

BREAKING THE IRON CAGE: EQUALITY AND FAIRNESS IN FAMILY REUNIFICATION OF MIGRANTS WITH INTERNATIONAL PROTECTION

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BACKGROUND

People with international protection = entitled to family reunification



In **Europe** (with exceptions, see other panel ppts)



In **Belgium** = within first year of acceptance of status



Derogations in European and Belgian laws for more favourable conditions



However!

Derogations in European and Belgian laws for more favourable conditions



In most cases, the derogations are ignored, and refugees and their families often face more **bureaucratic procedures** and challenges than other migrants



Migrants need to gather a large number of documents and access to embassies are not possible within the country

THEORETICAL APPROACH

Max Weber's 'rational-legal' model of organisations (Weber, 1946) is characterised by

- a hierarchical structure
- division of labour
- prescribed duties
- impersonal rules
- continuity of practice

Rational-legal authority is **characteristic of modern** bureaucratic organizations, legal systems, and democratic governance structures (Weber 1978)

Provides stability, predictability, and accountability by ensuring that decisions and actions are guided **by established rules and procedures** rather than personal whims or arbitrary power (Weber 1978)

INSIDER RESEARCH METHODOLOGY

However, Weber also acknowledged potential downsides, such as

- the potential for bureaucratisation and
- the loss of individual freedom and creativity in the pursuit of rationality and efficiency leading to:

Iron cage

The rigid and rule-bound nature of bureaucracy could lead to an "iron cage" of rationality, where individuals become trapped in bureaucratic systems that stifle creativity, innovation, and personal freedom

Bureaucratic displacement

Bureaucracies tend to expand and encroach on other spheres of society, potentially undermining democracy and individual autonomy

Bureaucratic inefficiency

Bureaucratic organizations can become inefficient due to excessive red tape, bureaucratic inertia, or a lack of adaptability to changing circumstances

The 'iron cage' of rationality is 'the most dehumanising form of social organization, one that creates a "disenchanted" world, devoid of emotion, tradition and higher values' (Samier, 2016)

RESEARCH OBJECTIVES

1. To what extent is the **specific status** of individuals with 'international protection' taken into account during the family reunification process for refugees from Afghanistan?
2. How **equitable** is the treatment of refugees compared to other migrants in terms of family reunification, with regards to fairness and equality?
3. What **bureaucratic challenges** do migrant families encounter when attempting to reunite with their sponsors?

INSIDER RESEARCH METHODOLOGY

Refers to a research approach where the researcher is a member of the group or community being studied (Unluer, 2012).

Advantages:

- First-hand knowledge
- Trust and rapport with participants
- Context and nuances of the group or community

Risks:

- Potential biases
- Ethical dilemmas
- Objectivity and distance from the research topic

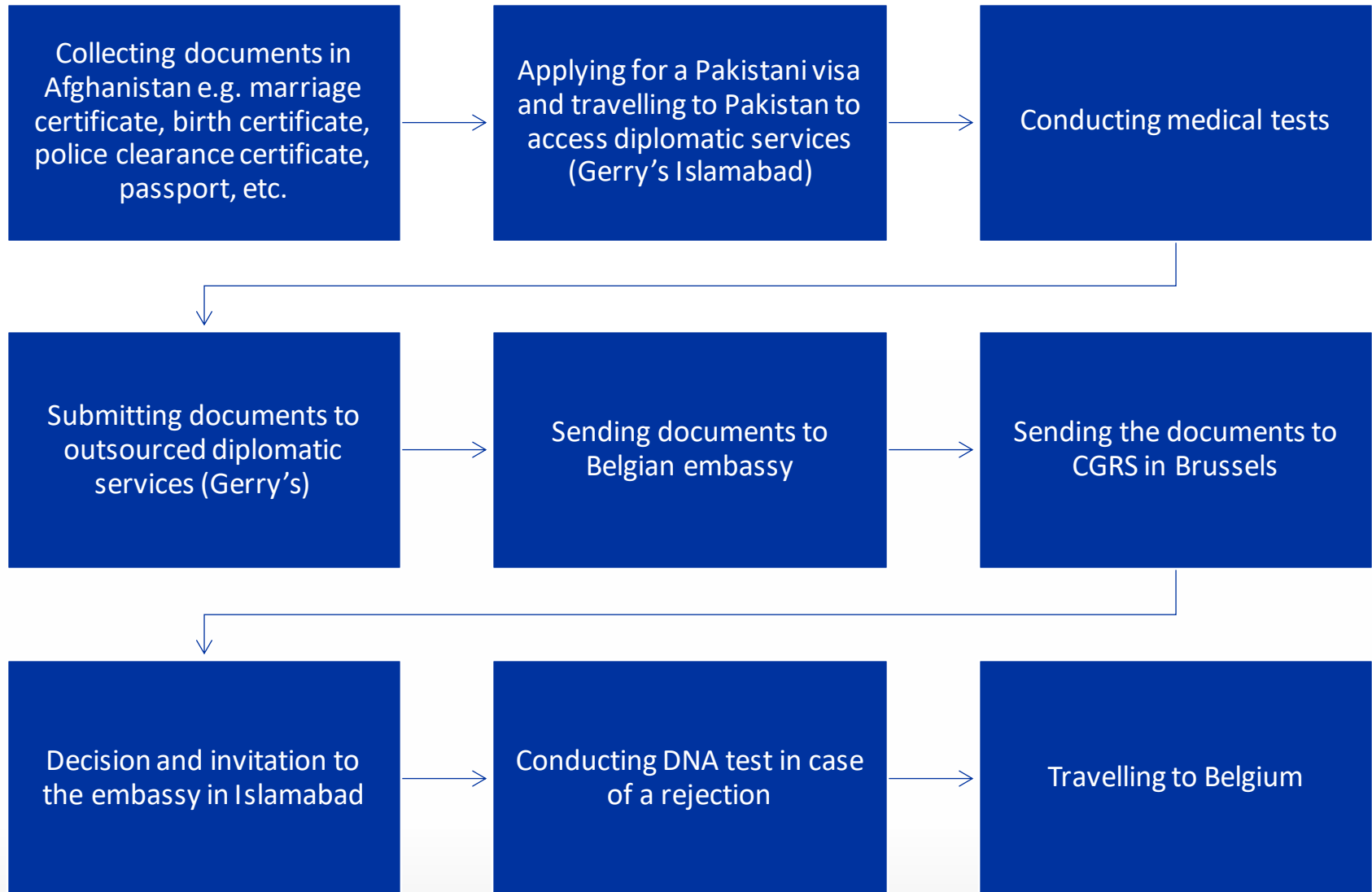
Researcher's Experience:

