendships, participation to socio-cultural life, division of labour in the family and the daily practices in the Netherlands is taken into consideration it could be concluded that

SGTD participants are strongly focused on their own ethnic group. Since they reflected similar concerns both before their partner choice and after the arrival of their partner, it is hard to relate this directly to their marriage from Turkey. Nevertheless, it is concluded that after the arrival of their partner from Turkey their socio-cultural participation to the Dutch social life has decreased more. This could be associated with the understanding of marriage life in the Turkish community according to which the couples want to spend more time together rather than socializing with others. This is even more apparent in the case of family reunification since they often pursued long distance relationship until the arrival of their partner. In addition to this, due to the increasing responsibility of the SGTD sponsors with the marriage they had less spare time after marriage.

The decrease in their social contacts with natives and increase in their cultural and identificational distance between SGTD sponsors and natives could be understood as an outcome of other contextual factors. Survey on Integration of Minorities which were conducted in 2006, 2011 and 2016 reflected similar shift for SGTD in the dimension of social-cultural integration (Dagevos, Gijsberts, Kappelhof, & Vervoort, 2007; Huijnk & Dagevos, 2012; Huijnk & Andriessen, 2016). Therefore, it could be concluded that their high level of perceived discrimination and aggressive Dutch integration policy perspective which targets the assimilation of the immigrants are also important in order to understand the shift in their socio-cultural participation in the Netherlands.

### **8.3. Ethnic and Transnational Lives and Identities at the Private Domain**

The scholars working in the field of transnational studies drew attention to the complexity of the migration even for the second generation in terms of thinking, decision making, interactions, habits and feelings. In order to understand this, rather than the assumption of linearity they offer the perspective which views migration as a complex set of simultaneous processes interacting with each other (Wolf, 2002).

There is a discrepancy between the Dutch integration policy perspective and immigrants' perceptions over the transnational ways of being and belonging. It could be suggested that the Dutch integration policy perspective reflects "unidimensional acculturation model" in which the cultural maintenance has been perceived as an

obstacle to integration and cultural adaptations (Arends-Toth & Van de Vijver, 2003). It mainly defends the single dimension in identification of immigrants in the process of integration in line with assimilationist perspective (Gordon, 1964). This reflects the essentialist view of culture. It mainly expects identification of immigrants only with Dutch culture in all domains of life. Starting from mid-1990s, transnational family bonds started to be considered with more suspicion than before. The importance of compatibility of immigrant communities' beliefs and values with Dutch values had become more prominent in the assessment of integration since then. In this context cultural and religious retention of immigrants (mainly non-western and Muslim immigrants) has been viewed as a sign of their low level of integration (van Walsum, 2008, p. 255) and threat to the liberal values (Triadafilopoulos, 2012). Thus their ethnic and transnational identifications and feelings of belongings have been also perceived as problematic by Dutch government and brought to the public agenda by media. These concerns became more apparent during 2000s with the public and political discourse and discussions over the incompatibility of Islam with Dutch values.

As Portes and many other scholars from transnationalism school point out that immigrant communities have often transnational character which led to dual lives for its increasing number of members; thus they “are at least bilingual, move easily between different cultures, frequently maintain homes in two countries, and pursue economic, political, and cultural interests that require a simultaneous presence in both” (Portes, 1996). During my field research, I realized that the Turkish community in the Netherlands more specifically SGTD consider the maintenance of the culture of origin and integration to Dutch society are not rivalry processes. In this respect they view identity often bidimensional<sup>369</sup>. In line with “domain specific acculturation models” (Kim, Larocheb, & Tomiukc, 2001; Arends-Toth & van de

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<sup>369</sup> Identification with the country of origin and residence are relatively independent processes and could coexist at the same time since they do not necessarily have negative correlation (Berry, 1997). This also reflects the perspective of international and regional organizations. Depending on the circumstances, people, SGTD in our context, could identify themselves with different cultural characteristics. Their positioning is neither fixed nor homogenous.

Vijver, 2004; 2003), they told that their integration to the Dutch society is not relevant with their preferences in their private domain. Although they stressed the importance of cultural maintenance in private domain, they referred the adaptation to Dutch culture more in the public domain.

The understanding of private and public domain differs for the SGTD who participated in my research. Most of them refer the social-emotional and value related issues at the private domain and functional and utilitarian issues at the public domain. In this respect, they consider their preferences in ethnic friendships, participation to ethnic and religious socio-cultural activities, perceptions about division of labour, preferences in TV channels and ethnic and religious food preferences as irrelevant with their integration. Nevertheless, some of my interviewees reflected more limited understanding for private domain in which they want to live Turkish culture. The main consideration for them to define the difference between private and public domain is whether the issue at stake is related with inside or outside the “home”. In this study the ethnic identification of SGTD at the private domain of life will be highlighted under six issues: Using Turkish language with co-ethnic network, religious retention and practices, closed family relations, their interest in ethnic social-cultural activities, ethnic preferences in consumption and finally emotional attachment to Turkey and Turkish community.

Although the main aim of this study is to discuss the interaction between family reunification and integration of SGTD sponsors, it is important to highlight the interaction between family reunification on their transnational identities, feelings and practices since they live dual lives. The marriages of second generation immigrants from their parents’ country of origin are considered as a reflection of their transnational identities and practices. Nevertheless, the arrival of their marriage migrant from Turkey could also contribute to their transnational identification. In this part their transnational identifications after the arrival of their partner from Turkey will be elaborated under six concerns: (1) Mother tongue, (2) religion, (3) family ties, (4) ethnic social and cultural activities, (5) food preferences and (6) emotional attachments.

### **8.3.1. Mother Tongue as a Tool of Transnational Identification**

As Ignatieff (1994, p. 7) rightly points out “It is language, more than land and history, that provides the essential form of belonging”. Due to the culturally loaded meanings transmitted by language, preservation of mother tongue for second generation immigrants is crucial for the maintenance of strong ethnic identity. In addition to this, the loss of mother tongue results in the limitations in their ability to participate in transnational networks or the change in the nature of those networks (Jones-Correa, 2002). As it is highlighted in Chapter 6 on partner choice, my interviewees also consider Turkish language as the core of their ethnic retention. The family and the ethnic social network in the Netherlands plays important role in the Turkish language acquisition of SGTD. Nevertheless, they reflect their dual lives and identities in their usages and preferences of language as well.

M10: I have two lives here. The one related with my career and the one related with my private life which is my family life and friendship network. In my family and friendship network, Turkish language is used all the time. At my business life, I use only Dutch language.

In line with their ethnic identification they prioritize Turkish language usage in their private life both before and after their marriage. They feel more comfortable when they speak in Turkish since they could express their feelings and experiences better.

M11: Our Turks mostly speak in Turkish with each other. In the past we were speaking mixed language. Dutch language is easier for us but for the retention of our Turkish, we need to take care.

Most of the interviewees participating in my research explained that after the marriage they put more effort to use Turkish language without mixing it with Dutch language. This could be interpreted as the practical consequences of their marriage from Turkey since they have one common language within the family which is Turkish. Therefore, it could be suggested that the improvement they had in Turkish proficiency after their marriage from Turkey mainly contribute their transnational identity and practices. Nevertheless, none of them consider this as relevant to their integration to the Dutch society since their proficiency in Dutch language has not changed. Despite of the Dutch policy to encourage the use of the Dutch language,

according to the SGTD, the use of their mother tongue in their private life including social relations within Turkish community is not relevant with their integration to the Dutch society.

### **8.3.2. Religion as Part of Their Private Life**

Religion creates strong attachment to their society of origin for the immigrants who live in a native society with a different religion. It also facilitates the maintenance of the cultural features. Since the Islam is perceived as fostering the interdependency, heteronomy and oppression to the women within the Muslim immigrant communities, it is construed as a threat to democracy and Dutch liberal values and hindrance for integration of immigrants (Vasta, 2007). Survey on Integration of Minorities (SIM) in 2006 and 2011 which were conducted by two Dutch institutions (SCP and CBS) considered the religious identifications of immigrants including the second generation and the frequency of their visits to the religious meetings as two of the indicators of their socio-cultural integration under the sphere of religion (Dagevos, Gijsberts, Kappelhof, & Vervoort, 2007; Huijnk & Dagevos, 2012; Huijnk & Andriessen, 2016).

Nevertheless, according to the SGTD sponsors participating in my research, their religion, beliefs and practices related with faith are private affairs and nothing to do with their integration since they are not in favor of introducing Islamic law to the Dutch system. Thus they have difficulties in understanding the Dutch perspective which problematize their religious beliefs in the assessment of their integration process. They find it hypocritical since they perceive their personal choices and the right to freedom to belief and speech is not respected despite of the discourse on tolerance and freedom in the Netherlands.

Nearly all the interviewees expressed that their religious retention and practices has not changed radically related with their partner. Most of them indicated that they had attended to Quran courses in the Netherlands at the Turkish mosques and learned Islam mainly from there during their childhood. Nearly all of them stated that they have fastened during Ramadan and had sensitivity for Islamic diet mainly for the halal meat both before and after their marriage. The male interviewees highlighted their visits to mosques for Friday prays both as a religious duty and an

opportunity to meet with their Turkish network. More than half of SGTD I interviewed was wearing headscarf due their religious beliefs. They explained that they start wearing before meeting their partners. Nevertheless, both female and male participants do not pray five times a week and refer themselves as “lazy” sometimes “liberal” for fulfilling Islamic duties

M2: From the eye of the Dutch, I am modern Muslim. I sometimes drink alcohol. (...) Not every day though, on some special days and events. For example, on New Year's Eve it is inevitable.

The male interviewees stated that they started live more in line with the religious concerns before meeting with their partner due to their changing perceptions mainly related with their age and life experiences. In this regard, their partner choice from Turkey is shaped through conservative and more religious oriented perspective.

M25: I headed towards Islam before meeting with my wife. I had even started to learn Arabic. Therefore, marriage had not influence my religious perspective.

M18: I had drunk alcohol with friends. However, I quitted before marriage. Since I started to view life more serious, having more was unnecessary. Thus nothing has changed with the marriage life.

During the field research I noticed that due to their increasing religiosity, they opted for marriage partners from Turkey whom they perceived devotee. In this regard, the male participants put effort for the adaptation of their partners. It was interesting to hear the adhan (“ezan”), a call for pray for Muslims, in the middle of my interview with M24. He explained that he had bought a digital adhan clock which rings the voice of the muezzin reciting adhan five times a day before the arrival of his wife in order to ease her adaptation to the life in the Netherlands.

My female interviewees told that their religious identification has not changed related with their marriage or life time. Nevertheless, some of them mentioned that their religious practices have diminished during the family reunification process and after the arrival of their partner due to their increasing responsibilities.

F12: Fastening always exists. So does the salah (namaz). When I was single, I was keener on my religion; I was fulfilling all my religious duties since there was neither work nor child. I tried to pursue my religious duties after marriage. It is disgraceful but I gradually broke off. I am still wearing my headscarf and trying to perform the salah time to time. Nevertheless, I could not perform five time salaah in a day anymore.

Few female interviewees stressed that having children stimulated their religious identification. They explained that they wanted to raise their children according to the Islamic faith or be a good example for their children. To sum up, as a result of both self-identification and reactive –identification processes which have been discussed in Chapter 6, they prioritize their religion in addition to the mother tongue for their ethnic cultural religious maintenance. The family ties and social cultural activities become important in the immigration context for sustaining the transmission of religious and cultural values systems.

### **8.3.3. Family Characteristics: Stimulation of Ethnic Identification**

Family has been employed as a unit of analysis both by the assimilation and transnationalism scholars to questions the influence of intra-family dynamics (Eckstein, 2002). The influence of family characteristics on the process of integration of immigrants and process of transnationalism/ethnic identification is often discussed in the literature. The Dutch government views the adherence to family characteristics of Turkish community as an obstacle to their integration since it leads to the reproduction of ethnic consciousness, retention of ethnic and religious identity through kinship ties and maintenance of transnational practices with the country of their parents' origin. The common perception of schism between immigrant Muslims and native Dutch also target the family characteristics of immigrants since it is perceived that the domestic violence and position of women in Muslim communities is related with their family norms and values. Nevertheless, Huijnk (2011, p. 132) reached a different conclusion according to which the current family cohesion, warmth and support<sup>370</sup> do not hinder the orientation of second generation immigrants

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<sup>370</sup> Although family cohesion and family warmth sometimes referred together, they reflect different concerns. While family cohesion indicates the perceived strength of the family ties, level of family contacts, adherence to family norms, the concept of family warmth is mainly employed to highlight

on the Dutch society. On the contrary, the warmth of parent-child bond during the adolescence is positively associated with their socio-cultural adaptation since it stimulates the development of feeling of security and self-confidence (Glanville & Paxton, 2007; Huijnk, 2011).

Strong family ties are also important for the immigrant communities for the transmission of their ethno-cultural practices and beliefs (language, religion, family values) to the next generations. The features of the collectivist cultural background of Turkish community in the Netherlands and strong family ties contribute to the facilitation of the intergenerational value transmission and feeling of security for the second generation. Nevertheless, it is not an easy process considering the gendered impact of the culture on women in the context of immigration. Few of the SGTD interviewees mainly women admitted their disturbance about Turkish family values and collectivistic culture during their adolescence.

F14: We had found it (strong family ties and close family relations relations) boring in the past. You are at the age of 15 and your friends live different. You ask why we are not like that. But now you understand. Fortunately, we are not like that. I am so pleased with my life like this.

Nevertheless, my interviewees often stated that after getting over the dilemma of adolescence about the meaning of their existence and finding their way in their self-identification process, they started to feel proud of their ethnic culture and identify themselves with it. I realized that their strong family ties and emotional support they received from their family have been playing important role from the beginning of their marriage process. Even after their family reunification they received important degree of family support to ease the adaptation of their partner to the life in the Netherlands.

M9: When my wife arrived, my mother helped her. When I was at work, my mother helped for her initial orientation to the Netherlands. She was showing the shopping places, usage of public transportation and such things. I mean the introduction to the life in the Netherlands. She also introduced her to our neighbours.

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thefamily members' sentiments and evaluation about the relationship with eachother and the emotional support they received from this relationship.

Due to the limitations of the reception facilities of the Netherlands for the marriage migrants since 2012, the SGTD sponsors participating in research often mentioned the necessity to take family support for the integration of their partner after their arrival. Many of them referred their preference to reside with their parents after their marriage related with these concerns. Establishing their own family and receiving family support also contributes to their positive perception about the importance of family ties. Especially for the female participants taking support from their mothers for child care was often referred as something extraordinary in the Dutch culture. Nevertheless, they also feel responsible for their families and they are glad about these emotional ties.

F13: A Dutch woman says that they could learn a lot from you. For example, my relationship with my family... Me and my siblings' support to my father... Or babysitting of my mother for Murat (her son) for four days of a week... Here at the age of 18 the children leave their family. If you say the family visit, it is rare. In sickness, there is not any relevance or interest within family. They throw their mother out when she got old. But we are with them until the end. Since my father is in the hospital we visit him every day. There are other patients whose doors are knocked only once a week or even less. It is so different and does not suit me. It is related with what we had seen from our parents. We maintain it so do our children.

The Dutch reform in 2007 on social support service (WMO), often referred as the “participation act” and the 2015 Long-term Care Act (WLZ) represented an important step in the transition of the Dutch welfare state towards a participation society. In this participation society, people are expected to become self-sufficient or dependent on family and informal caregivers (relatives, neighbours, friends, volunteers) rather than being dependent on the state care provisions (Delsen, 2016; Verhoeven & Tonkens, 2013). Despite of the assessment of the Dutch government on the strong family ties of Turkish community for fostering ethnic cultural retention and hindering their integration, it could be suggested that the same cultural features and family ties actually contribute their integration to the Dutch society which is described as “participation society”.

#### **8.3.4. Interest in Social and Cultural Activities Organized by Turkish Community**

The ethnic institutions created by the immigrant groups to satisfy their social needs within their ethnic community either in the country of residence or across borders play important role to foster the transnational lives and identities of second generation immigrants (Levitt, 2002). Collective activities of political, religious or civic groups in the immigration context are discussed in the literature as a demonstration of emergence and cultivation of ethnic and/or religious solidarity. They provide opportunity to exchange information, disseminate the announcements and for mutual support (Anthias, Kontos, & Morokvasic-Müller, 2013). In this context, they could foster not only their ethnic and transnational ties and practices but also their integration to the country of residence by increasing their level of awareness about their rights and opportunities served to them and facilitating their upward mobility in the country of residence (Portes & Rumbaut, 2001; Bousetta, 2000; Tillie & Fennema, 2000; van Heelsum, 2005).

Previous researches reflected the tendency of SGTD for participation in social organizations in the Netherlands with ethnic and/or religious orientation and expectation of ethnic socializing (Heering & ter Bekke, 2008). In line with them, my interviewees often expressed their participation to the social, cultural and/or religious activities of the Turkish origin Dutch NGOs with similar expectations and orientations. As it is explained in Chapter 3 on methodology, during my field research, I often come across with the SGTD sponsors at the charity bazaars organized under the mosques which were created by Turkish immigrant organization in order to raise fund for the construction, renovation and their activities. It is important to clarify that Turkish mosques in the Netherlands often function as both place of worship and social and cultural centers which is perceived as an opportunity to revitalize Turkish culture, religion and to stimulate their ethnic solidarity (Avci, 2005). Each religious Turkish immigrant organizations organize their own charity bazaars which serves the Turkish community in the Netherlands an opportunity to socialize, to find Turkish food and goods and to update their knowledge about the new opportunities they could benefit and their rights. Although it is not exclusive for

Turkish origin Dutch, due to their location, dates and limited publicity of the event,<sup>371</sup> there are not many native Dutch attending to them.<sup>372</sup>

In addition to the charity bazaars, they organize sportive activities, Turkish language classes, information meetings about family relations, child raising and rights of Turkish citizens in the Netherlands, women's days etc. They use the sport events in which Turkish teams are participating (especially Turkish football teams) as an opportunity for ethnic gatherings. They arrange meetings to watch the matches live on TV or make collective organizations to support the Turkish teams in the field if the match takes place in the Netherlands.

The cooking activities, in which Turkish women come together and cooperate for cooking ethnic Turkish food either at the house of one participant or at these cultural centers where mosques are also located, constitute the ethnic socializing activities mainly for women. The wedding and circumcision ceremonies, iftar and suhur feasts, the activities organized on Islamic holy days and Turkish national days are also the occasions for Turkish community in the Netherlands to come together.

My interviewees indicated that they used to participate to these occasions in their entire lives. They clarified that they started to participate more to these activities during the legal process of their family reunification which also covers the first year of their marriage to benefit from the ethnic solidarity to develop their coping strategy for restrictive family reunification requirements, facilitate the integration of their partner and introduce them to the Turkish community. Nevertheless, they explained their diminishing participation to these cultural activities after the legal process of family reunification due to their increasing responsibilities both at home and at work.

