

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (78) 33

ON THE REUNION OF FAMILIES OF MIGRANT WORKERS IN COUNCIL OF EUROPE MEMBER STATES ^{1,2}

*(Adopted by the Committee of Ministers on 8 June 1978
at the 289th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that the family constitutes the basic unit of society and that the right to found a family and to share family life with its members should be safeguarded ;

Stressing the grave nature of the social, human and moral problems which arise when the members of a family are separated ;

Having regard to the provisions of Article 1 of the Statute of the Council of Europe and guided by Articles 16 and 19 of the European Social Charter, Articles 8 and 14 of the European Convention on Human Rights, Article 2 of the fourth Protocol to that Convention and Article 12 of the European Convention on the Legal Status of Migrant Workers ;

Noting that the situation of migrant workers in the host country presents serious problems from the point of view of family reunion ;

Recalling the recommendations contained in the Resolutions already adopted, and particularly in Resolutions (69) 8, (70) 35, (69) 7 and (74) 14 on low-cost housing, the schooling of migrant workers' children, the return to the home country, and the situation of migrant workers and their families in Europe, as well as those contained in Resolution (76) 12 on the school career and health record ;

Considering that it is desirable, in order to facilitate the reuniting of migrant workers with their families, that the immigration and emigration states should take the measures listed below, while retaining those provisions already embodied in internal legislation and international agreements which are more favourable to migrant workers,

Recommends that the governments of member states :

A. be guided, as regards the reuniting of migrant workers' families, by the following general principles :

1. The reuniting of a migrant worker's family should be recognised in the internal legislation. With due regard for the preservation of public policy ("ordre public"), national security or morals, its exercise should not be made dependent on conditions which make it impossible ;

1. When this resolution was adopted, the Representatives of the *United Kingdom* and of the *Federal Republic of Germany*, acting in accordance with Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of their Governments to comply with it or not.

2. When this resolution was adopted, the Representative of *Austria*, acting in accordance with Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of her Government to comply with paragraph B.1.a or not.

2. The administrative procedures concerning the admission of members of the family should be kept as simple as possible ;

3. The principle of freedom of departure and return for members of a migrant worker's family should be recognised in legislation of the emigration states ;

B. take the following specific measures :

1. *With regard to the admission of the members of migrant workers' families*

a. Allow migrant workers to be joined by their spouse and dependent minor children and, when justified on humanitarian grounds, by dependent members of the family, particularly their ascendants and those of their spouse who are elderly and isolated in the country of origin, and consequently provide them with the necessary residence permits ;

b. Observe, for the purpose of family reunion, the following limits on conditions governing the admission of members of the family :

i. When a waiting period is required, this should be reduced to a minimum and must not exceed twelve months, it being understood that measures should be taken to dispense with this condition as soon as circumstances permit ;

ii. Housing quality requirements should be limited to those regarded as normal by national workers in the region where migrant workers are employed ;

iii. When the family reunion is subject to conditions concerning the employment of the migrant worker, these can relate only to the capacity to provide for the needs of the family from stable and adequate resources, excluding unemployment benefit ;

iv. If a medical examination is required for members of the family exercising the reunion, its sole purpose must be the detection of illnesses representing a danger to public health or public policy ("ordre public") ;

c. Adopt the following specific measures to facilitate family reunion :

i. When legislation or practice requires an application form, the migrant worker should be required to give only information relevant to family reunion ;

ii. To favour, in both the country of origin and the host country, any measures likely to reduce the travelling and settling-in expenses incurred by the members of the family when they are reunited;

d. Provide the members of the family with work permits in so far as the state and evolution of the labour market allow;

2. *With regard to the housing of the migrant worker's family*

Ensure for migrant workers the same access as nationals to low-cost accommodation. In addition, consider suitable unilateral, bilateral or international arrangements for financing such low-cost accommodation for migrant workers ;

3. *With regard to information and assistance*

On a basis of co-operation between the country of origin and the receiving country, provide migrant workers, as far as possible in their mother tongue, with all relevant information on the conditions for family reunion and the formalities involved ;

To this end, the competent public and private authorities should be given adequate means for :

i. Assisting the migrant worker to complete the administrative formalities for the admission of members of his family and the securing of accommodation (rentals, grants, loans and other facilities open to them) ;

ii. Providing the members of the family, before their departure for the host country, with free, direct and effective information on costs, travel and transport facilities, living conditions, health requirements and educational opportunities for the children and all necessary help in arranging their journey ;

iii. Providing the members of the family, after their arrival in the host country, with relevant information, especially about social security benefits and social health services, school and vocational training systems, and in general with all necessary help in settling down and residence in the host country.