Extensive work on migration with international organizations such as UNHCR, CEPS, Red Cross, and MSF.

Over five years of volunteer work guiding refugees in family reunification applications and providing ongoing support.

Conducting interviews with refugees and maintaining regular contact with stakeholders.

FAMILY REUNIFICATION APPLICATION PROCESS FOR FAMILIES OF REFUGEES



RESULTS AND DISCUSSION

THE ROLE OF SPECIFIC STATUS OF INDIVIDUALS WITH 'INTERNATIONAL PROTECTION'

Application process and documents:

The Belgian government ask for several documents approved by the Afghan government and issued less than 6 months before the application

Problem:

they can't contact the institutions of their country of origin



Contradiction with derogation:

should not force refugees to get such documents, that they cannot have access to

RESULTS AND DISCUSSION

THE ROLE OF SPECIFIC STATUS OF INDIVIDUALS WITH 'INTERNATIONAL PROTECTION'

Access to embassy

Belgian government does not have an embassy in Afghanistan and applicants have to go abroad

Often the employees are not aware of the derogations for refugees and they don't accept if certain documents are missing

Problem:

obtaining a visa to a third country can be difficult, once again have to face the authorities of the country of origin



Contradiction with derogation:

if they cannot access the travel documents, the host country should facilitate the procedure

Additional challenges:

Timeframe:

- Required to complete the procedure within one year after receiving asylum status
- Problem: one year is not enough, a longer process than that

Financial burden:

- High prices for each document i.e., staying abroad, travelling, flights, medical tests, fees for documents, bribery, etc..
- Problem: most refugees are financially pressured

Lack of information and support:

- No official responsible office replying to the questions and support
- Problem: strive to get information from their peers causes spending more money and ambiguity they follow the same process as regular migrants by lack of information

Psychological pressure – dysfunctional systems and bureaucracies -> Weber

Ethical aspects of document gathering and DNA test – dehumanising -> Weber

RESULTS AND DISCUSSION

TREATMENT OF REFUGEES COMPARED TO OTHER MIGRANTS

The visa application centre provides services to over 60 countries mostly for tourism, courier, and more

There is no specific point for refugees and holders of international protection

A small number of people understand and know the process for refugees families' applications and communication is extremely hard with them

A generic list of documents required for visa application is handed to all migrants and refugees have to submit documents that are not necessarily required

This leads to exploitations by fixers (middlemen) in the country of visa application and advocates/lawyers in Belgium

Fixers are individuals who have connections and knowledge of bureaucratic procedures and use their influence to expedite or smooth out processes in exchange for a fee or bribe

Some lawyers use a lack of knowledge of refugees on derogations to charge them more money

RESULTS AND DISCUSSION

BUREAUCRATIC CHALLENGES AND FAIRNESS

Outsourced services leverage specialised expertise, enhance efficiency, focus on core responsibilities, achieve scalability, access advanced technology and infrastructure, save costs, improve customer service, mitigate risks, and ease the burden

According to Weber, bureaucracy provides stability, predictability, and accountability by ensuring decisions and actions are guided by established rules and procedures.

However, heavy and costly bureaucracy can become an 'iron cage' that stifles creativity, flexibility, and individual judgment, operating solely based on bureaucratic logic and hindering adaptation to changing circumstances or individual needs.

Examples: Refugees facing arduous procedures for obtaining essential documents from oppressive regimes (Taliban), such as police clearance certificates, marriage certificates, passports, and travel permissions

Gender-based restrictions, such as women requiring a legal male guardian for travel, further exemplify the limitations and unfairness within bureaucratic systems

While derogations may be granted to ease the process of family reunification for refugees, the implementation of these derogations remains incomplete and unfair

THANK YOU!

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