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<sup>371</sup> The events are often announced at the ethnic social networks. They are often organized on the Dutch religious holidays since Turkish community in the Netherlands is not working on those days and not celebrating Christian holy days.

<sup>372</sup> The charity bazaars at Ulu Cami which situates at the center of Utrecht across the Municipality building and nearby the Turkish, Moroccan and Iranian ethnic markets attract the attention of natives, in a limited sense though.

### 8.3.5. Food Preferences: Combination of Ethnic and Dutch Culture

In addition to the language and friendship networks, food preferences are accepted as an important dimension of ethnic identity (Laroche, Kim, & Tomiuk, 1999). The purchase decisions of immigrants are discussed in the context of their acculturation strategy (Nenci, Carrus, & Cadde, 2008). In this part the food preferences of SGTD sponsors is discussed by highlighting their shopping habits and consumption of Dutch ethnic food.

The shopping habits of Turkish community in the Netherlands for daily goods mainly shaped through pragmatic considerations. They often shop from cheap Dutch supermarkets in their neighbourhoods which target low socioeconomic segment of immigrant population. They buy daily products from there and for the ethnic products and halal food (mainly with meat) they often visit Turkish enterprises. It is hard to compare the shopping preferences of SGTD for house before and after their marriage from Turkey since their parents take the charge of shopping for house before marriage. Due to their cohabitation with their parents before marriage and during the initial years of their marriage, their shopping preferences and decisions are mainly taken by their parents.

F14: Before marriage I was not go shopping for the house. Now I also go to the shops where my parents often preferred.

Researcher: Are they Turkish markets?

F14: No. We could not go there often since they are expensive. Why do we go them? For Turkish foods such as “salam”, “sucuk” (*Turkish halal salami, sausage*) and cheese and for meat. For the rest we mainly buy from Lidl (*Dutch supermarket which is known due to its low price products*)

It could be suggested that after moving their own houses they often continue their parents' habits due to the similar economic considerations. Secondly, the food preferred to cook and eat is often in line with the Turkish culture (Nicolaou, et al., 2009). They mainly mentioned that after marriage they continue to eat and cook the food they used to consume before marriage. The female interviewees emphasized that they cook what they learned from their mother. Nevertheless, whether intentionally or unintentionally they combine the Dutch and Turkish culture in their daily meals.

F11: Hasan (her husband) do not look for main dishes such as stewed dried beans and cracked wheat pilaf. I cook what I had seen from my mother. But still we boil broccoli or potatoes. We cook rice pilaf side dishes. We do them because they are healthy and we could easily find the ingredients here not because they are Dutch food.

According to my interviewees there is not any special food in Dutch cuisine. They referred to stemmed vegetables, fried meat or fish, fried potatoes as traditional Dutch food. The most important change in their food consumption that the male sponsors indicated is that they eat more homemade and healthy food compared with the time before their marriage. They associate this with the change in their life style with their marriage.

M12: Before marriage I was eating kibbeling<sup>373</sup> or fried potatoes, if it had come across mainly when I was going out friends once a week. However, now you have a wife and child. No need. Go to the supermarket and buy what you need and eat all together.

SGTD who got married to a partner from Turkey are not closed to Dutch cultural food as a result of their religious considerations both before and after marriage. Although there are some sauces or Dutch traditional foods which could fit their Islamic diet, more than half of them find the tastes and the idea of some (herring<sup>374</sup> or peanut sauce<sup>375</sup>) strange.

M21: I eat the halal food. I have not tasted raw fish. I had only heard about it.

It could be suggested that the food denotes Turkish identity for immigrants since it is used as an important part of holidays, celebrations and special family occasions. My interviewees reflect limited degree of acculturation in the context of food consumption due to their concerns about taste, smell and their religious dietary.

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<sup>373</sup> Dutch snack consisting of battered chunks of deep fried fish, commonly served with a mayonnaise-based garlic or tartar sauce.

<sup>374</sup> A typical Dutch delicacy is Hollandse Nieuwe (Dutch New in English) is a typical Dutch food which has been eaten for 600 years. It is raw herring (“haring”), a soused raw fish with a strong taste, caught in the North Sea and the East Sea (near Denmark) from mid-May to mid-July. It is often served with raw onion.

<sup>375</sup> Dutch pindasaus (peanut/satay sauce) is often served with fried Dutch snacks or Dutch-Indonesian meals

Although they try and consume few of the traditional Dutch food mainly snacks which are compatible with their religious diet, it also has a tendency to diminish after the arrival of their partner. This could be understood related with both the shift to marriage life and their higher ethnic and religious cultural retention due to their marriage partner from Turkey.

### **8.3.6. Emotional Attachment to Turkey and Turkish Community**

The transnationalism studies point out the complex way of thinking and feeling for the children of the immigrants. Although they may not have transnational economic and social ties with their relatives and friends in their home country as their parents have, they still have a transnational life at the emotional level (Wolf, 2002). They have multiple emotional lives and minds due to the multiplexes of cultures, cultural codes, locations and ideologies they manage and inhabit in their lives (Wolf, 2002, p. 283). SGTD sponsors participating in my research mainly reflected the complexity and multiplicity of their emotional attachments to localities, communities, nations and cultures. They underscored the dynamic and interactive emotional self-positioning between country, society, culture, values of residence, origin and ethnic group. In this part, the impact of their family reunification on their emotional transnationalism will be highlighted under three issues: their feeling of belonging to Turkish and Dutch communities, the real and the imagined understanding of home, and their return perspective.

First of all, due to the multiple cultural settings in which SGTD sponsors live in, their identification process is often dynamic, conflictual and transnational. The emotional transnationalism offers the SGTD to develop multiple feeling of belonging to different communities and localities. Nevertheless, it is not an easy process for SGTD sponsors. During their adolescence they try to decide on their identification and feeling of belonging.

F6: I actually feel in-between. During my adolescence I was very into the question of where I belong to exactly. Since the schools I attended were good, the number of Dutch natives was higher in my classes. Inevitably you enter a different social setting at school. Nevertheless, at my neighbourhood I had friends with a lower status. There are huge cultural differences. Dutch natives are so modern that it is impossible for me to adapt according to them. However, I did not have the feeling of belonging to the Turkish friends in

the Netherlands since I was bored with the conversations about adornment and wedding. Thus some there and some here.

Transnational lenses offer interconnection to and interaction between their dual identities. They shape their own identities depending on how they mean and value these tensions and reach a compromise between them. SGTD sponsors I interviewed often identified themselves with both countries and societies by referring themselves as Turkish Dutch. They stressed their Turkish identity when I asked their feelings and emotional considerations.

Researcher: Which community do you feel belonging?

F12: Partially Turkish and partially Dutch.

Researcher: What do you mean by partial-partial belonging?

F12: We should not act unjustly to the opportunities Netherlands served. We are using their facilities. They are serving us comfort although they are sometimes restricted. Nevertheless, when I compare with the youth in Turkey I still say that my situation here in the Netherlands is better; at least I get the worth of my labour force. In Turkey it does not matter how much you work you receive the minimum wage. They are working fourteen hours a day for maximum 1000 or 1 200 Turkish Liras.

SGTD participating in my research often underlined their stronger emotional attachment to Turkey and Turkish community without associating it with their partner from Turkey. It is important to highlight their reactive ethnic belongings and identities which could be the outcome of their low level of perceived acceptance by Dutch society. Since they feel their culture and identity is threatened and their cultural differences are not respected and/or accepted in the Dutch society, they focus more strongly to Turkish community and stress their ethnic and transnational identity.

M20: I had the feeling of responsibility to my family not to the community. Nevertheless, there is a struggle for existence here and at the end we know that we belong to Turkey.

Flowingly, M20 stated that he had the feeling of belonging to the Turkish community in the Netherlands since they have more common points and spend more time together. My interviewees explained that although the decrease in their identification with the Netherlands coincide with their marriage, they reasoned their feelings mainly with the rising Islamophobia and anti-immigrant sentiments of Dutch government, society and media since 2002 election in which List Pim Fortuyn' (LPF)

party came second and 2008 economic crisis. They had the feeling of security and approval from their own ethnic group through their ethnic identification. This could be interpreted as fostering the solidarity in the Turkish community in the Netherlands.

Secondly, as a result of their emotional transnationalism participants of my research revealed their feeling of home for more than one places. Since they grow up in Utrecht, they are familiar with the Dutch system, feel secure and have identification with the Turkish community in the Netherlands. In this context they often specifically refer to Utrecht rather than the Netherlands as their home.

F5: Here, I feel at home. If I had had a house in Turkey, I could have said home for there as well. I do not know since I do not have. I stay at the house of my mother-in-law in Turkey. After three days in Turkey I start to complain about why we came here and let's go back. When I come here I say home sweet home good to have you although I do not like this house. It is too small and cold.

Researcher: If you move to another city in the Netherlands, would you still consider it as home?

F5: I do not think so. I think the location of the house is important since it is close to my parents. I grew up here eventually. We lived in this neighbourhood for twenty-five years. If I move to another city in the Netherlands, I could feel strange and ask why I came here.

The SGTD sponsors often perceive the city and even the neighbourhood where they have spent their entire lives as the real home for them. Nevertheless, Turkey constitutes the imagined Home. While more than half of the participants referred Turkey as Home regardless of specific city, some pointed out their parents' city/village of origin as their Home. M15 explained that although he was not feeling like a foreigner in Utrecht, it is not the home for him.

M15: I feel home at our village in Trabzon. The square of the village with full of everybody... When men walk in linked arms, I am sorry but they are called gay here. There you become brothers.

It could be suggested that according to few interviewees nation of home is emotionally loaded and refers only to Turkey. The understanding and feeling of home more than one geographical place also reflects their multiple emotional attachments. To sum up, SGTD sponsors have the feeling of home to the city they live in the Netherlands due to their pragmatic and utilitarian considerations related

with locality and familiarity with the city, system and social networks. Nevertheless, they also have the feeling of home in Turkey as a result of their emotional perceptions about their ethnic identification, socio-psychological security they receive and nationalist and religious feelings of belongings.

Thirdly, SGTD sponsors, similar to their parents, want to “return” to Turkey. It was interesting to notice that they mentioned their dreams about moving to Turkey as “returning” although most of them had never lived in Turkey or they were too young to remember when they migrated to the Netherlands. During the interviews they often made comparisons between the daily life in Turkey and the Netherlands. They referred their low level of perceived acceptance, Dutch perceptions about Islam and Muslim and discriminations they experienced to explain why they feel foreigner in the Netherlands and why they wish to return.

M5: Inevitably we suffer the difficulties of being foreigner here. This actually makes us uneasy. Hopefully one-day returning will be vouchsafed.

Researcher: Do you have a return plan?

M5: For sure it will happen since we do not belong here although we had our entire life here. Even if we could not go, our corpse will go. We wanted to be buried there.

It could be suggested they actually dream about living in their imaginary home due to the difficulties they experienced in the Netherlands. The feeling of security, trust and being accepted at the place where they called “home” is highlighted for their return perspective. In this respect their wish to return could be associated with their reactive identification process. Nevertheless, due to their limited transnational economic and social ties and their dual lives and identities, returning and adaptation to Turkey is not easy either.

F6: After the retirement, my parents moved back to Turkey. I stayed in the Netherlands with my brother. After finishing my school of nursing I also wanted to return back to Turkey since I love there. But when you go there (Turkey) you start questioning whether I do not exactly belong to here. The vacation and working is different. Employment in Turkey was scary for me. I did not try. I returned back to my starting point, the Netherlands since I know the system.

In this respect, some of my male interviewees either explicitly or implicitly underscored that they preferred a partner from Turkey to ease their adaptation

process to Turkey when they returned. They referred their return plans after the obtainment of their partner's legal status in the Netherlands since they want to leave the door open to come back to the Netherlands if their plans in Turkey do not work. I concluded that my female interviewees are less willing to return to their homeland despite of their wish to live in Turkey. This could be associated with the freedom and autonomy they gained in the Netherlands with their partner choice from Turkey. Nevertheless, during my field research, social workers and my interviewees drew my attention to the increase in family reunification of SGTD women with their partner from Turkey in Turkey. They stated that the SGTD women who have a return perspective prefer to follow their husband from Turkey after marriage if their husband has sufficient income or they have necessary human capital to participate to the labour market.

To sum up, SGTD sponsors' marriages from Turkey often contribute to the retention of their return perspective. This could be interpreted as a reflection of their bi-dimensional identification. They want stimulate their transnational ties with the help of their partner from Turkey and their mobility between two locations, cultures, networks. Whether they stay in the Netherlands or return to Turkey actually do not differ much since in both cases they often travel back and forth to take the advantage of the economic and social opportunities of both countries (Portes, 1996).

To conclude, the SGTD mainly identify themselves with Turkish language, Islam, strong family ties and Turkish customs, values and traditions, ethnic food preferences and strong emotional attachment to Turkey and Turkish community. It could be concluded that although they had ethnic and transnational identities before their marriage the arrival of partner from Turkey contribute to this more. As a result of the research it could be derived that ethnic and transnational identities and integration of immigrants do not necessarily have negative correlation. They could have had dual identities and ties with both countries and societies. In this context it could be suggested that the main issue which result in their reluctance to attain greater degree of identification with the Netherlands is their low level of perceived acceptance and the high level of perceived discrimination.

#### **8.4. Perceptions of Policies: Integration or Exclusion?**

It could be suggested that the recent “aggressive integration” perspective of the Netherlands (Fekete, 2009) leads to the feeling of exclusion since it perceives the cultural values and norms of Muslim immigrants as illiberal, dangerous and threat to Dutch values; thus prioritizes cultural assimilation. It could be suggested that their perceptions of being excluded and discriminated may be the inevitable outcome of the Pim Fortuyn argument, “exclusion for democracy” which have traces in Dutch integration and family reunification perspective (Tebble, 2006). According to this argument, “the state must not only pursue assimilationism internally but must adopt policies of exclusion and, in extremis, repatriation with respect to communities whose values are deemed incompatible with those of the liberal national culture” (Tebble, 2006, p. 474). In this part Turkish community’s perceptions of Dutch integration policies and their feeling of being discriminated and excluded will be highlighted since it is influential in their integration and transnationalism processes.

Firstly, the understanding of immigrant integration will be highlighted through the statements of Turkish origin Dutch representatives since they summarized the feelings and thoughts of the individuals. Nearly all of them differentiate the transnationalism and integration. They stressed the fact that although knowledge about and respect to the Dutch values norms and traditions is necessary for integration, they do not have to internalize them and put into practice. In these terms they criticize the Dutch integration perspective and restrictive family reunification policy which are perceived as an outcome of aggressive assimilationist policy.

Representative of HTİKB: Integration does not mean that you would renounce your identity or your character; you would determine your lifestyle according to my wishes. Limiting all our rights including the fundamental human rights do not mean integration. We actually call this assimilation. We are against assimilation. According to us integration means working for the development of the country where we live in together with the natives without losing Turkish identity, religion, language and culture which have a long history; respecting the rights of others and the legal order; not mixing halal income with illicit; protecting the rights of people no matter who they are; while doing this not looking down others; reflecting a good personality without suppressing or being suppressed.

The representative of Turkish Workers' Union in the Netherlands (HTİB) reflected similar perspective and described integration as “living together by having mutual respect to each others' identity, feeling responsibility to the society, without interfering to the right to life and religion”. He stressed the structural dimension of integration and referred the equality in labour market and education as the priority for immigrant integration.

Representative of HTİB: I must be equal in two spheres: labour market and education. There should be plans, programs in these two fields. For example, how you will find job for my youth in Amsterdam. There are 400 youths originated from Turkey in Amsterdam. The employer does not employ them since they go to the interviews with their identity with their own names such as Mustafa. We say yes to integration; however, we have our own identity which is not an obstacle to our integration.

The representative of Turkish Federation in the Netherlands (HTF) criticized not only the Dutch government for leaving the whole responsibility to immigrants in the process of integration and its assimilationist perspective but also the Turkish community in the Netherlands for their limited knowledge and interest to the life in the Netherlands.

Representative of HTF: We have not totally integrated yet. There are two main reasons of this. First of all, although endeavoring for integration is the responsibility of us, to be recognized and accepted by the counterpart is equally important. It is not happening though. There are troubles for both sides. For example, if you go inside and ask the president or prime minister of Turkey, they would all tell their names, names of the parties even the deputies. However, they would not know the name of the Dutch prime minister. I am talking about the third generation. We could know Turkey for sure we will know. Nevertheless, we need to know here as well. Our motions and aims is for this side. Our motto is “yes to integration but no to assimilation”.

The representatives of Turkish origin Dutch NGOs referred their concerns over the changing expectations and rules and regulations for immigrant integration. In this context they want to know when a person will be considered as integrated to Dutch society. In addition to this they stated the discrepancy in Dutch perspective in the implementation of integration policy and in the assessment of it.

Representative of HTF: I will give you my case as an example. I was born and raised in the Netherlands. I had higher education and obtained a masters' degree. I am working as a financial manager at a prestigious company. I

have high proficiency in Dutch language in terms of writing and speaking. In addition to this my level in English and German languages are also good. They are not important. I am trying to say that what do they expect from me more? Do I have a problem with my neighbor? No. If I had had a problem at work, they would not have given me that managerial position. But they still say that I am not integrated. Well they say it in general, however they also include us. Why? The reason is that my wife is from Turkey. The names of my children are Turkish. I am talking with my children in Turkish all the time. Their main aim is assimilation rather than integration.

Secondly, when I asked the views of the SGTD sponsors about the Dutch integration policy perspective, they raised similar concerns about its assimilationist connotations. They stressed their disturbance with the constant change in the Dutch integration policy perspective and keeping it on the agenda of media circulation and populist parties. One of the interviewees referred this as changing “the rules in the middle of the game”. M20 expressed his anger by highlighting that although “they” (Dutch government and society) invited their grandparents to the Netherlands, they are now disturbed by the existence of second and third generations.

M20: I feel angry. They invited the first generation. They brought them by their hand. They welcomed them by rolling out carpets. You bitterly resent the recent attitude. Now they are telling that they do not want. Why? Because you are within the system now. You have one foot in the Netherlands and one in Turkey.

They consider the Dutch assimilation expectations related with their private life under the name of integration as exclusionist and segregationist. They perceive the aim of restrictive family reunification policy to limit new migration to the Netherlands

M10: I think these regulations under the name of integration actually aim to prevent migration from Turkey. They see that foreigners are increasing; a generation with high education is coming; and they are not like the first and second generation who works at the factories and bows down; this generation is speaking, sharing and getting higher socio-economic position. This irritates some Dutch people. This also leads to some problems such as Islamophobia, association of terror with Islam and all Muslim people. They perceive a woman with a headscarf with those codes. Thus up to me, all these and family reunification regulations are interrelated. They do not want new Muslim migrants because when they come they also bring their culture and religion. They perceive that these do not comply with the Netherlands. Thus they do not consider them as one of them. When they see a different person they perceive the difference as something bad rather than richness. They consider us as a threat.

It could be suggested that some of SGTD sponsors views that Dutch government use of assimilationist policies to legitimize the discrimination against immigrants and to prevent their upward mobility (Portes & Zhou, 1993). Due to the Dutch perception which views transnationalism and integration as contradictory processes they feel being excluded and discriminated. In this context, it could be suggested that aggressive integration policies which perceive the assimilation in the socio-cultural dimension as the precondition of structural integration result in the segregation in the society.

### **8.5. Conclusion**

In this part the interactions between family reunification and integration after the legal process of family reunification of SGTD have been elaborated at the micro level by highlighting the perspectives of the individuals. The assessments mainly stem on the semi-structured interviews conducted by the male and female SGTD sponsors, expert interviews with representatives of Turkish origin Dutch umbrella organizations and my field observations derived from my ethnographic field research.<sup>376</sup> SGTD view the transnationalism and integration as two different processes which are not necessarily contradictory or complementary. While they stress their integration to the Netherlands and Dutch society mainly in the public domain of their lives, they perceive their ethnic and transnational preferences at the private realm as not directly relevant to their integration. In this context, they consider their partner choice and family related issues in the private domain of life.

There are six main conclusions derived from the assessment over the influence of living with a partner from Turkey on the integration and transnationalism processes of SGTD sponsors. First, it could be concluded that the aggressive assimilationist integration policy which also targets the marriages of SGTD from Turkey have backfired since it triggered ethnic reassertion of SGTD sponsors. It could be suggested that the Dutch integration introduced the boundary

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<sup>376</sup> See Chapter 2 for further details of the methodology and Appendices A, B, C and D about the details of my interviewees and interview questions.

maintenance within the society which had an exclusionary impact on Muslim immigrant communities due the perceived incompatibility of their values and norms with the Dutch liberal values. In addition to the Dutch government perspective, the discrimination and hostility faced by the SGTD, their low level of perceived acceptance could be considered as a motivation for them to reaffirm their collective worth (Portes, 1999). In this context, it could be argued that the higher the perceived and actual discrimination and exclusion SGTD experience, the less they would identify themselves with the Netherlands, Dutch society and culture. The lower the level of acceptance they receive in the society, the more they would reaffirm their ethnicity and transnational ties and identities as a mechanism for self-defense (Portes & Rumbaut, 2014). It could be concluded that while the perceptions of being discriminated and excluded would hamper the integration process of SGTD sponsors, the reactive ethnicity triggered as a result of these perceptions would foster their transnational practices and identities.

Second, in addition to the reactive ethnicity, it could be concluded that living with a partner from Turkey could improve the transnational practices of SGTD and facilitate the retention of cultural and religious norms and values by SGTD. If SGTD sponsors participating in my research are taken into consideration it could be concluded that their proficiency in mother tongue, participation to socio-cultural activities organized by Turkish community in the Netherlands increased and their transnational and ethnic network and emotional transnationalism has been strengthened after their family reunification.

Third, the stimulation of their transnational practices and identities does not necessarily deteriorate their integration process. On the contrary, it is concluded that their improved transnational identities and networks could also complement their integration process since their ethnic networks could facilitate their participation to the Dutch society. Their increasing political participation could be considered as an example since the existence of Turkish origin candidates and Turkish origin Dutch NGOs motivate them for political participation despite of lack of their trust to Dutch political parties.

Fourth, their ethnic network, strong family ties, values and norms could facilitate the integration of newly established family and marriage migrant to the Dutch society. Since the neoliberal Dutch integration policies leave the onus of integration process on the individual, the coethnic social network of the SGTD sponsor contribute to the integration of marriage migrant by giving the first orientation to the life in the Netherlands, facilitating their labour market participation and offering them social network in the Netherlands. Nevertheless, it could be concluded that integration to the Netherlands through ethnic network also leads to reemergence of similar dilemmas and concerns in the integration process of SGTD. However, it could be suggested that this mainly result from the neoliberal integration perspective of the Netherlands rather than the ethnic and transnational ties and practices.

Fifth, due to the housing shortages in the Netherlands, SGTD often co-reside with their parents during the initial years of their marriage. Thus it could be suggested that the first generation become influential on the formation of marriage migrants' perceptions of the life in the Netherlands and Dutch values and traditions. It could be argued that cohabitation with their parents also result in the reproduction of the patriarchal family structure and the values which would foster the interdependency and hampers the autonomy of the SGTD sponsors and their partners.

Sixth, it is important to discuss the gender differences in the integration process of SGTD after the arrival of their partners from Turkey. The arrival of marriage migrant from Turkey foster the labour market participation of both male and SGTD women due to increasing financial responsibilities. This could foster the traditional division of labour in the household (male breadwinner role and female care role) for the male SGTD sponsor since female marriage migrants participate to the labour market rarely. Nevertheless, for the female SGTD sponsors this traditional gender role has shifted to equal or reversed since the male marriage migrants have limited income and knowledge about the life in the Netherlands despite of their labour market participation. It could be concluded that the marriage from Turkey facilitate the integration of SGTD women since it fosters the emancipation within their family.

Finally, it could be suggested that it is the cultural understanding of marriage life which leads to a change in the way SGTD experience the life in the Netherlands rather than a marriage with a partner from Turkey. In these terms, the time they arranged for the socio-cultural activities and the way they spent this time has changed. It could be claimed that due to the ethnic and cultural understanding of marriage life, they spent more time at home and they often prefer to be with their ethnic network for their limited spare time due to the intimacy and warmth of their relations with coethnic network. As it is discussed, their reactive ethnicity, their partners' limited knowledge about the Dutch language and Dutch society could be taken into consideration for their ethnic choices for socialization. For the political participation the marriage life and especially having a child make them more interested in their rights and political participation.

After these assessments, it could be argued that the marriage partner from Turkey mainly contributes to the ethnic reaffirmation and strengthening the transnational identities and practices but have a limited impact on the integration of SGTD sponsors. In these terms, it could be concluded that the deterioration in the integration process of SGTD sponsors and Turkish community in the Netherlands is the outcome of the Dutch integration policy which leave the onus of the integration on the immigrants and its focus on the assimilation at the private domain and increasing schism between native Dutch and immigrant Muslim in the society, media and politics. It could be suggested that SGTD mainly employ their transnational and ethnic ties and identities as mechanism for self-defense and as a strategy for their integration to Dutch society. To sum up, it is concluded that it is the assimilationist and restrictive Dutch policies rather than a partner from Turkey which influences the integration of SGTD sponsors to the Dutch society negatively.

## CHAPTER 9

### CONCLUSION

The Dutch statistics reveal that restrictive family reunification regulations provoked the decrease in the number of marriage of second generation Turkish Dutch from Turkey. It could be interpreted as “the success” of the restrictive immigration policies. But the question of how the restrictive family reunification policy influences the integration of the second generation immigrants is not easy to answer. The Dutch government would probably respond positively considering the Dutch government’s policy perceptions and assessment about family reunification and integration.<sup>377</sup> Nevertheless, relation between family reunification and integration is highly interactive and involves the interaction of different actors: Intergovernmental Organizations (IGOs), national governments and immigrants.

This study aimed to explore the interactions between family reunification and integration in the context of marriages of SGTD from Turkey. In order to explore the multifaceted interaction between family reunification and integration at different levels of analysis, an interdisciplinary area studies approach is reflected in this study. In this context at the macro level, in addition to the Dutch national policy, the legal and policy documents at the intergovernmental context and the relevant case law of the ECtHR and CJEU were analysed. At the micro level, the analysis was based on

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<sup>377</sup> “Gerd Leers (The Minister for Immigration, Integration and during first Rutte Cabinet between October 2010 and November 2012) stated that “Because of the arrival of underprivileged family members of people legally staying in the Netherlands, chain migration can occur where successive generations immigrate to the Netherlands. Consequently, the integration process lags behind again and again. Therefore, the rules and requirements are tightened” (Kulu-Glasgow & Leerkes, 2013, p. 370)

the ethnographic field research conducted within the Turkish community in the Netherlands between October 2014 – October 2015 and semi-structured in-depth interviews collected with sixty-nine interviewees (SGTD who got married to a partner from Turkey after 2006 – twenty women and twenty-five men -, fourteen representatives of Turkish origin Dutch umbrella NGOs, four Turkish immigrant social workers and six lawyers with expertise on family reunification and/or Turkey-EU Association Law) in total.<sup>378</sup> It is concluded that in order to go beyond the visible which was reflected through statistics; and understand realities about the interactions between family reunification and integration, it is vital to prize the detailed and deep knowledge, experience and perceptions of people through ethnographic research. Despite of the limitations of the qualitative research in reflecting the general picture and reaching common references, it enabled to expose incompatibility of the human rights perspectives of intergovernmental organizations, aims of the national policies which are explicitly defended at the macro level and the actual outcomes in the context of its interviewees at the micro level.

It is realized that the interplay of different units of analysis in the context of family reunification and integration mainly result from and shaped through the divergence of their perspectives on the following juxtapositions: Immigration and integration, state rights and human rights, admission request of outsider and moral claim of outsider, the perspective of “integration for family reunification” and “family reunification for integration”, integration as a process and as an end goal, rights based approach and responsibility based approach, integration and transnationalism. It is found out that the interplay of different actors on these juxtapositions determines the interactions between family reunification and integration.

At the macro level, main concern of the Dutch government is to control the number and skills of marriage migrants under the name of fostering the integration

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<sup>378</sup> The participants of this qualitative research originated from different regions of Turkey, but mostly from Central Anatolia and Black Sea regions; and most of them defined themselves along religious and ethnic identities. Majority of my interviewees were Sunni.

process of Turkish community in the Netherlands. In this context the integration is considered as a condition for SGTD sponsors and marriage migrants. Nevertheless, it is challenged at the macro level by the IGO since family reunification is a moral claim of insiders and liberal nation states need to fulfill their obligation. The state sovereignty in policy making and implementation on family reunification of immigrants in its territory could be constrained judicially by individuals through legal mechanisms established by the ECHR and EU. While juxtaposition of human rights and state rights determines the position of ECHR, the basis of the EU legal context on family reunification is constructed by the efforts in policy coordination and harmonization on immigration between EU MSs. In this respect, both the individuals and national governments could be applying to the EU in order to reach their diverged interests.

Second part of this study on micro level explored the reality behind the Dutch government's representation of family reunification as a "product" (result) and "producer" (cause) of failure of immigrants in integration process. From the perspective of SGTD sponsors', partner choice and marriage life are mainly related with their transnational ways of being and belonging. It is found out that according to my SGTD interviewees, integration and transnationalism are two separate processes which are not necessarily complementary or contradictory. It is concluded that SGTD participating in my research consider the integration as a process related with their public domain of life and transnationalism as at the private domain of life. Nevertheless, the more the SGTD sponsors feel being discriminated and excluded as a result of the aggressive assimilationist policies and restrictive family reunification policies, the more their integration process has been damaged and the more they stick to their transnational identities and practices as a survival strategy and upward social mobility in the country of residence. In this respect it is concluded that the Dutch representation of transnational marriages of SGTD is mainly based on the culturally loaded national beliefs and perceptions shaped through orientalist image of Islamic culture which is reflected as the exact opposite of Dutch liberal norms and values. It is also an outcome of the essentialist view on culture and unidimensional acculturation model.

In this final chapter, bringing together the results of the macro and micro level analysis, I seek to draw general conclusions on the interaction between family reunification and integration under the following issues: (1) right to family unity or right to family reunification, (2) assimilationist policy and reactive identification, (3) stratification of rights and memberships- discrimination, (4) divergence in the perceptions of the relation between transnationalism and integration, (5) interactions at the structural context and (6) interactions at the socio-cultural context.

### **Right to Family Unity or Right to Family Reunification**

The family reunification of immigrants has been considered under the context of moral obligation of liberal states. However, the state's discretion on the assessment of family reunification has not been constrained by human rights based treaties. This results from the low ratification rate of the human rights treaties, lack of sanction mechanisms and vagueness in the definitions. The ECHR defines the right to family unity as a fundamental human right. Nevertheless, considering the case law of the ECtHR, right to family reunification has not been defined as a direct absolute right. Therefore, it leaves wide margin of appreciation to the states to decide who would be admitted in its territory. Family reunification is defined as a conditional right at the European Union legal framework. Nevertheless, compared with the other international mechanisms, the EU have wider competence in the context of family reunification and capacity to constrain the national governments with restrictive policy preference for today. Although the Directive 2003/86 result in the horizontal diffusion of restrictive family reunification regulations across Europe at the initial years of its adoption, now it precludes the worsening of the conditions defined in the Directive.

### **Assimilationist Policy – Reactive Identification**

After the Cold War, similar to other European countries, the Netherlands and the Dutch society need to define a new “other” for the place of Communism, to continue their existence and adherence to the liberal values. This new “other” is considered as the non-Western Muslim immigrants in the Netherlands (Anthias, Kontos, & Morokvasic-Müller, 2013). Islam is viewed as incompatible with the

Western liberal and democratic values. The culture of Muslim immigrants is portrayed as traditional, static, patriarchal and oppressive. This Orientalist representation of the culture of Muslim immigrants reflected an image of Muslim women as a victim of oppressive culture without autonomy.

In this period, the assimilationist Dutch integration policy determined its priority to “liberalize” the Muslim immigrant communities and emancipate Muslim women. In this respect this study argued that for the sake of the alleged “liberal” aims (prevention of forced marriages), the employment of “illiberal” means is justified by the Netherlands. These illiberal means both cover the assimilationist integration policies and restrictive family reunification regulations. In this respect, the marriages of second generation Muslim immigrants from their country of origin have been construed as both “product” (cause) and “producer” (result) of the orientalist image of Islamic culture which is the opposite of the Western liberal culture; thus their failure to reach the integration aim. During 2000s family reunification has been portrayed by the Dutch government as an issue hindering integration process and threat to liberal values and norms, social cohesion and integration. In this respect the Dutch government reflect a neoliberal paternalism with the implementation of restrictive family reunification regulations in order to make the immigrants attain Dutch liberal values and fulfill their responsibilities in the integration process.

In this study it is concluded that the assimilationist shifts in Dutch policies and neoliberal paternalist perspective of Dutch government have backfired and triggered the ethnic ties and identities of SGTD participating in this research. This also resulted in reactive transnationalism and ethnicity as a mechanism for self-defense against discrimination by Dutch natives. It is concluded that the ethnic partner choice of SGTD sponsors from Turkey mainly results from their internally (self-identification) and externally (reactive identification) oriented identification processes. It is realized that they looked for cultural similarities not only in terms of language and religion but also norms and values which were associated their parents’ home town in their partner choice. They have gendered negative stereotypes against the opposite sex raised in the Netherlands since they find them “Westernized” and

“Dutchified”. Reactive identification which results from low level of perceived acceptance also led to the ethnic closure and socialization within Turkish community in the Netherlands. Nevertheless, it is explored that the transnational and ethnic ties and identities are not necessarily contradictory with their integration to Dutch society. On the contrary, it is often strategy for self-defense and for facilitation of structural integration to Dutch society. Due to neoliberal Dutch policy which leaves the responsibility of integration process to the immigrants, they mainly cooperate and act with solidarity for upward mobility in the Dutch society.

### **Stratification of Rights and Memberships – Discrimination**

The Dutch family reunification regulations due to their culturally and economically loaded perspective result in the stratification of membership within Dutch citizens. The introduction of minimum age requirement of 21 years old for family reunification for Dutch citizens with the aim to prevent forced marriages mainly targets the Muslim citizens due to their cultural tendencies of early marriages and results in contestation of cultural membership in Dutch society. The income requirement of minimum adult income level and one-year contact condition for family reunification result in the stratification of membership in socio-economic terms. In addition to this, Dutch government stratified the membership to Dutch society in socio-economic and ethno cultural terms considering the implementation of civic integration exam abroad for the marriage migrants from certain countries and the content of it. These stratifications in membership to Dutch society could be interpreted as the outcomes of the shift in immigrant integration policies from welfare state considerations to workfare state ones, from right based perspective to responsibility based one and from prioritization of structural dimension to socio-cultural one. It is found out in this study that this stratification of membership to Dutch society on the basis of socio-economic and socio-cultural concerns results in the low level of perceived acceptance and feeling of being discriminated in SGTD sponsors.

The EU policy making framework on migration also results in the fragmentation and differentiation of family reunification rights of different legal categories (EU citizens, nationals of EU MSs who never used their free movement

right, third country nationals and Turkish citizens). The Dutch citizens who have never used their right to free movement are not considered under the scope of EU law. Therefore, they are subjected to national regulations which are more restrictive than EU ones (reverse discrimination). SGTD with Turkish citizenship could rely on the EU legal framework and enjoys with privileged status which has been derived from Turkey-EU Association Law. This also provides the capacity to the SGTD with Turkish citizenship to pose judicial constraints to the Dutch restrictive policy implementation. In this context, the SGTD with dual nationality (Turkish and Dutch) attains better rights and opportunities mainly as a result of their Turkish citizenship. It is explored that this legal stratification of rights which result in more liberal conditions for Turkish citizens strengthen their feeling of belonging to their Turkish citizenship and transnational identities.

### **Divergence in the Perceptions of the Relation between Transnationalism and Integration**

The Dutch government considers the transnational identities and practices as “problematic” in the context of integration process of the SGTDs as a result of its assimilationist integration perspective. They are perceived as the “product” (result) and “producer” (reason) of their “failure” in their integration process to the Dutch society. The family reunification is problematized by the Dutch government as a transnational practice which reflects their transnational identities. ECtHR reflects similar perspective. ECtHR refers to the concept of integration in the case law on expulsion of integrated aliens. Their assessments mainly highlight the integration capacity of aliens to their country of origin in the case of expulsion. Thus, they refer to their transnational ways of being and belonging as a ground to rule their expulsion. Nevertheless, it is interpreted as the reluctance of ECtHR to constraint the national jurisdiction in the context of the decision of residence and admission of foreigners. In this case the Court assess whether the person at stake have another country that he/she could go and integrate easily.

Due to the explicit reference of the EU to the immigrant integration as a two-way process, it assesses that the transnational identities and practices of immigrants are not necessarily relevant to their integration. After the analysis of the decisions of

CJEU on Turkish citizens, it is concluded in this study that the EU considers their transnational identities and practices as a separate process and grants them rights which strengthen their transnational identities and practices.

### **Interactions at the Structural Context**

It is concluded in this study that, the interactions between family reunification and structural dimension of integration is mainly related with the labour market participation and position, education life and political participation.

First, although the income requirement and contract condition for family reunification aim to foster the labour market participation of sponsors, it is detected as not reaching its aim. The increased labour participation of SGTD is often temporary for SGTD women. In addition to this, due to the arrangements of fictitious contract in which they pay the taxes of the employer results in the decrease in their actual income. And also, the income requirement and contract condition for family reunification make them vulnerable for exploitation of their labour force. It is realized that they are often paid less or made work for longer hours than their contract with the same amount of salary and/or asked by their ethnic employers to pay the taxes from their salary. So in the long run their labour market position is affected negatively since they accept working at the contracted jobs which are below their qualities in order to fulfill the income requirements as soon as possible. Second, the SGTD sponsors drop out of school or do not continue their education life as part of their strategy to fulfill the income requirement and contract condition for family reunification. This would have a negative impact on their labour market position in the long run. In this context, it is concluded that the restrictive family reunification regulations hamper their structural integration process both according to the perspectives of the Dutch government and Turkish community.

Third, it is explored that their negative experiences during family reunification process and feeling of being discriminated and excluded and increasing responsibilities with marriage life foster their political participation in the Netherlands. They cast for voting to the parties which do not reflect anti-immigrant and Islamophobic sentiments or Turkish candidates at the elections. This mainly

results from their increased concerns about their future in the Netherlands after marriage and having children.

### **Interactions at the Socio – Cultural Context**

It is affirmed in this study that the family reunification and integration in the Dutch policy context is mainly about the identity politics. In this context, the conclusions over the impact of family reunification policies and the role of socio-cultural concerns of SGTDs on their partner choice from Turkey inevitably focused on the issues related with the socio-cultural dimension of integration. The conclusions on the interactions between family reunification and integration at the socio – cultural context are discussed reflected challenging results: (1) social contacts and intimate social network, (2) patriarchal relationship and interdependencies, (3) impact of transnational ties for family reunification, (4) transnational partner choice: love or rational concerns and (5) gender roles in the family

#### *Social Contacts and Intimate Social Network*

It is concluded in this research that during the legal process of family reunification the SGTD sponsors only focus on fulfilling the requirements rather than building their new life or continuing their already existing social life. Six main concerns were highlighted by the participants of my research for their ethnic closure during the process of family reunification: (1) Workload and limited spare time, (2) need for cooperation during the family reunification process, (3) dissemination of information about their rights and implementation of the rights, (4) learning the coping strategies for fulfilling the requirements, (5) cooperation for meeting the requirements mainly income requirements and (6) relaxation by listening the previous stories.

It is realized that the weakening interethnic social networks of SGTD sponsors within the marriage life is mainly related with the increased responsibilities of SGTD sponsor both related with marriage life and limited participation of their partners to the social and structural life in the Netherlands. In addition to this, different reasons for the decreasing interethnic social activities are disclosed

associated with the lack of language ability of marriage migrant, their cultural perceptions of marriage life, marriage after long distance premarital relationship. In this context, the limited integration facilities offered by Dutch government (mainly language course and trainings for employment) are detected as the main reason for the strengthening the ethnic social ties since they need the help of their ethnic network and family members to facilitate the integration of their partner to life in the Netherlands. Turkish marriage migrants integrate to the Turkish community in the Netherlands so do the SGTD sponsor and the family.

#### *Patriarchal Relationship and Interdependencies*

It is found out that limiting the parental involvement and emancipation of women does not provide justification for restrictive family reunification since it is an outdated concern for SGTD sponsors. Although this research confirmed the previous studies about the parental involvement in partner choice, it has been found out that forced marriages are not on the agenda of Turkish community in the Netherlands anymore. It is interpreted as the result of self-positioning of SGTD in-between collectivistic and individualistic culture; thus they are autonomous related selves who have material independence and emotional interdependence. In this context they have the ability to convince their parents in their partner choice. Due to the cultural concerns of the parents of SGTD women related with honor and their mutual emotional interdependency in the migration context, the parents often do not oppose the partner choice of their daughter in order to prevent their elopement.

Nevertheless, it is found out that the interdependencies and patriarchal relationship between the SGTD sponsor and their parents are actually reproduced after the family reunification since they have to cohabit with their parents due to the housing shortages in the Netherlands. Therefore, the marriage migrants feel being exposed to the pressure of parents in law.

#### *Impact of Transnational Ties for Family Reunification*

It is found out that arranged and kin marriages are the outcome of their decreased level of transnational practices. In addition to this it is reflected as the most appropriate way to build a “trust” relationship since being perceived as a person with

a residence permit in the Netherlands rather than a partner is something that they are afraid of. Due to the lack of premarriage dating period in marriage migration they often need confirmation about their partner choice from their families or extended family.

Finally, for the SGTD men, the motivation to have a partner from Turkey is sometimes detected as a strategy for their return plans. Due to their high degree of perceptions of being discriminated and excluded in the Netherlands and idealized image of Turkey, some of them got married to a partner from Turkey to ease their adaptation to the life in Turkey by fostering their transnational ties with the help of their partner when they returned.

#### *Partner Choice: Love or Rational Concerns*

Although the partner choice of SGTD from Turkey is perceived as a result of rational considerations rather than love relationship, the findings reached in this research show the opposite. Due to the restrictive family reunification regulations, big responsibilities of bringing a partner from Turkey and bad experiences in the family with a marriage migration, the most of the participants mainly females stated that they were not willing or even oppose to the marriages from Turkey before meeting with their current partner. They explained that they abandoned their rational considerations since they fell in love.

#### *Gender Roles in the Family*

In the literature, it is often argued that female sponsor and male marriage migrant result in the reversed gender roles and dependencies (Strasser, Kraler, Bonjour, & Bilger, 2009; Timmerman, 2006). Nevertheless, the reversal of gender roles in the families which involve female sponsors and male marriage migrants is exposed as temporary issue in this research. With the help of the ethnic networks of Turkish female sponsors in the Netherlands, the male marriage migrants often participate to the labor market maximum within two or three years. In this context they often regain their status in the family and the dual breadwinner model in which both partners becomes influential.

It is found out that transnational marriages of SGTD men often foster and reproduce the traditional gender roles. Nevertheless, the area research findings in this study show that, this is often related with the lack of integration facilities to prepare the female marriage migrants to the social life and labour market through language classes. Although it was obligatory to participate to the Dutch civic integration exam which was funded by the Dutch government, the financial burden of the courses left to the immigrants after the abolishment of the obligation to attend the integration courses and pass the exam.

### **9.1. Directions for Future Research**

As it is stated in the introduction the main contribution of this research is its multilevel and interdisciplinary analysis on the influence of individuals on national policies and the influence of the macro level policy formulations and implementations on the individual lives. This area study approach enables the discovery of the reality behind the visible and overcome the limitations over methodological nationalism or individualism. The similar perspective could be employed for the researches which focus on different country context and/or different immigrant groups.

The Dutch statistics revealed that (see Appendix E) coethnic partner choice of SGTD has radically shifted from Turkey to within Netherlands after the introduction of restrictive family reunification regulations. Although Dutch government perceived this as a success of the restrictive family reunification regulations, statistics shows that there was already a declining trend for partner choice from Turkey before implementing these restrictive regulations. In this context, SGTD who got married to a coethnic partner from within Netherlands could be selected as a research subject to explore the reality behind this shift within coethnic partner choices of SGTD and their integration levels. This would also contribute to our understanding about the impact of restrictive family reunification regulations on the partner choice of SGTD.

It has been discussed throughout the research that the Turkish citizens have privileged rights derived from Turkey-EU Association Law. The EU provides an important legal context to safeguard their rights at national context. Nevertheless,

these rights are not the same at all EU MSs since they are acquired through the standstill clauses in Association Law which preclude the introduction of the new restrictions at the date of entry and worsening the better conditions. Due to the restrictive assimilationist turn in national immigration and integration policies across Europe and the will of the national governments to target the Turkish citizens, the privileged position of Turkish citizens in the EU have been often undervalued by the nation states. In this context, legal and policy researches which concentrate on the best legal context available for Turkish citizens for family reunification or in other fields in other MSs would be a direction for future studies.

Marriage migration comes to the policy agenda of the relevant country if the couple wants to reunite there, even the statistics on marriage migration only refers to the couples who apply for the family reunification visa in order to reside in the relevant European country. Therefore, coethnic marriages of second generation immigrants who prefer to live in the country of origin receive neither political nor academic attention. Due to the restrictive family reunification requirements, the rising xenophobia and Islamophobia, and downward assimilation of second generation immigrants, I realized during the field research that recently SGTD mainly women have a tendency to unite with their partners from Turkey in Turkey. Studying the perspectives and lives of the SGTD who unite with their partners in Turkey would contribute to make comprehensive analysis on the impact of restrictive family reunification regulations on SGTD.

Finally, as it is highlighted in this study transnational marriages have diversified impacts on men and women. Although in the literature family reunification is often referred as an opportunity to reverse gender roles for female sponsors, in this study it is concluded that it could also be the opposite; and family reunification regulations could result in the gendered division of labour in the household and patriarchal culture for women both as a marriage migrant and sponsor. Therefore, the influence of the family reunification on the family and gendered division of labour in the household, patriarchal culture and interdependencies could be an interesting subject for future studies.

## 9.2. Legal and Political Projections for Family Reunification

It is not easy to predict the future of the family reunification rights and policies. Nevertheless, it could be suggested that family reunification would continue to be an important policy concern due to the refugee crisis in Europe since 2012, complex EU legal framework and ambitions of the MSs to control the number and skills of the immigrants. The EU MS would possibly retry to change the EU legal context for family reunification to upload their restrictive policy perspective and remove the legal constraints posed by the EU. Dutch government already stated its aim in this context for the amendment of the Family Reunification Directive (Directive 2003/86).<sup>379</sup> It also reflected its perspective for the elaboration of family reunification of EU citizens with TCN family members under the scope of Directive 2003/86 rather than Directive 2004/38 (Free Movement Directive) which would mean curtailment of their already existing rights.<sup>380</sup>

In addition to this, as it was showed in this research, the implementation of MVV obligation before the arrival of the marriage migrant and the income requirement of minimum adult income level actually violate the rights of Turkish citizens which are derived from the Turkey-EU Association Law. In this context they would be legally contested by Turkish citizens soon.

SGTD sponsors have irreversible rights derived from Association Law. Not only in family reunification but also in the other parts of their life, they enjoy this privileged position originating from their Turkish citizenship. Any effort to limit or change these rights at the national level results in the reaffirmation of their rights at the EU level, recalling ethnic identity and reconsolidation of transnational identity. On the other hand, the Dutch government with implicit or explicit assimilationist drivers perceives uprising of this transnational identity as moving away from integration. This result in the development of new paternalistic preventive and

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<sup>379</sup> Dutch Government Response to the Green Paper on family reunification 29.02.2012

<sup>380</sup> Position paper – The Dutch standpoint on EU migration policy, The Hague, 16 March 2011, p. 6; <https://www.rijksoverheid.nl/documenten/kamerstukken/2011/03/16/position-paper-nederlandse-inzet-eu-migratiebeleid-engels> (Last accessed 15.01.2017)

restrictive precautions like family reunification regulations against “the danger” of “disintegration”. These precautions at the end trigger SGTs’ transnational identity and hamper their integration to Dutch society. So lastly, may be it is not easy to say “how” but it is not difficult to say that this vicious circle will continue with acceleration in the future.

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## APPENDICES

### A. INTERVIEW GUIDES

#### **Expert Interview Guide for Social Workers**

- Demographic information
  - Age, occupation, migration history, experience as a social worker
- Please tell me about the main family problems experienced within Turkish community in the Netherlands?
  - Issues related with cultural differences
  - Family problems associated with the marriage migrants
  - Family problems relevant to the second generation
  - Forced marriages, marriages of convenience
- What are your observations about reasons for getting married from Turkey for the second generation Turkish Dutch?
  - Parental involvement, opportunity to meet, preference
  - Differences for women and men
- How does family reunification process affect the marriages? Length of procedure, interviews, fees and requirements
- According to your observations how common are the forced marriages, marriages of convenience and sham marriages within Turkish community?
- What are the coping strategies of the Turkish community to meet or bypass the family reunification requirements?

#### **Expert Interview Guide for Lawyers**

- What are the main concerns for the family reunification policy in the Netherlands?

- How does the family reunification regulations differ according to the citizenship?
- What are the concerns for tightening the family reunification regulations?
- What are the impacts of family reunification policy on Turkish community?
  - Is the Turkish community a target of the strict policies?
- What are the legal obstacles for Turkish community for the family reunification?
- How do the Turkish community cope with the strict family reunification requirements?
- Have you had cases about family reunification of Turkish citizens or dual citizens? What were they about?
- How is the “right to family” interpreted at the ECHR and EU level?
- Do you think is there a dilemma between “right to family” and national concerns about “integration of immigrant origin people” in the context of the Netherlands?
- What kind of rights do the Turkey-EU Association Law provide for the Turkish citizens and dual citizens?
- What is the position of EU in the context of family reunification policies?
- What is the position of ECtHR in the context of family reunification policies?

### **Interview Guide for NGO Representatives**

- Could you introduce your organization and your position at the organization
  - History of the NGO, sub branches, members, aim, mission and vision, activities, target group, identity of organization, language used in the activities, cooperation with other NGOs, fundraising
- How do you interpret the Dutch family reunification policy?
- According to the Netherlands Institute for Social Research in 2001 60% of Turkish spouses in the Netherlands married a marriage migrant from Turkey: in 2012 the figure had fallen to 15%. How do you interpret the decrease in marriage migration from Turkey?

- Do the Turkish community aware of the requirements for family reunification they are subjected to?
  - From where and how they receive information?
- What are the coping strategies of Turkish Dutch with the requirements for family reunification?
- How do you perceive your organization's role in the process of family reunification?
  - Activities related with family formation, family life or partner choice
  - Activities for the disseminating information about the regulations and rights of the Turkish citizens about family reunification?
  - Lobbying activities at the local, national and EU level against family reunification regulations and/or the rights of Turkish citizens derived from Turkey-EU Association Law.
- How do you define "integration"?
- How do you interpret the Dutch policies towards immigrant origin communities (mainly Turkish community)?
  - Mainly the integration policies...
- How do you interpret Turkish policies for the Turks abroad (mainly Turks in the Netherlands)?

### **Interviews with Second Generation Turkish Dutch**

#### *Background Information*

Age, gender, citizenship, education level, migration history, number of siblings, marriage year, family reunification year, kinship between partners, arranged marriages, partners' age, partner's occupation or education level

#### *Main Motivation for Getting Married from Turkey*

- How did you meet with your partner?
- Why did you get marry to your partner?
- How did you meet with your partner?
- How you decide to get marry to him/her?

- How is the possibility to meet someone to get marry in the Netherlands?
- Where do you meet in general
- Is it easier to meet with someone to get marry in Turkey?
- What are the meeting opportunities in Turkey for partner choice?
- Had you had a relationship in the Netherlands or in Turkey before meeting with your partner? Where was he/she from? What were the reasons that you did not get married to him/her?
- What was your main consideration in your partner choice before got married even before you met with your partner?
- Before meeting with your partner how were you describing the person that you were saying that you would never get married.
- Would you get marry to a Dutch person or Moroccan person?
- What was the main consideration when you decided to get marry to your partner? Religion, culture, mother tongue, child raising, conservative understanding, family ties, ethnic continuation.
- Were your parents involved in the process of first meeting with your partner?
- What was your parents' role in your marriage?
  - In decision making, before and during the family reunification process, in marriage life
- What was your parents' role on your partner?

#### *Family Reunification Regulations*

- Are you aware of the family reunification regulations now?
- Were you aware of them when you got married?
- Could you tell your own marriage process?
  - What were the requirements?
    - Income requirement, contract condition Pre-entry test, age requirement and housing requirement.
  - How did you cope with them?
  - How long did it take to live with your partner after marriage?
  - Did your partner needed to enter the exam of Civic integration

abroad?

- Could you tell the process for your relationship and for her?
- Was the age requirement an issue for you? Would you get married before if there were not such a requirement? Did you try to find by-bass ways for the age requirement?
- Do you still in the process of examination for your family reunification by the Netherlands?
- Were you meeting the income requirement when you were thinking to get marry?
  - What did you do to meet the income requirements?
  - How did you received a one year contract?
- Was housing an issue during your family reunification process?
  - Do you stay with your parents now?
  - Did you lived with your parents at the beginning of your marriage?
- What were the administration fees during your process?
  - If it has changed did you receive the extra money that you paid?
- Are there any other issues which disturbs you during the process of family reunification? Length of procedure, pre-entry test, interviews, fees and requirements?
- Have the family reunification regulations had an impact on your life in Netherlands and your marriage life?
- How long did it take for you to live together after marriage?
- Where you start your marriage life? How you manage this process?
- What was the biggest legal obstacle in your marriage process that you had difficulties to overcome? How did you overcome?
- Do you think that the restrictive measures in family reunification policy led to the emancipation of the second generation? Especially for the women?
- How do you interpret the family reunification policy and regulations?

### *Integration*

- How was your economic situation before you even decide to get marry? How it changed when you decided to get marry to your partner from Turkey?
- Did you need to change your life to meet the income requirement?
  - left out education, changing job, links with Turkish community
- How things have changed economically after your partner come to the Netherlands?
- How many of the telephone numbers in your mobile was Turkish, Dutch before marriage? After marriage? Facebook account? (except boss and family doctor)
- Have you had Dutch friends before you get married?
  - How often were you seeing them?
  - Did it changed when you got married? How?
- Before marriage what were the nationality of your friends that you meet frequently? After marriage do you still continue to meet with them? If no, why not?
- How much time were you spending with Turkish friends before you get marry? After?
- How often were you going to Turkey before marriage? During the marriage process? How often do you go to Turkey after the arrival of your partner?
- Do you have any NGO or religious organization membership, Do you participate their activities?
- How has changed your usage of Dutch language after marriage?
  - Were you speaking in Dutch more before marriage? After marriage?
- Were you eating Dutch food before marriage? After the arrival of your partner how your consumption has changed?
- Before your marriage were you participating the cultural and religious events of the Dutch society? After the arrival of your partner did it changes? How?
- Before your partner's arrival to the Netherlands how often were you watching Dutch TV stations? After your partner's arrival how did it changed?
- Were you watching Turkish TV channels before you got married? After?

- Were you going to mosque before marriage? After marriage did it change?
- Were you following the Dutch politics before getting married? After?
  - What kind of interest did you have?
  - Were you reading from newspapers, watching from TV?
  - Member of a political party?
- Were you following the Turkish politics before getting married? After?
  - What kind of interest did you have?
  - Were you reading from newspapers, watching from TV?
  - Member of a political party?
- Were you voting for the Dutch elections before your marriage? After?
- Were you voting for Turkish elections before your marriage? After?
- Did you engage in any other political participation in the Netherlands or Turkey: signing petition, protests...?

*Belonging*

- What does citizenship mean for you? Dutch and Turkish
- How do you describe your identity? Dutch, Turkish, Turkish origin Dutch, Turkish Dutch, Dutch Turkish?
- Which community do you feel you belong to?
  - Dutch, Turkish?
  - Do you think the Turkish community in Turkey and in the Netherlands are different?
- Where do you feel you are at home?
- Do you feel discriminated or excluded in the Netherlands?
- Do you feel discriminated or excluded in Turkey?
- Where do you want to live in the future? Where do you actually plan to live in? Where do you want to raise your kid?
- Where do you make your investments? In Turkey and/or Netherlands?
- Where do you donate (fitre, zekat)?
- Where do you want to be buried when you died?

**B. SUMMARY TABLE OF SOCIO-ECONOMIC AND DEMOGRAPHIC CHARACTERISTICS OF FEMALE INTERVIEWEES**

*Table 3: Summary Table of Socio-Economic and Demographic Characteristics of Female Interviewees*

	<b>F 1</b>	<b>F 2</b>	<b>F 3</b>	<b>F 4</b>
<b>Female</b>	<b>F 1</b>	<b>F 2</b>	<b>F 3</b>	<b>F 4</b>
<b>Age</b>	23	31	26	23
<b>City</b>	Konya	Karaman	Trabzon	Karaman
<b>Education and job</b>	MBO / Super-market	VMBO / Not working	University drop out / - Consultant and teacher	University drop out / Sales person at store
<b>Citizen</b>	Dual	Dual	Dual	Dual
<b>Migration history</b>	Her grandfather was the first comer. She was born in the NL	Her father is the first comer. She was born in the NL	Her grandfather is the first comer. She was born in the NL	Grand father is the first comer. She was born in NL. 4 siblings
<b>Marriage year</b>	- 2012	2008	2014	2012
<b>Year of family reuni</b>	2013	2009	Not arrived yet	.2013
<b>Arranged marriage</b>	No	No	No	No
<b>Kin marriage</b>	No	Yes	No	No
<b>Partner's age</b>	24	32	28	25
<b>Partner's city</b>	Konya	Karaman	Urfa	Kirsehir
<b>Partner's education and job in the NLI</b>	High School / Working at the restaurant	High School / Working at cleaning sector	University graduate/unknown	High School / Cleaning sector
<b>Child</b>	No	1	No	No

*Table 3 continued*

<b>Female</b>	<b>F 5</b>	<b>F 6</b>	<b>F 7</b>	<b>F 8</b>
Age	30	26	25	29
City	Aksaray	Bayburt	Trabzon	Kırşehir
<b>Education and job</b>	MBO / Not working (child care)	MBO/Nurse manager	Primary school-/ Not working (sickness)	University/Tax consultant
<b>Citizen</b>	Dual	Dual	NL	Dual
<b>Migration history</b>	Her grandfather is the first comer. She came to the NL at the age of 3. 4 sibling.	Her father is the first comer. She was born in the NL. Four sibling	His father is the first comer. She was born in the NL.	Her grandfather is the first comer. She was born in the NL
<b>Marriage year</b>	2007	2013	2011	2004 formal marriage 2005 ceremony
<b>Year of family reuni</b>	2009	2013	2012	2007 (because of age )
<b>Arranged marriage</b>	Yes	No	No	Yes
<b>Kin marriage</b>	Yes	No	No	Yes
<b>Partner's age</b>	29	27	38	31
<b>Partner's city</b>	Aksaray	Bayburt	Trabzon	Kırşehir
<b>Partner's education and job in the NLI</b>	University graduate-/Working at the restaurant	High school/ Working at family business	Elementary Owner of coffee house	High school / Working as Electrician/Self employed
<b>Child</b>	1	pregnant	1	2

*Table 3 continued*

<b>Female</b>	<b>F 9</b>	<b>F 10</b>	<b>F 11</b>	<b>F 12</b>
<b>Age</b>	26	24	21	30
<b>City</b>	Karaman	Samsun	Samsun	Trabzon
<b>Education and job</b>	MBO/Teacher	MBO/Supermarket	MBO Drop out/ Cleaning	MBO/Supermarket and driving teacher
<b>Citizen</b>	Dual	Dual	Dual	TR
<b>Migration history</b>	Her father is the first comer. She came to the NL at the age of 2	Her mother's father is the first comer to the NL. She was born in the NL.	Her mother father is the first comer. She has born in the NL. 7 siblings	She came to the NL at the age of 4
<b>Marriage year</b>	2010	2010 religious marriage- 2012 formal marriage	2013 formal marriage	2011 formal marriage and ceremony later
<b>Year of family reuni</b>	2011	2013	2014	2012
<b>Arranged marriage</b>	No	No	No	No
<b>Kin marriage</b>	Yes	No	Yes	No
<b>Partner's age</b>	26	29	26	31
<b>Partner's city</b>	Konya	Sivas	Samsun	Trabzon
<b>Partner's education and job in the NLI</b>	University graduate/ Working at the factory	High school graduate. Working at construction	Elementary sch / Working at the cleaning sector	Unknown / Working at the construction
<b>Child</b>	2	No	No	1

*Table 3 continued*

<b>Female</b>	<b>F 13</b>	<b>F 14</b>	<b>F 15</b>	<b>F 16</b>	<b>F 17</b>
Age	30	30	25	21	28
City	Sakarya	Trabzon	Emirdağ	Emirdağ	Karaman
<b>Education and job</b>	MBO / Secretary/ unemployed	University student / Optician	VMBO / Salesperson not working (sickness)	VMBO / Working at the restaurant.	MBO / Salesperson
<b>Citizen</b>	Dual	Dual	Dual	Dual	Dual
<b>Migration history</b>	Her father is the first comer. She was born in the NL. 3 Siblings	Her father is the first comer. She was born in the NL. 7 siblings	Her grandfather came to the NL first. She was born in the NL. 3 sibling	Her grandfather is the first comer. She was born in the NL. 3 sibling	Her grandfather is the first comer. She was born in the NL. 4 sibling.
<b>Marriage year</b>	2007	2011	2007	2013	2008
<b>Year of family reuni</b>	2008	2010 registered partner	2008	Not arrived yet.	2010
<b>Arranged marriage</b>	No	No	No	No	No
<b>Kin marriage</b>	No	No	Yes	Yes	No
<b>Partner's age</b>	32	34	26	22	29
<b>Partner's city</b>	Adapazarı	Adapazarı	Emirdağ	Emirdağ	Karaman
<b>Partner's education and job in the NLI</b>	High School graduate / Working at the factory	High School graduate / Working at the factory	Student / Working at the bakery	High school / not arrived	Unknown
<b>Child</b>	1	1	1	1	1

<i>Table 3 continued</i>			
<b>Female</b>	<b>F 18</b>	<b>F 19</b>	<b>F 20</b>
<b>Age</b>	34	30	40
<b>City</b>	Kayseri	Giresun	Ardahan
<b>Education and job</b>	University / Teacher	MBO / ING Bank and Elderly care	MBO / Working at the pharmacy
<b>Citizen</b>	Dual	Dual	Dual
<b>Migration history</b>	Her grandfather is the first comer. She was born in the NL. 3 siblings	Her father is the first comer. She came to the NL at the age of 10.	Her father came first. She settled to the NL at the age of 10. 5 siblings
<b>Marriage year</b>	2008	2011	2008
<b>Year of family reuni</b>	2008 registered partner	2012	2009
<b>Arranged marriage</b>	Yes	No	No
<b>Kin marriage</b>	No	No	No
<b>Partner's age</b>	35	31	42
<b>Partner's city</b>	Kayseri	Ardahan	Hatay
<b>Partner's education and job in the NLI</b>	Unknown/ Working at the cleaning sector	Unknown / Working at the factory	High school. / Not working
<b>Child</b>	2.	No	2

**C. SUMMARY TABLE OF SOCIO-ECONOMIC AND DEMOGRAPHIC CHARACTERISTICS OF MALE INTERVIEWEES**

<i>Table 4: Summary Table of Socio-Economic and Demographic Characteristics of Male Interviewees<sup>381</sup></i>			
	<b>M2</b>	<b>M4</b>	<b>M5</b>
<b>Male</b>	M2	M4	M5
<b>Age</b>	24	28	29
<b>City</b>	Bursa	Konya	Elazig
<b>Education and job</b>	MBO/ Auto Dealing	HAVO-student	MBO Drop out / Family Business-Restaurant
<b>Citizen</b>	Dutch	Dual	Dual
<b>Migration History</b>	His grandfather had come. He has born in the NL	He was Born in the NL	His grandfather is the first comer. He was born in Turkey; raised in the NL
<b>Marriage Year</b>	2014	2008	2005
<b>Year of FR</b>	Not arrived yet	2009 Belgium Route	2008
<b>Arranged Marriage</b>	No	Yes	No
<b>Kin Marriage</b>	Yes	No	Yes
<b>Partner Age</b>	24	27	28
<b>Partner city</b>	Zonguldak	Konya	Elazig
<b>Partners Education and job in NL</b>	High School / Not working	Elementary school-Cleaning sector	Primary school-Not known
<b>Child</b>	No	2	2

<sup>381</sup> M1, M3, M13, M22 and M23 is missing in the table since they have arrived to the Netherlands after the age of ten. There is not any direct reference to their experience in the thesis. See Chapter 3 on Methodology for details

		<i>Table 4 continued</i>									
<b>Male</b>	<b>M6</b>	<b>M7</b>	<b>M8</b>	<b>M9</b>	<b>M10</b>	<b>M11</b>					
<b>Age</b>	25	34	29	32	33	33					
<b>City</b>	Karaman	Trabzon	Trabzon	Kastamonu	Ardahan	Emirdag					
<b>Education and job</b>	VMBO/Restaurant	MBO- / Courier	VMBO / Construction	MBO / Electrician	University / Human Resource company owner	MBO / Taxi company owner					
<b>Citizen</b>	Dual	TR	TR	Dual	Dual	Dual					
<b>Migration History</b>	He was born in the NL	Came to the NL at the age of 5	Came to the NL when he is 5 years old. Grandparents came first	Grandfather is the first comer. Born in the NL	Grandfather came first in 1973. Born in the NL	Grandfather is first comer. He was born in the NL					
<b>Marriage Year</b>	2014	2009	2012	2010	2006	2012					
<b>Year of FR</b>	Unknown/In the NL as tourist	2010	2012	2010	2006 / Registered partner	.2012					
<b>Arranged Marriage</b>	No	No	No	No	No	No					
<b>Kin Marriage</b>	No	No	No	Yes-	No	Yes					
<b>Partner Age</b>	18	28	27	30	27	23					
<b>Partner city</b>	Karaman	Trabzon	Samsun	Kastamonu	Ardahan	Emirdag					
<b>Partners Education and job in NL</b>	High School- Not working	High school Not working	Elementary school- Not working	High School- Not working	High school / Not working	High school-Not working					
<b>Child</b>	No	1	2	1	2	No					

<i>Table 4 continued</i>							
<b>Male</b>	<b>M12</b>	<b>M14</b>	<b>M15</b>	<b>M16</b>	<b>M17</b>	<b>M18</b>	
<b>Age</b>	26	24	25	33	30	32	
<b>City</b>	Ardahan	Kirsehir	Trabzon	Kirsehir	Emirdag	Yozgat	
<b>Education and job</b>	VMBO / Courier	University Student	University Drop out- /Catering	MBO / Chief of staff in a company	Univ.Drop out / Family business (Construction)	MBO / Technician	
<b>Citizen</b>	Turkish	Dual	Turkish	TR	Dual	Dual	
<b>Migration History</b>	Grandfather came first. He born in the NL	Born in the NL	Born in the NL but stayed in Turkey between the ages of	His father is the first comer He has born in NL	His father is first comer. He was born in the NL	Grandfather is the first comer. He was born in the NL	
<b>Marriage Year</b>	2011	2014	2010	2007	2009	2013	
<b>Year of FR</b>	2012	2014	2012	2007	2010	2013	
<b>Arranged Marriage</b>	No	No	No	Yes	Yes	Yes	
<b>Kin Marriage</b>	Yes	Yes	Yes	Yes	No	No	
<b>Partner Age</b>	25	21	24	30	27	31	
<b>Partner city</b>	Ardahan		Trabzon	Unknown	Emirdag	Yozgat	
<b>Partners Education and job in NL</b>	University/Not working	High school / Unknown	High School- Not working	High school/ Not working	High School- Unknown	University Not working	
<b>Child</b>	1	No	1	3	Unknown	No	

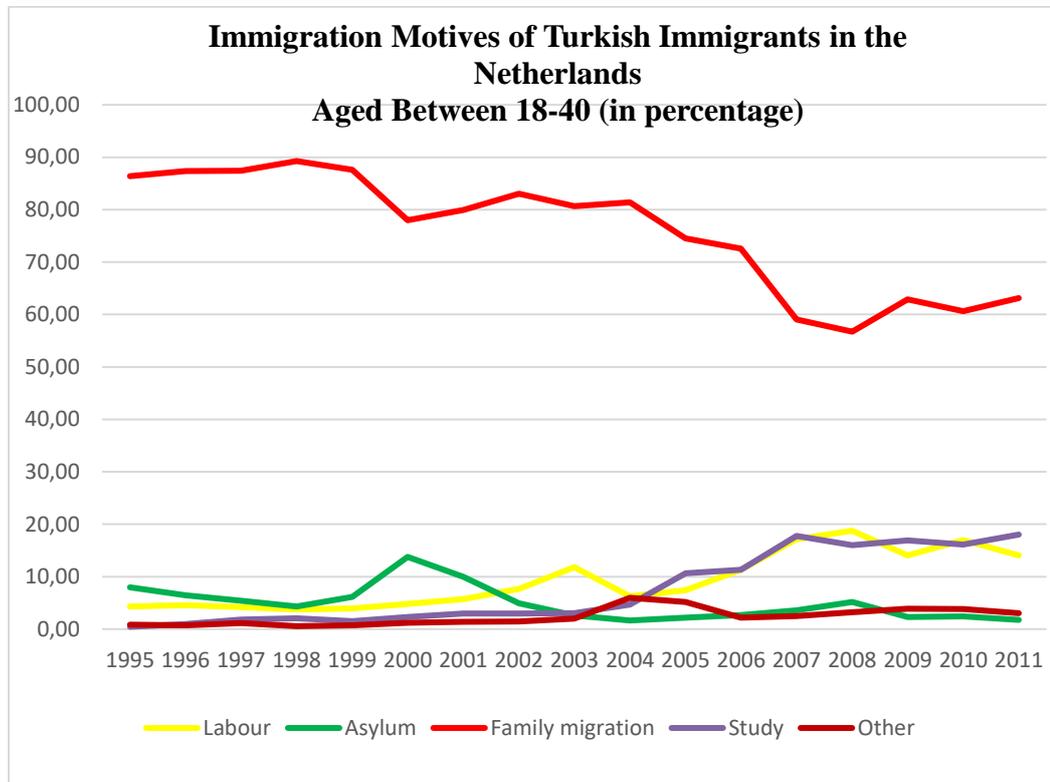
<i>Table 4 continued</i>					
<b>Male</b>	<b>M19</b>	<b>M20</b>	<b>M21</b>	<b>M24</b>	<b>M25</b>
<b>Age</b>	34	32	28	32	31
<b>City</b>	Ardahan	Aksaray	Kirsehir	Trabzon	Ordu
<b>Education and job</b>	MBO / Casino	HAVO / Logistic cargo	MBO / Factory	MBO / Custom official	MBO/ Driving Teacher and
<b>Citizen</b>	Dual	Dual	Dual	Dual	Dual
<b>Migration History</b>	He was born in the NL	He was born in the NL. 6 siblings	Grandfather is the first comer He was born in NL. 3 siblings	He was born in the NL	He was born in the NL. His grandfather is the first comer
<b>Marriage Year</b>	2010	2009	2010	2008	2009
<b>Year of FR</b>	2010	2009	2010	2009	Unknown
<b>Arranged Marriage</b>	Yes	No	Yes	No	Yes
<b>Kin Marriage</b>	No	No	Yes	No	No
<b>Partner Age</b>	33	31	24	31	30
<b>Partner city</b>	Ardahan		Kirsehir	Trabzon	Ordu
<b>Partners Education and job in NL</b>	University- Not working	High School Not working	University student / Not working	Univ. graduate / Not working	Primary school / Religion educator
<b>Child</b>	2	2	2	No	No

#### **D. LIST OF TURKISH ORIGIN DUTCH NGOs**

1. HDV – Hollanda Diyanet Vakfı – Islamic Foundation in the Netherlands
2. NIF North– Hollanda İslam Federasyonu – Dutch Islamic Federation North (Nederlandse Islamitische Federatie)
3. DSDF – Demokratik Sosyal Dernekleri Federasyonu – Federation of Social Democratic Organisations
4. TİKF – Türk İslam Kültür Dernekleri Federasyonu – Turkish Islamic Cultural Federation (TICF)
5. SCIN – Hollanda İslam Merkezi Vakfı – Stichting Islamitisch Centrum Nederland
6. HTKB – Hollanda Türk Kadınlar Birliği - Turkish Women’s Association in the Netherlands
7. HTİKB – Hollanda Türk İslam Kuruluşları Birliği - Dutch Union of Turkish Islamic Organisations
8. HTF – Hollanda Türk Federasyon (Hollanda Demokratik Ülkücü Türk Dernekleri Federasyonu) – Turkish Federation in the Netherlands (Federatie van Idealistisch Democratische Turkse Organisaties Nederland)
9. HTİB – Hollanda Türkiyeli İşçiler Birliği – Netherlands Turkish Workers’ Union
10. HAK-DER – Hollanda Alevi Birlikleri Federasyonu – Federation of the Alevi Community in the Netherlands
11. IOT – Hollanda Türkler için Danışma Kurulu- Inspraak Orgaan Turken – Consultative Council of Turks in the Netherlands
12. NIF South – Hollanda İslam Federasyonu – Dutch Islamic Federation South (Nederlandse Islamitische Federatie)

13. Türk Hukukçular Birliđi – Union of Turkish Legal Experts
14. EATL – Avrupa Türk Avukatlar Birliđi – European Association of Turkish Lawyers

## E. GRAPHICS



*Figure 2: Immigration Motives of Turkish Immigrants in the Netherlands Aged between 18 and 40 (in percentages)*

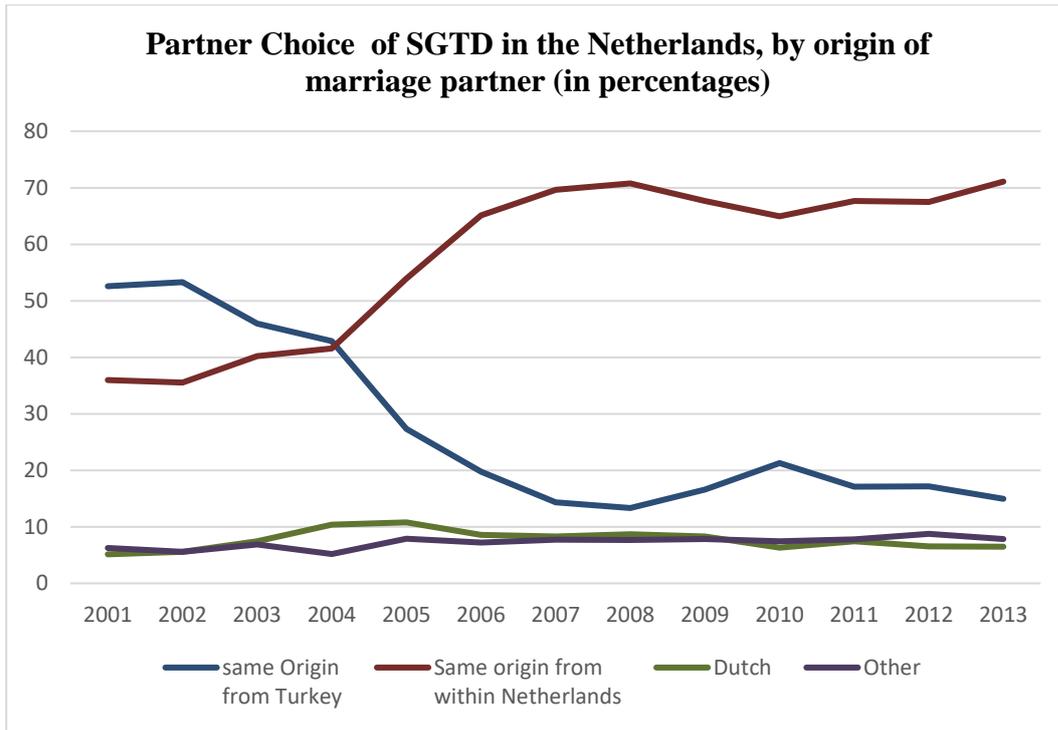


Figure 3: Partner Choice of SGTD in the Netherlands, by origin of marriage partner (in percentages)

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## H. CURRICULUM VITAE

### PERSONAL INFORMATION

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Nationality: Turkish (TC)  
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### EDUCATION

<b>Degree</b>	<b>Institution</b>	<b>Year of Graduation</b>
MA	University of Malta, Faculty of Law, Human Rights and Democratization	2006
BS	METU International Relations	2005
High School	Ankara Atatürk Anadolu High School,	2000

### WORK EXPERIENCE

<b>Year</b>	<b>Place</b>	<b>Enrollment</b>
2011-Present	Republic of Turkey Prime Ministry Presidency for Turks Abroad and Related Communities	Expert, Assistant Expert
2007-2011	World News and Analysis Department of Turkish Television and Radio Corporation	Broadcaster, Reporter, Narrator
June- December2006	Netherlands Institute of Human Rights (SIM), Matra Project	Analyst

## I. TURKISH SUMMARY/TÜRKÇE ÖZET

Bu tez, aile birleşimi ile entegrasyon arasındaki etkileşimi, Hollanda'daki ikinci nesil Türkler (HinT'ler) üzerinden incelemektedir. Bu tezin özgünlüğü; çok düzeyli, disiplinlerarası (siyaset bilimi, hukuk ve sosyoloji) bölge çalışmaları perspektifinden kaynaklanmaktadır. Makro düzlemde, konuyla ilgili 2016'ya kadar olan Avrupa İnsan Hakları Mahkemesi (AİHM) ve Avrupa Birliği Adalet Divanı (ABAD) kararları ile Birleşmiş Milletler (BM) ve Avrupa Birliği (AB) yasal çerçevesi ve bunlara ek olarak Türkiye-AB Ortaklık Hukuku'ndan kaynaklanan haklar incelenmiştir. Mikro düzlemde ise, TÜBİTAK BİDEB 2214/A bursu ile Ekim 2014-Ekim 2015 tarihleri arasında Hollanda'da yürütülen etnografik saha araştırmasında; katılımcı gözlemci yöntemi ve HinT'ler, avukatlar, sivil toplum kuruluşları (STK) temsilcileri ve sosyal hizmetler uzmanlarından oluşan toplam altmışdokuz kişiyle yarı yapılandırılmış derinlemesine mülakat metodu uygulanmıştır. Bu süreçte, makro düzlemdeki düzenlemelerin mikro düzlemdeki bireyler üzerindeki dolaylı ya da doğrudan etkisi incelenmiş, her iki düzlemdeki tüm aktörlerin karşılıklı yoğun etkileşim içinde olduğu ortaya konulmuştur. Çalışma, aile birleşimi olgusunun, katılımcı HinT'lerin entegrasyonlarındaki “başarı ya da başarısızlıklarının” bir nedeni ya da sonucu olmadığı, entegrasyonlarıyla doğrudan çelişkili veya tamamlayıcısı olmayan ulusötesi ve etnik kimlik ve eylemleriyle ilgili olduğu sonucuna ulaşmıştır. “Entegrasyon için aile birleşimi” politikasından “aile birleşimi için entegrasyon ön-koşuluna” geçtiği saptanan Hollanda'nın getirdiği kısıtlayıcı aile birleşimi kuralları ve bunların katı uygulamalarının temelindeki asimilasyonist entegrasyon politika perspektifinin, çalışmaya katılan HinT'lerin etnik köken, kültür ve inancı (İslam) temelinde ayrımcılığa uğradıkları ve dışlandıklarını hissetmelerine ve haklarının ihlal edildiğini düşünmelerine yol açtığı ve bu durumun tepkisel özdeşleştirme sürecini tetikleyerek entegrasyonu “olumsuz” etkilediği sonucuna varılmıştır.

## Araştırma Problemi ve Araştırma Soruları

Hollanda resmi istatistikleri, kısıtlayıcı aile birleşimi düzenlemelerinin HinT'lerin Türkiye'den yaptığı evlilik sayısında düşüşe neden olduğunu ortaya koymaktadır. İstatistiklerdeki bu düşüş, kısıtlayıcı göç politikalarının bir “başarısı” olarak yorumlanabilir. Ancak kısıtlayıcı aile birleşimi politikasının ikinci nesil göçmenlerin entegrasyonunu nasıl etkilediği sorusunu cevaplamak ise o denli kolay değildir. Hollanda hükümetinin aile birleşimi ve entegrasyona ilişkin algısı ve değerlendirmesi göz önüne alındığında hükümet bu soruya büyük ihtimalle “olumlu” bir cevap verecektir.<sup>383</sup>

Bununla birlikte, aile birleşimi ve entegrasyon arasındaki ilişki yüksek derecede birbirini etkilemekte ve farklı aktörlerin etkileşimini içinde barındırmaktadır: Hükümetler arası kuruluşlar (IGOs), ulusal hükümetler ve göçmenler. Bu çalışmada aile birleşimi ile entegrasyon arasındaki etkileşim; makro düzlemde, entegrasyon ve aile birleşimi politikalarının analizi, mikro seviyede ise eş seçimi, aile birleşimi hukuki sürecindeki deneyimler ve entegrasyona etkileri ile hukuki süreç sonrasında HinT'lerin entegrasyonunu incelemektedir. Bu çerçevede şu sorulara yanıt aranmıştır: Göçmen entegrasyonu BM, Avrupa Konseyi (AK), AB ve Hollanda tarafından nasıl tanımlanmaktadır? Makro düzlemde ulusal ve ulusüstü aktörler arasında entegrasyon konusunda etkileşim var mıdır? Aile birleşimi konusunda uluslararası, bölgesel ve ulusal aktörler arasında nasıl bir etkileşim vardır? Makro düzlemde aile birleşimine ilişkin kaygılar nelerdir? HinT'ler neden Türkiye'den evlenmeyi tercih etmektedir? HinT'lerin Türkiye'den eş tercihi süreci nasıl şekillenmektedir? Hollanda'da aile birleşimi kuralları nasıl uygulanmaktadır? HinT'ler bu kural ve uygulamaları nasıl değerlendirmektedir? Kurallar ve uygulamalarla ilgili baş etme stratejileri nelerdir? Aile birleşimi hukuki sürecinde kurallar HinT'lerin entegrasyonunu nasıl etkilemektedir? Türkiye'den yapılan

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<sup>383</sup> “Gerd Leers (Rutte Kabinesinde Ekim 2010 ve Kasım 2012 arasında Göç ve Entegrasyon Bakanı) şu açıklamayı yapmıştır: “Hollanda’da yasal olarak bulunan kişilerin zor durumdaki aile üyelerinin Hollanda’ya gelmesi, daha sonraki nesiller için de zincirleme göçe neden olabilir. Devamında entegrasyon süreci tekrar tekrar geriye gider. Bu nedenle kurallar ve koşullar sıkılaştırılmıştır” (Kulu-Glasgow & Leerkes, 2013, p. 370).

evlilikler HinT'lerin hayatını aile birleşimi hukuki süreci sonrasında nasıl etkilemektedir?

### **Metodoloji**

Makro düzlemde, Hollanda ulusal politikasının yanısıra hükümetlerarası seviyedeki hukuki ve politik belgeler ile AİHM ve ABAD'ın konu ile ilgili Mayıs 2016'ya kadar olan içtihatları incelenmiştir. Çalışma, mikro düzlemde ise, Ekim 2014-Ekim 2015 tarihleri arasında Hollanda'da yaşayan Türk Toplumu arasında gerçekleştirilen etnografik saha çalışmasına ve toplamda altmışdokuz katılımcı ile yapılan yarı yapılandırılmış derinlemesine mülakatlara dayanmaktadır. Bu çerçevede, HinT'ler ile yapılan yarı yapılandırılmış derinlemesine mülakatlar, eş tercihleri, aile birleşimi hukuki sürecindeki deneyimleri ve Türkiye'den evliliklerin HinT'lerin yapısal ve sosyo-kültürel alanda Hollanda'daki hayatlarına etkileri üzerine odaklanmıştır.<sup>384</sup> Hollanda'daki aile birleşimi ve Türkiye-AB Ortaklık Hukuku üzerine davalara bakan Türk kökenli avukatlar ile yapılan mülakatlar; aile birleşimi ve Türkiye-AB Ortaklık Hukuku'ndan kaynaklanan hakların uygulanmasındaki deneyimleri ortaya koymuştur. Türk kökenli Hollanda STK temsilcileri ile yapılan mülakatlarda ise eş seçimi ve aile birleşimi sürecinde STK'ların sosyal, kültürel ve hukuki rolü ile entegrasyon algıları sorgulanmıştır. Son olarak Hollanda'daki Türk sosyal hizmet uzmanları ile görüşmelerde Hollanda'daki Türklerin aile yapısı, eş tercihleri, aile içi ilişkileri ve sorunları ele alınmıştır.

Aile birleşimi ile entegrasyon arasındaki karmaşık ve etkileşimli ilişkiyi, istatistik verilerin ötesine geçerek, gerçek boyutuyla kavramak ve bu amaçla detaylandırılmış ve derin bilgiye ulaşmak için etnografik araştırma ile bireylerin bakış açılarına odaklanmanın büyük önem taşıdığı sonucuna varılmıştır.

Nitel araştırmanın genel durumu yansıtmadaki ve yaygın rerefanslara ulaşmaktaki kısıtlılıklarına rağmen, bu çalışma, açık bir şekilde savunulan Hollanda

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<sup>384</sup> Araştırmaya katılanların, çoğunluğu Orta Anadolu ve Karadeniz bölgelerinden olmakla birlikte, Türkiye'nin farklı bölgelerinden geldiği belirlenmiştir. Katılımcıların çoğunluğu kendisini din ve etnik kökenleri ile tanımlamaktadır. Bilinçli olarak Türk toplumu içindeki belirli bir dini mezhebe odaklanmamakla birlikte, katılımcıların büyük çoğunluğunun Sünni mezhebine mensup olduğu not edilmiştir.

ulusal politika hedefleri ile bunların sonuçları arasındaki uyumsuzluğu, araştırmaya katılan katılımcıların öznel perspektifinden ortaya koymaktadır.

### **Terminoloji**

Buradaki kullanımıyla entegrasyon, makro ve mikro düzlemlerde farklı aktörler tarafından kullanıldığı döneme bağlı olarak değişen ve farklı anlamları yansıtan (Bakınız Bölüm 2) kapsayıcı bir kavram olarak ele alınmıştır. Bu kavram; göçmenler, kurumlar ve göç alan toplumun bireylerinin çeşitli alanlarda uzun süreli, karşılıklı etkileşime dayanan bir uyum süreci olarak tanımlanmaktadır. Bu nedenle, entegrasyon her iki tarafın da sorumluluklarının olduğu çift yönlü bir süreç olarak algılanmaktadır. Bu sürecin bir tarafını göçmen toplumu, diğer tarafını ise göç alan ülke ve toplum oluşturmaktadır. Burada göçmen entegrasyonu, iki boyutta tartışılmıştır: Yapısal ve Sosyo-Kültürel. Çalışmanın ana kapsamı ikinci nesil göçmenler ve aile birleşimi olduğu için yapısal entegrasyon; iş gücü piyasasına katılım, eğitim, barınma, siyasal katılım ve yapısal ayrımcılık altında ele alınmıştır. Sosyo-kültürel entegrasyon ise; kurallar, gelenek ve yerli halkın değerlerine ilişkin bilgiye sahip olma ve saygılı davranmayı (kültürel alan), etnik gruplar arası sosyal ağ geliştirme yeteneğini ve sosyo-kültürel hayat ve sosyal kuruluşlara katılımı (sosyal alan), göç alan topluma ve yaşanılan ülke vatandaşlığına belirli bir derece bağlılık hissetmeyi, ikamet edilen ülkeye yönelik vatan hissi geliştirmeyi, ayrımcılığa maruz bırakıldığı ve kabul görmediği duygusunu (kimliksel alan) incelenmektedir. Literatürde evlilik ve eş seçimi sosyal entegrasyonla alakalı olarak yansıtılmış olsa da, konu bu çalışmanın ana odak noktası olması nedeniyle, entegrasyonun bir alanı olarak değerlendirilmemiştir.

Entegrasyon kavramı daha çok makro düzlemdeki analizler kapsamında, ulusötesicilik kavramı ise ağırlıklı olarak ikili kimlikler, dil becerileri, uyruklar ile göçmenlerin sınır ötesi bağları ve pratiklerine değinmek amacıyla mikro düzeyde ele alınmıştır. Hollanda, ulusötesiciliği entegrasyona engel ve hatta karşıt olarak değerlendirirken, göçmenler bu iki süreci birbirinden ayrı olarak algılamaktadır. Bu çerçevede araştırmaya katılan HinT'ler Hollanda'ya entegrasyonu ve ulusötesi kimlik ve eylemlerini, mutlaka birbiriyle çelişen ya da tamamlaması gereken süreçler olarak görmemektedir. Bu tezde, göçmenlerin ulusötesi kimlikleri ve pratikleri,

kendilerinin etnik kimlik tanımlamaları ve Türkiye ile olan bağları ve eylemleri kapsamında değerlendirilmiştir. Bu çerçevede “ulusötesi evlilik” kavramı HinT’lerin Türkiye’den yaptıkları evlilikleri anlatmak amacıyla kullanılmıştır.

Aile birleşimi sürecinin Türkiye’den eş seçen ve eşleri ile aile birliğini Hollanda’da sağlayan HinT’lerin bakış açısından ve hukuki ve politik yönlerine vurgu yapılarak incelenmesi nedeniyle, bu çalışmada aile birleşimi kavramı kullanılmıştır. Aile birleşimi kavramı, kefilin (HinT) aile üyeleri (çocukları ve ebeveynleri de dahil olmak üzere) ile yeniden biraraya gelmesini de kapsamına karşın, bu tezde aile birleşimi yalnızca evliliğin tarafları (karı-koca) çerçevesinde ele alınmaktadır. Ayrıca ABAD’ın aile birleşimi ile aile oluşumu arasında prensip olarak farklılaştırma yaratan bakış açısını yasaklayan kararı (C-578/08 Chakroun kararı) gereğince, aile birleşimi evlilik hayatının başladığı yer bağlamında kullanılmamıştır. Aile oluşumu ile aile birleşimi aksi belirtilmediği sürece aile birleşimi kavramı kapsamında ele alınmıştır. Hollanda hukuku çerçevesi kapsamında “kayıtlı birliktelik” (registered partnership) evlilik akdi ile yapılan birliktelik ile eşit görüldüğü için bu çalışmada aksi belirtilmediği sürece evlilik kavramı altında ele alınmıştır. “Ulusötesi evlilikler” ve “ulusötesi eş seçimi” kavramları, kısıtlı anlamda bireysel düzlemdeki analizlerde, Hollandalı Türklerin Türkiye’den, kendi etnik grubundan eş seçimlerini belirtmek için kullanılmıştır. “Evlilik yoluyla göçmen” (marriage migrant - huwelijksmigrant) kavramı aile birleşimi yoluyla göç eden eşi, “kefil” (sponsor) kavramı ise hali hazırda ülkede (Hollanda) ikamet eden ve yurtdışından evlenerek aile birleşimi sürecine giren kişiyi tanımlamak için tercih edilmiştir.

Hollanda’daki Türk (Turkish Dutch) kavramı bu çalışmada esas olarak kişilerin etnik kökenine veya vatandaşlığına gönderme yapmamaktadır. “Türk”, “Türk Göçmen”, “Türk toplumu”, “Türk kökenli” veya “Türkler” kavramları, bu çalışmada Türkiye kökenli bütün etnik grupları ifade etmek amacıyla kullanılmıştır. Buna ek olarak, Hollanda’da ikamet eden Türk kökenli birçok kişi, çifte vatandaşlığa

sahip olduğundan, vatandaşlık referans noktası olarak da alınmamıştır.<sup>385</sup> Bu durum esas olarak 1990'ların ortalarında Türk vatandaşlığına sahip kişilerin Hollanda vatandaşlığı almasına imkan sağlanması ve çifte vatandaşlığa ilişkin istisnai uygulamalardan kaynaklanmaktadır.<sup>386</sup> Hangi ülke vatandaşlığının seçileceği, HınT'ler açısından entegrasyonun belirleyicisi veya aidiyet hissinden ziyade pragmatik bir karardır (Mugge, 2011). Vatandaşlığın kazanımı ne Hollanda ne de AB perspektifinden göçmenlerin entegrasyonunun son aşaması olarak görülmektedir. Ayrıca, aile birleşimi düzenlemeleri, Türkiye'den bir kişiyle evlenen Hollanda ya da Türkiye Cumhuriyeti vatandaşları için aynı olduğundan, Hollanda vatandaşlığına sahip olma göçmen kökenlilerin kısıtlayıcı aile birleşimi kurallarından muaf olmalarını sağlamamaktadır.

Bu çalışmada, "ikinci nesil", erken çocukluk dönemlerinde (10 yaşından önce) Hollanda'ya gelen Hollanda'daki Türkler ile birinci nesil Türk göçmenlerin<sup>387</sup> Hollanda'da doğan ve büyüyen çocuklarını ifade etmektedir. Hollanda'ya 10 yaşından önce gelmiş olmak, çocukların geldiklerinde halen ergenliğe girmemiş olması ve Türkiye'den kendi sosyal çevrelerini Hollanda'ya taşıyamayacak yaşta olmaları nedeniyle kıstas olarak alınmıştır. Ayrıca Hollanda'nın bakış açısını yansıtan Hollanda resmi istatistiklerinin ikinci nesil göçmeni, ebeveynlerinden biri veya her ikisi de başka bir ülkede doğmuş Hollanda doğumlu kişiler olarak tanımladığının altının çizilmesi önemlidir. Bu tanımlama, ana olarak "yabancı kökenli" ("allochtoon") ve yerli –etnik Hollandalı– ("autochtoon") ayrımı yapan bakış açısından kaynaklanmaktadır. Bu çerçevede Hollanda hükümeti birinci nesil göçmenlerin Hollanda'da doğup büyüyen Hollanda vatandaşı çocuklarını da entegrasyon politikaları kapsamında değerlendirmektedir.

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<sup>385</sup> Hollanda İstatistik Bürosuna (CBS) göre Hollanda'da yaşayan Türk kökenli 395.000 kişiden 312.000 Türk kökenli kişi çifte vatandaşlığa (Türkiye-Hollanda) sahiptir.

<sup>386</sup> Evlilik yoluyla gelen göçmenler ve ebeveynlerinden en az biri başka bir ülke vatandaşlığına sahip olan çocuklar, ebeveynlerinin sahip olduklarını vatandaşlığın yanısıra Hollanda vatandaşlığını da almaya hak kazanmaktadırlar.

<sup>387</sup> İlk nesil Türk göçmenler Türkiye'den Hollanda'ya 10 yaşından sonra göç eden kişiler olarak tanımlanmaktadır.

## **Araştırmadan Elde Edilen Sonuçlar**

Aile birleşimi ve entegrasyon arasındaki etkileşimin, makro ve mikro düzlemdeki aktörlerin konulara ilişkin bakış açılarındaki farklılıklardan hatta karşıtlıklardan kaynaklandığı sonucuna ulaşılmıştır. Bakış açılarındaki farklılıkların şu konularda olduğu yorumlanmıştır: Göç politikaları ve entegrasyon, devlet çıkarı ve insan hakları, yabancının ülkeye giriş talebi ve mukimin manevi talebi, “entegrasyon için aile birleşimi” ve “aile birleşimi için entegrasyon ön koşulu”, süreç ve hedef olarak entegrasyon, hak temelli yaklaşım ve sorumluluk temelli yaklaşım ile entegrasyon ve ulusötesicilik. Çalışmada, bu karşıtlıklar konusunda, farklı aktörler arasındaki etkileşimlerin aile birleşimi ve entegrasyon arasındaki ilişkiyi belirlediği sonucuna ulaşılmıştır.

Makro düzlemde Hollanda'nın ana hedefi, Hollanda'da yaşayan Türk toplumunun entegrasyonunu teşvik etmek adı altında, evlilik yoluyla gelen göçmenlerin sayısını ve niteliğini kontrol altında tutmaktır. Bu nedenle ulusal düzlemde entegrasyon, HinT kefiller ve evlilik yoluyla gelen göçmenler için aile birleşimine bir koşul olarak öne sürülmektedir. Ancak bu durum, aile birleşimi konusunun mukimin manevi talebi olması ve liberal ulus devletlerin bu sorumluluklarını yerine getirmeleri gerekliliği nedeniyle makro düzlemde ulusüstü kuruluşlar tarafından sorgulanmaktadır. Bu tezde, aile birleşimi meselesinde devletin kendi toprakları üzerindeki politika yapımı ve uygulamasındaki egemenliğinin, hukuki anlamda bireyler tarafından Avrupa İnsan Hakları Sözleşmesi (AİHS) ve AB hukukundan doğan hakları çerçevesinde kısıtlanabildiği ortaya konmuştur. AİHM'in aile birleşimine dair pozisyonunu insan hakları ve devlet hakları karşıtlığına ilişkin duruşu belirlerken, AB'nin aile birleşimine ilişkin hukuksal pozisyonunun temelini ise göçmenlik konusunda AB üye ülkeleri arasındaki politika koordinasyonu ve bu politikaların uyumlaştırılması süreci oluşturmaktadır. Bu nedenle, birbirinden farklı hatta karşıt çıkarlarına ulaşmak amacıyla hem bireyler hem de ulusal hükümetler aynı AB mekanizmalarına başvurabilmektedir.

Mikro düzleme odaklanan araştırmanın ikinci bölümünde ise, Hollanda hükümetinin ileri sürdüğü, aile birleşiminin göçmenlerin entegrasyon sürecindeki “başarısızlıklarının” bir nedeni ve/veya sonucu olduğu savı, araştırmaya katılan

HinT'lerin kişisel bakış açılarıyla sorgulanmıştır. HinT kefillerin bakış açılarına göre, eş seçimi ve evlilik hayatı esas olarak kendilerinin ulusötesi hayatları ve aidiyetleriyle ilişkilidir. Bu kapsamda, birey seviyesinde entegrasyon ve ulusötesiciliğin mutlaka birbirini tamamlayan veya birbirine karşıt kavramlar olmadığı sonucuna varılmıştır. Saha araştırmasına katılan HinT'lerin, entegrasyon sürecini hayatlarının kamusal alanıyla, ulusötesiciliği ise hayatlarının özel alanıyla ilişkili olarak değerlendirdikleri ortaya konmuştur. HinT kefillerin, sert asimilasyonist politikalar ve kısıtlayıcı aile birleşimi düzenlemeleri neticesinde kendilerini daha fazla ayrımcılığa uğramış ve dışlanmış hissettikçe, entegrasyon süreçlerinin daha fazla zarar gördüğü ve ulusötesi kimlik ve eylemlerine ikamet ettikleri ülkede bir hayatta kalma stratejisi ve yukarıya doğru toplumsal hareketlilik olarak değerlendirerek daha sıkı sarıldıkları fark edilmiştir. Bu bakımdan, HinT'lerin ulusötesi evliliklerine yönelik Hollanda'nın görüşünün esas olarak Hollanda'nın liberal norm ve değerlerinin tam karşıtı olarak gösterilen oryantalist İslam kültürü imajı ile şekillendirilmiş, kültürel anlam yüklü ulusal inanış ve bakış açılarına dayandırıldığı sonucuna ulaşılmıştır.

Mikro ve makro düzlem analizleri sonucunda, aile birleşimi ile entegrasyon arasındaki etkileşimleri ile ilgili HinT'ler bağlamında varılan genel sonuçlar aşağıda belirtilmektedir.

### ***Aile Birliği Hakkı ya da Aile Birleşimi Hakkı***

Aile birleşimi, göçmenlerin insani ve ahlaki bir talebi (moral claim) olarak yorumlanmaktadır (Carens, 2003). Bu çerçevede, göçmenlerin aile birleşimi ise, liberal devletlerin etik yükümlülüğü çerçevesinde değerlendirilmektedir. Ancak devletlerin aile birleşimi ile ilgili takdir yetkisi herhangi bir insan hakları temelli anlaşma tarafından sınırlandırılmamıştır. Bunun, insan hakları anlaşmalarının düşük onaylanma oranları, yaptırım mekanizmalarının eksikliği ve tanımların belirsizliğinden kaynaklandığı düşünülmektedir. AİHS, aile birliği hakkını temel insan hakkı olarak değerlendirmektedir. Buna rağmen, AİHM'in içtihatları incelendiğinde, aile birliği hakkının özellikle eşlerin birleşimi bağlamında doğrudan mutlak hak olarak tanımlanmadığı tespit edilmiştir. Bu nedenle, devletlere, topraklarına kabul edeceği yabancılara dair çok geniş bir takdir hakkı

bırakılmaktadır. AB hukuku çerçevesinde aile birleşimi, koşullu hak olarak tanımlanmaktadır. Buna rağmen diğer uluslararası mekanizmalarla karşılaştırıldığında, AB bugün için aile birleşimi alanında geniş bir yetki alanına ve ulusal hükümetlerin kısıtlayıcı politikalarını sınırlandırma kapasitesine sahiptir. 2003/86 sayılı AB Direktifi uygulamaya konulduğu ilk yıllarda, kısıtlayıcı aile birleşimi düzenlemelerinin yatay yayılımı şeklinde sonuçlansa da bugünlerde Direktif mevcut koşulların kötüleştirilmesini yasakladığı için ulusal hükümetleri sınırlandırabilmektedir.

#### *Asimilasyonist Politika - Tepkisel Özdeşleştirme*

Soğuk Savaş sonrasında, diğer Avrupa ülkelerine benzer şekilde, Hollanda ve Hollanda toplumu da varlığını ve liberal değerlere bağlılığını devam ettirebilmek amacıyla genel olarak komünizm ve özel olarak Sovyet Sosyalist Cumhuriyetler Birliği üzerinden inşa edilen “tehdit” yerine yeni bir “öteki” tanımlama gereksinimi duymuştur. Medeniyetler çatışması kalıbıyla sunulan bu genel anlayış içinde, Hollanda için “yeni öteki”, diğer çoğu batılı ülke gibi, batılı olmayan Müslüman göçmenler olarak varsayılmıştır (Anthias, Kontos, & Morokvasic-Müller, 2013). İslam, batılı liberal ve demokratik değerlerle uyumlu olamayacak bir din olarak görülmüştür ve gösterilmiştir. Müslüman göçmenlerin kültürü; geleneksel, durağan, ataerkil ve baskıcı olarak resmedilmiştir. Müslüman göçmenlerin kültürünün bu oryantalist sunumu, Müslüman kadınları bağımsızlıklarının olmadığı baskıcı bir kültürün kurbanları olarak yansıtan bir görüntü ortaya koymuştur.

Bu dönemde, asimilasyonist Hollanda entegrasyon politikası, Müslüman göçmen toplumları “liberalleşirmeyi” ve Müslüman kadınları özgürlüklerine kavuşturmayı öncelik olarak almıştır. Bu açıdan, bu çalışma, “liberal” amaçlar (zorla evlendirmelerin ve kadına yönelik şiddetin önüne geçilmesi) adına Hollanda tarafından “liberal olmayan” araçların meşrulaştırıldığını iddia etmektedir. Bu liberal olmayan araçlar hem asimilasyonist entegrasyon politikalarını hem de kısıtlayıcı aile birleşimi kurallarını kapsamaktadır. Bu çerçevede, ikinci nesil Müslüman göçmenlerin göç ettikleri ülkeden bir eş ile gerçekleştirdikleri evlilikler, Hollanda hükümeti tarafından batılı liberal kültürün karşıtı olarak değerlendirilen oryantalist İslam kültürünün sonucu olarak görülmektedir. Bu çerçevede aile birleşimi entegrasyon

hedefine ulaşmalarındaki “başarısızlıklarının” hem sonucu (ürünü) hem de nedeni (üreticisi) olarak yorumlanmaktadır. 2000’li yıllarda Hollanda hükümeti tarafından aile birleşimi, entegrasyon sürecini engelleyen ve liberal değer ve normlara, sosyal bütünlüğe ve entegrasyona tehdit oluşturan bir unsur olarak tasvir edilmiştir. Bu açıdan çalışmada Hollanda hükümetinin izlediği, göçmenlerin Hollanda’nın liberal değerlerine erişmesi ve entegrasyon sürecinde sorumluluklarını yerine getirmesi amacıyla kısıtlayıcı aile birleşimi uygulamaları, bir neoliberal paternalizm örneği olarak değerlendirilmiştir.

Bu çalışmada, Hollanda’nın politikalarındaki asimilasyonist dönüşümün ve Hollanda hükümetinin neoliberal paternalist bakış açısının, araştırmaya katılan HinT’ler üzerinde açıkça ifade edilen politika hedeflerinin “tersi” bir etki yarattığı ve etnik bağlarını ve kimliklerini tetiklediği sonucuna ulaşılmıştır. Bu durum ayrıca, etnik Hollandalı’ların ayrımcı uygulamalara karşı bir meşru müdafı mekanizması olarak tepkisel ulusötesici ve özdeşleştirme sürecini doğurmuştur. HinT kefillerin Türkiye’den etnik eş seçimlerinin temelde içsel (kişisel-self) ve dışsal (tepkisel özdeşleştirme) özdeşleşme süreçlerinin sonucu olduğu kanısına varılmıştır. HinT’lerin eş seçimlerinde kültürel benzerlikler konusunda sadece dil ve dini dikkate almadığı, aynı zamanda, ebeveynlerinin memleketleriyle bağlantılı norm ve değerleri de önemsedikleri sonucuna ulaşılmıştır. Araştırmada, katılımcı HinT’lerin, genellikle Hollanda’da yetişmiş etnik karşı cinslerini “Batılılaşmış” ve “Hollandalılaşmış” buldukları ve Hollanda içinden etnik evliliklere karşı bir ön yargı geliştirdikleri tespit edilmiştir. Ayrıca Hollanda’da düşük seviyede kabul gördükleri algısından kaynaklanan tepkisel özdeşleştirme (reactive identification) sürecinin, Hollanda’daki Türk toplumu içinde etnik kapanma ve sosyalleşmeye yol açtığı gözlenmiştir. Buna karşın, HinT’lerin ulusötesi ve etnik bağları ile kimliklerinin özellikle Hollanda toplumuna entegrasyonları ile çelişkili olmadığı da saptanmıştır. Tam aksine, bu kendini korumanın, Hollanda toplumuna entegrasyonu kolaylaştırma ve toplumsal hayata katılma konularında genel bir strateji olarak hizmet edebildiği sonucuna varılmıştır. Çalışmada, entegrasyon sürecinin sorumluluğunu göçmene bırakan Hollanda’nın neoliberal politikası uyarınca, göçmenlerin, genellikle

Hollanda toplumu içinde yukarı doğru hareketlilik (upward mobility) için işbirliği seçeneklerini değerlendikleri ve dayanışma içinde hareket ettikleri gözlenmiştir.

### *Hakların ve Üyeliklerin Katmanlaşması-Ayrımcılık*

Hollanda'nın kültürel ve ekonomik anlam yüklü aile birleşimi düzenlemeleri, Hollanda vatandaşları arasında Hollanda toplumuna üyeliğin katmanlaşmasına yol açmaktadır. Zorla evlendirmeleri engellemek amacıyla aile birleşimi için minimum yaş şartının 21'e yükseltilmesi erken yaşlarda evliliklere olan kültürel eğilimleri dolayısıyla temel olarak Müslüman vatandaşları hedef almakta ve bu durum Hollanda toplumunda kültürel üyelikle uyumsuzluk sonucunu doğurmaktadır. Minimum yetişkin geliri seviyesindeki gelir şartı ve bir yıl iş sözleşmesi koşulu sosyo-ekonomik anlamda üyeliğin katmanlaşmasına yol açmaktadır. Buna ek olarak, Hollanda'nın Hollanda toplumuna üyelik için belirli ülkelerden evlilik yoluyla gelen göçmenlere koyduğu yurtdışı entegrasyon sınavı uygulaması ve bu sınavın içeriği göz önüne alındığında, göçmenlerin Hollanda tarafından sosyo-ekonomik ve etnik kültürel anlamda üyeliklerinin katmanlaştırıldığı şeklinde değerlendirilmektedir. Hollanda toplumuna üyelikte bu katmanlaşmalar, refah devleti (welfare state) pozisyonundan çalıştırmacı devlete (workfare state), hak temelli bakış açısından sorumluluk temelliye, yapısal boyutu önceliklendirmeden sosyo-kültürel olana doğru göçmen entegrasyon politikalarındaki değişimin çıktılar biçiminde yorumlanabilmektedir. Bu çalışmada, Hollanda toplumuna üyelikteki sosyo-ekonomik ve sosyo-kültürel endişeler üzerine inşa edilen bu katmanlaştırmanın HinT kefillerinde düşük seviyede kabul edilmişlik algısına neden olduğu ve ayrımcılığa uğradığı hissi yarattığı sonucuna varılmıştır.

AB'nin göç konusunda politika yapıcı sistemi de farklı hukuki kategorilerde aile birleşimi haklarının parçalanmasına ve farklılaşmasına yol açmaktadır (AB vatandaşları, AB üyesi ülkelerin serbest dolaşım hakkını hiç kullanmamış olan vatandaşları, üçüncü ülke vatandaşları ve Türk vatandaşları). Serbest dolaşım hakkını hiç kullanmamış olan Hollanda vatandaşları AB hukukunun görev alanında değerlendirilmemektedir. Bu nedenle, bu kişiler AB hukukuna göre daha kısıtlayıcı olan ulusal düzenlemelere tabidir (tersine ayrımcılık- reverse discrimination). Türk vatandaşlığına sahip olan HinT'ler ise aile birleşimi konusunda AB hukuki sistemi

kapsamında değerlendirilebilmekte ve Türkiye-AB Ortaklık Hukuku'ndan kaynaklanan ayrıcalıklı statüden yararlanabilmektedir. Bu, Türk vatandaşlığına sahip HinT'lere Hollanda'nın kısıtlayıcı aile birleşimi kural ve uygulamalarını hukuki anlamda kısıtlayabilme kapasitesi sağlamaktadır. Bu çerçevede, HinT'ler, Türk vatandaşlığına da sahip olmalarından dolayı daha iyi haklara ve imkanlara sahip olmaktadırlar. AB'nin ortaya koyduğu hukuki çerçeve nedeniyle hakların katmanlaşmasının, Türk vatandaşları için daha liberal olanaklar sağladığı ve Türk vatandaşlığı ve ulusötesi kimliklerine olan bağlılık duygularının daha da güçlenmesine neden olduğu sonucuna varılmıştır.

#### *Ulusötesicilik ve Entegrasyon Arasındaki İlişkide Farklı Algular*

Hollanda, asimilasyonist entegrasyon bakış açısıyla, HinT'lerin ulusötesi kimlik ve eylemlerini, entegrasyon süreçleri çerçevesinde “sorunlu” olarak değerlendirmektedir. Ulusötesi kimlikler ve eylemler, HinT'lerin Hollanda toplumuna entegrasyon sürecinin “başarısızlığının” nedeni ve sonucu olarak algılanmaktadır. Aile birleşimi de Hollanda hükümeti tarafından HinT'lerin ulusötesi kimliklerini yansıtan ulusötesi eylemler olarak sorunsallaştırılmaktadır. AİHM de benzer bir bakış açısına sahiptir. AİHM entegrasyon kavramına sadece sınır dışı davalarında değinmiş ve içtihatında entegre olmuş yabancıların sınır dışı edilmesinin temel insan hakları ihlali olarak değerlendirilip değerlendirilemeyeceğini ele almıştır. AİHM'in değerlendirmeleri, sınır dışı etme durumlarında yabancıların menşei ülkeye olan entegrasyon kapasitesine dikkat çekmektedir. Buna karşın, bu durum AİHM'in oturum kararları ve yabancıların ülkeye kabulü çerçevesinde ulusal yargıyı kısıtlmaya yönelik isteksizliği olarak da yorumlanabilmektedir. Böyle durumlarda Mahkeme, söz konusu kişinin gidebileceği ve kolayca entegre olabileceği başka bir ülke olup olmadığını incelemektedir.

AB'nin göçmen entegresyonunu çift taraflı bir süreç olarak gören açık referansı uyarınca, göçmenlerin ulusötesi kimlikleri ve eylemleri mutlaka göçmenlerin entegrasyonu ile ilişkili değildir. Bu çalışmada, ABAD'ın Türk vatandaşlarına yönelik aldığı kararların incelenmesi sonucunda, AB'nin, AB ülkelerinde yaşayan Türk vatandaşlarının ulusötesi kimlik ve eylemlerini yaşadıkları

ülkeye entegrasyonlarından ayrı bir süreç olarak gördüğü ve onlara ulusötesi kimliklerini ve eylemlerini güçlendiren haklar sağladığı sonucuna varılmıştır.

### *Yapısal Çerçeve Etkileşimler*

Bu tezde, aile birleşimi ile entegrasyonun yapısal boyutu arasındaki etkileşimin, temel olarak göçmenlerin iş gücü piyasasındaki durumu, eğitim hayatı ve siyasal katılım ile ilişkili olduğu sonucuna ulaşılmıştır.

Öncelikle, aile birleşimi için gelir miktarı şartı ve iş sözleşmesi koşulu, kefillerin iş gücü piyasasına katılımını arttırmayı amaçlasa da bunun hedefine ulaşmadığı belirlenmiştir. HinT'lerin iş gücü piyasasına katılımının artışı, özellikle HinT kadınları için geçicidir. Buna ek olarak, istihdamları durumunda işverenin sorumluluğu olan vergi ve diğer mali yükümlülükleri ödeme yoluyla ayarlanan kurmaca iş sözleşmeleri de (fictitious contract) HinT'lerin gerçek gelirlerinde azalmaya neden olmaktadır. Ayrıca, aile birleşimi için konulan gelir şartı ve iş sözleşmesi koşulu, çaresizlikleri nedeniyle HinT'leri sömürülmeye açık hale getirmektedir. Böyle durumlarda, koşulları yerine getirebilmek için HinT'lerin emeklerinin karşılığında daha azına razı olduğu veya daha uzun saatler çalışmayı kabul etmek durumunda kaldığı ve/veya etnik işverenlerin kendisi ödemesi gereken bazı mali sorumlulukları da bizzat yüklenmek zorunda kaldığı sonucuna varılmıştır. Böylece uzun vadede, HinT'ler gelir şartını sağlamak için kendi standartlarının altında iş sözleşmeleri yaptığından iş gücü piyasası da olumsuz etkilenmektedir. İkinci olarak, HinT kefilleri aile birleşimi için gerekli olan gelir şartı ve iş sözleşmesi koşulunu yerine getirebilmek amacıyla okullarını bırakmakta veya öğretim yaşamlarına devam etmemektedirler. Bu durum uzun vadede HinT'lerin iş gücü piyasasındaki konumlarını olumsuz anlamda etkilemektedir. Bu çerçevede, kısıtlayıcı aile birleşimi düzenlemelerinin, hem Hollanda hükümetinin hem de araştırmaya katılan Türk toplumunun bakış açısına göre HinT'lerin yapısal entegrasyon sürecini engelleyeceği sonucuna varılmaktadır.

Üçüncü olarak, HinT'lerin aile birleşimi sürecinde yaşadıkları olumsuz deneyimler, ayrımcılığa uğramış ve dışlanmışlık hissi ve evlilik hayatı ile artan sorumlulukların, HinT'lerin Hollanda'daki siyasal katılımını "olumlu" etkilediği bulgusuna ulaşılmıştır. HinT'lerin genellikle göçmen karşıtı olmayan ve islamofobik

hassasiyetleri olan partilere veya Türk adaylara oy verdikleri görülmektedir. Bu durum, evlendikten ve çocuk sahibi olduktan sonra Hollanda'daki geleceklerine dair duydukları kaygının sonucu olarak yorumlanmaktadır.

#### *Sosyo-Kültürel Çerçevedeki Etkileşimler*

Bu çalışmada, Hollanda politika yapımı çerçevesinde, aile birleşimi ve entegrasyonun temel olarak kimlik politikaları ile ilgili olduğu iddia edilmektedir. Bu çerçevede, aile birleşimi politikalarının etkisi ve sosyo-kültürel alandaki kaygıların, HinT'lerin Türkiye'den eş seçimlerindeki rolü ile ilgili değerlendirmeler kaçınılmaz olarak entegrasyonun sosyo-kültürel boyutuyla ilgili konulara odaklanmaktadır.

#### *Sosyal İlişkiler ve Yakın Sosyal Ağ*

Bu tezde, aile birleşiminin yasal süreçleri boyunca HinT'lerin yeni başlayacakları yaşamlarını şekillendirmek ya da hali hazırda sahip oldukları sosyal hayata devam etmek yerine sadece katı aile birleşimi kurallarını yerine getirmeye odaklandıkları sonucuna varılmıştır. Araştırmaya katılanlar tarafından aile birleşimi sürecinde etnik içe kapanma ile ilgili altı ana sorun ön plana çıkartılmıştır: (1) Fazla iş yükü ve kısıtlı boş zaman, (2) aile birleşimi sürecinde işbirliğine duyulan ihtiyaç, (3) haklarına ilişkin bilginin yayılması ve haklarının uygulanması, (4) şartları yerine getirmek için gerekli yöntemleri öğrenme, (5) başta gelir şartı olmak üzere aile birleşimi şartlarını karşılarken sergilenen etnik/aile içi dayanışma, (6) önceki tecrübeleri dinleyerek elde edilen rahatlama hissi.

Saha çalışmasıyla, HinT kefillerinin evlilik hayatı içinde etnik gruplar arası sosyal ağlarının zayıflaması, temelde, hem evlilik hayatı hem de eşlerinin Hollanda'daki sosyal ve yapısal hayata katılımının kısıtlılığında kaynaklanan artan sorumlulukları ile ilişkilendirilmiştir. Bunlara ek olarak, etnik gruplar arası sosyal aktivitelerin azalmasının, evlilik yoluyla gelen göçmenin Hollandaca konusundaki yetersizliği, evlilik hayatına dair göçmenlerin kültürel algıları, uzun mesafe ilişkisi sonrasında gerçekleştirilen evlilikler ile de ilgili olduğu sonucuna varılmıştır. Bu çerçevede, Hollanda tarafından sunulan entegrasyon imkanlarındaki kısıtlamaların (özellikle dil kursları ve meslek edindirme kurslarının özel sektör tarafından

yürütülmesi ve maddi boyutu göçmenin karşılamasının beklenmesi), evlilik yolu ile gelen göçmenin Hollanda'daki yeni hayata alışma sürecinde kendi etnik grupları, aile bireyleri ve eşlerinin yardımına ihtiyaç duymasına yol açtığı gözlenmiştir. Bu durumun etnik sosyal bağların kuvvetlenmesinde büyük rol oynadığı değerlendirilmektedir. Evlilik yoluyla gelen göçmen, öncelikle Hollanda'daki Türk toplumuna entegre olduğu sonucuna varmıştır. Aynı zamanda evlilik yolu ile gelen göçmenin, başta HinT kefiller olmak üzere diğer aile üyelerinin de Hollanda'daki Türk toplumu ile ilişkilerinin güçlenmesine neden olduğu gözlenmiştir.

#### *Ataerkil İlişkiler ve Karşılıklı Bağımlılık*

Araştırma çerçevesinde, Hollanda'nın ebeveynlerin eş tercihlerine müdahalesinin sınırlandırılması ve kadınların özgürlüğüne kavuşturulması endişesinin, günümüz şartlarında saha çalışması çerçevesindeki Hollanda'daki Türk toplumu açısından bir karşılığının olmadığı, bu nedenle de kısıtlayıcı aile birleşimi politikasına meşruiyet sağlayamayacağı sonucuna ulaşılmıştır. Saha araştırması, eş seçiminde ebeveynlerinin müdahalesi konusunda daha önceki çalışmaları onaylar nitelikte olmasına rağmen, zorla evliliklerin artık Hollanda'daki Türk toplumunun gündeminde olmadığını göstermiştir. Bu durumun, HinT'lerin, kendilerini toplumcu (collectivistic) ve bireyci (individualistic) kültürlerin arasında konumlandırmasından kaynaklandığı yorumlanmaktadır. HinT'ler maddi anlamda bağımsız, duygusal anlamda ise karşılıklı bağımlı özerk bireyler olarak değerlendirilmekte, dolayısıyla ebeveynlerini kendi eş seçimi konusunda ikna edebilecek olanak ve güce sahip buldukları düşünülmektedir. Ebeveynlerin namus ile ilgili kültürel kaygıları ve göç ortamında kızlarıyla kurdukları karşılıklı duygusal bağımlılık ilişkisi nedeniyle, ebeveynler genellikle kızlarının eş seçimine 'aşıkları ile kaçma' ihtimallerini önlemek amacıyla karşı çıkmamaktadır.

Bütün bunlara rağmen, HinT kefilleri ile ebeveynleri arasındaki bağıllığın ve ataerkil ilişkinin, Hollanda'daki konut yetersizliği yüzünden ebeveynle aynı evi paylaştıkları için aile birleşimi sonrasında kendisini fiilen yeniden ürettiği sonucuna ulaşılmıştır. Bu nedenle, evlilik yoluyla gelen göçmen, kendisini kayınvalide ve kayınpederini baskısına karşı korumasız hissedebilmektedir.

### *Aile Birleşimi için Ulusötesi Bağlar*

Görücü usulü evlilikler ile akraba evliliklerinin de, HinT'lerin ulusötesi eylemlerinin çeşitliliğinin azalmasının sonucu olabileceği değerlendirilmektedir. Buna ek olarak, bu tür evliliklerin HinT'lerin Hollanda'da oturma iznine sahip bir kişi olarak algılanarak çıkar amaçlı bir evlilik mağduru olma kaygısından da kaynaklandığı düşünülmektedir. Bu nedenle HinT'lerin Türkiye'den yaptıkları evliliklerinde kim olduğundan emin olmadıkları eşten daha çok, tanıdık veya akraba ile evlenmeyi "güvenli" bir ilişki kurmanın en uygun yolu olarak gördüğü not edilmiştir. Ulusötesi evliliklerde evlilik öncesi flört aşamasının eksikliği nedeniyle HinT'ler, genellikle, eş seçimi konusunda aileleri veya akrabalarının da onayına ihtiyaç duymaktadır. Bu çerçevede eş seçimi konusundaki duygusal sorumluluğu da aileleri ile paylaştıkları gözlenmiştir.

Son olarak, araştırmaya katılan bazı HinT erkekleri için Türkiye'den bir eş ile evlenme motivasyonunun, geri dönüş planları için uyguladıkları bir strateji olduğu tespit edilmiştir. Bazı HinT'ler, Hollanda'da ayrımcılığa uğramışlık algısı ve dışlanmışlık hissini yüksekliği ve Türkiye'ye ilişkin zihinlerinde idealleştirdikleri imaj nedeniyle, eşlerinin yardımı ile ulusötesi bağlarını güçlendirerek, geri döndüklerinde Türkiye'deki yaşama uyumlarını kolaylaştırmayı amaçlayarak evlendikleri farkedilmiştir.

### *Eş Seçimi: Aşk ya da Rasyonel Endişeler*

HinT'lerin Türkiye'den yaptıkları eş seçimleri her ne kadar aşk ilişkisinden daha çok akılcı endişelerin sonucu olarak algılsa da, bu araştırmadaki bulgular tersini işaret etmektedir. Türkiye'den eş getirmenin büyük maddi manevi sorumlulukları ve ailede göç yoluyla evliliklerde yaşanan kötü tecrübeler nedeniyle, katılımcıların birçoğu, özellikle kadınlar, eşleriyle tanışmadan önce Türkiye'den biri ile evlenmeye istekli olmadıklarını hatta karşı çıktıklarını söylemişlerdir. Bu kişiler akılcı endişelerini aşık olduktan sonra terk ettiklerini de açıklamışlardır.

### *Aile İçindeki Roller*

Literatürde genellikle kadın kefil ve evlilik yoluyla gelen erkek göçmenden oluşan ailelerde cinsiyet rolleri ve bağımlılıkların tersine çevrildiği iddia

edilmektedir (Strasser, Kraler, Bonjour, & Bilger, 2009; Timmerman, 2006). Ancak bu arařtırmada, kadın kefil ve evlilik yoluyla gelen göçmen erkekleri ilgilendiren aile içindeki cinsiyet rollerinin tersine çevrilmesi durumunun geçici bir mesele olduđu ortaya konulmuřtur. Kadın kefilin Hollanda'da sahip olduđu etnik ağların da yardımıyla evlilik yoluyla gelen göçmen erkek en geç iki veya üç yıl içinde tam ve aktif olarak iş gücü piyasasına katılmaktadır. Bu kapsamda, erkek aile içindeki rolü yeniden kazanabilmekte, en azından ikili aile reisi modeli (dual bread winner model) etkili hale gelmektedir.

HinT erkeklerinin gerçekleřtirdikleri ulusötesi evliliklerin ise en bařtan itibaren geleneksel toplumsal cinsiyet rollerini geliřtirdiđi ve yeniden ürettiđi sonucuna ulařılmıřtır. Yine de bu arařtırmadaki saha çalıřması bulguları, bu durumunun genellikle evlilik yoluyla gelen göçmen kadının dil kursları aracılıđıyla sosyal yařam ve iş gücü piyasasına entegrasyonunu sađlayacak imkanların eksikliđinden kaynaklandıđını göstermektedir. Daha önce Hollanda hükümeti tarafından finanse edilen Hollanda entegrasyon sınavına katılmak zorunlu tutulmuř ve uygulamadaki baskıcı tutum nedeniyle sıkıntılar yařanmıřtır. Daha sonra, Türkiye-AB Ortaklık Hukuku'nun Hollanda mahkemeleri tarafından yorumu neticesinde, entegrasyon kurslarına katılma ve sınavı geçmek zorunluluđu Türk vatandaşları için kaldırılmıřtır. Bu karar sonucunda, Hollanda hükümeti entegrasyon kurslarını Türk vatandaşları için ücretli hale getirmiřtir. Bu durum, sorumluluđu tamamen bireye yükleyen Hollanda'nın entegrasyon hedefindeki samimiyetinin sorgulamasına yol açmaktadır.

### **Gelecek Projeksiyonu ve Arařtırma Konuları**

Asimilasyonist entegrasyon politikalarına sahip ülkeler için, aile birleřiminin gelecekte de önemli bir siyasi kaygı kaynađı olacađı ve hukuki çerçevede hem ulusal hem de uluslararası hukukta daha sık gündeme geleceđi öngörülmektedir. Bu deđerlendirmenin temel dayanakları arasında; 2012'den bu yana Avrupa'yı hedef alan küresel mülteci krizi, AB hukuki çerçevesinin uygulamada neden olduđu karmařa ve AB üyesi ülkelerin göçmenlerin niteliđini ve niceliđini kontrol altında tutma isteđi sayılabilir. Bu ortamda, AB üye devletlerin Aile Birleřimi Direktifini (Direktif 2003/86) sertleřtirebilmek ya da kapsamını daraltabilmek için yeni

girişimleri olacağını kestirmek de mümkündür. Bu çerçevede, üçüncü ülke vatandaşı mukimlerin yanı sıra AB vatandaşlarının aile birleşimine ilişkin de kısıtlamalar getirilebileceği düşünülmektedir. Zira mevcut durumda birçok ülkede, aile birleşimi kuralları serbest dolaşım hakkını kullanmamış AB üye devletlerinin vatandaşlarının ana vatanlarında ‘tersine ayrımcılığa’ uğramasına neden olmaktadır.

Bunlara ek olarak, ulusal düzlemde kısıtlayıcı aile birleşimi kurallarının Türk vatandaşlarını da kapsayacak biçimde uygulanmasına yönelik başlatılacak hukuki süreçler neticesinde Türk vatandaşlarının birçok kısıtlayıcı uygulamadan muaf tutulabileceği değerlendirilmektedir. Hollanda örneğinde özellikle MVV (Hollanda’ya ilk uzun süre giriş vizesi-geçici oturma izni) ve en düşük yetişkin gelir seviyesi miktarında gelire sahip olma koşullarının, Türk vatandaşlarının Türkiye-AB Ortaklık Hukuku’ndan kaynaklanan haklarını ihlal ettiği sonucuna varılmıştır.

Tez ile elde edilen sonuçlar ve gelecek projeksiyonu dikkate alındığında, aile birleşimi sorununun akademik çalışmalara daha fazla konu olacağı düşünülmektedir. Özellikle HinT’lerin Hollanda içinden etnik eş tercihlerinin entegrasyonlarına etkisi, 1980’lerden bu yana Türk vatandaşlarının AB ülkelerinde sahip oldukları en iyi hakların tespitine yönelik çalışmalar, HinT’lerin ulusötesi evliliklerinde aile birliğinin Türkiye’de sağlanması durumunda aile birleşimi ile entegrasyon ilişkisi, aile birleşimi sürecinin cinsiyete göre değişen etkileri ve göçmen entegrasyonu bağlamında asimilasyonist politikalar ile tepkisel özdeşleştirme süreci arasındaki ilişki ile ilgili çalışmalara ihtiyaç duyulduğu değerlendirilmektedir.

Sonuç olarak, Türk vatandaşlığına sahip HinT kefiller, Türkiye-AB Ortaklık Hukuku’ndan kaynaklanan ve kötüleştirilmesi mümkün olmayan haklara sahiptir. Hollanda ve diğer AB ülkelerinde yaşayan Türk vatandaşları, aile birleşiminin yanı sıra yaşamlarının başka alanlarında da bu ayrıcalıklı haklardan faydalanabilmektedir. Ulusal düzeyde bu haklara yönelik herhangi bir değişiklik veya kısıtlama girişi, AB düzeyinde bu hakların yeniden doğrulanması, Hollanda’da yaşayan Türklerin etnik kimliklerini yeniden anımsaması ve ulusötesi kimliklerini tekrar ve tekrar konsolide etmeleri sonucunu doğurmaktadır. Öte yandan, Hollanda, örtülü ve açık asimilasyonist eğiliminin bir sonucu olarak, göçmenlerin ulusötesi özdeşleşme (transnational identification) sürecini

entegrasyondan uzaklaşma olarak algılamaktadır. Bu durum, “ayrışma tehlikesine” (danger of disintegration) karşı aile birleşimi düzenlemeleri gibi yeni paternalist önleyici ve kısıtlayıcı uygulamalar geliştirilmesine neden olmakta, bu önlemler ise HinT’lerin ulusötesi özdeşleşme süreçlerine ivme kazandırmakta ve Hollanda toplumuna entegrasyonlarına ket vurmaktadır. Son olarak, birbirini “olumsuz” tetikleyen bu etkileşim sürecinin yarattığı kısır döngünün, çok köklü bir değişim olmazsa ki pek mümkün görünmüyor, gelecekte de kritik toplumsal gerilim kaynağı olacağını söylemek zor değil.

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