



Migrant Rights Initiative

Research Brief: Protection of the Human Right to Family Unity

March 25, 2024

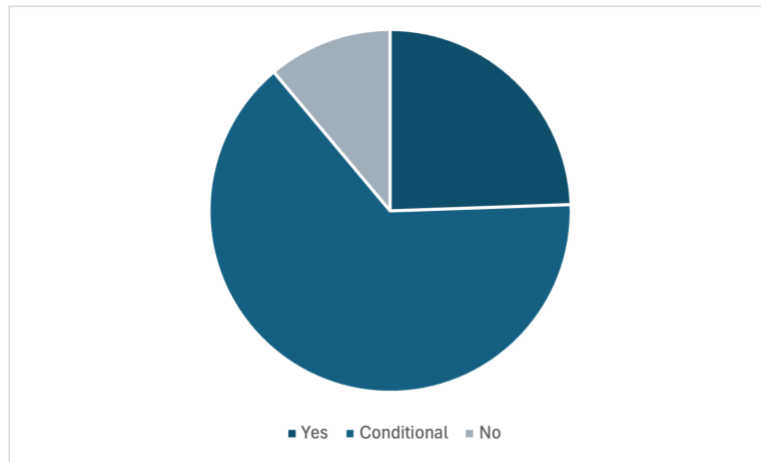
The Migrant Rights Initiative conducts cutting-edge, interdisciplinary research on the human rights of migrants and fosters opportunities for innovative action that reshapes the way governments treat people who cross international borders.

The Initiative's Migrant Rights Database (MRD) is the first global data source benchmarking the extent to which States fulfill international obligations to protect the rights of all migrants, regardless of the cause of their migration, in national law and how they implement these protections. The database applies a novel instrument that permits the objective, cross-national accounting of the laws protecting migrants' rights enshrined in national legal frameworks. The MRD currently evaluates the migration laws of 45 countries spread across every major world region and drawn from States hosting the greatest number of migrants based on United Nations data. The 45 States in the database account for 73.87% of the world's migrant stock based on the most recent estimates.

One category of rights protections evaluated in the MRD is the right to family unity and its consequence in the context of migration. This includes evaluating whether States provide settled migrants with legal avenues to facilitate reunification with family members, whether same sex marital relationships are recognized under the family unity framework and whether there is a judicial remedy to challenge the refusal by authorities to allow family formation/reunification.

Forty countries studied provide a legal avenue for family reunification. Twenty-nine of those make such an avenue conditional on legal status or some other factor. Twenty-six countries studied extend legal avenues for family reunification to same sex marital relationships. Three of those make such an avenue conditional on legal status or some other factor. Thirty-seven countries studied provide a right to judicial remedy. Six of those make such a right conditional on legal status or some other factor.

Figure 1: Legal Avenues for Reunification

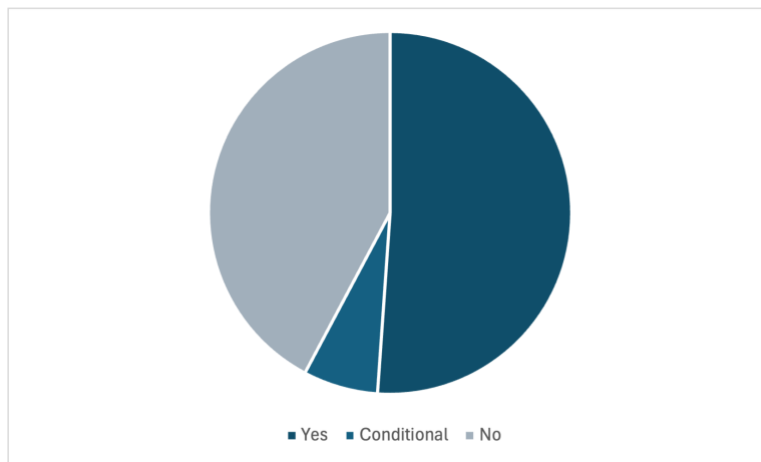


YES (11): Argentina, Chile, Ecuador, Germany, Greece, Kenya, Morocco, Nigeria, Senegal, Spain, and the United Arab Emirates.

CONDITIONAL (29): Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Ethiopia, Finland, France, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Lebanon, Mexico, the Netherlands, Peru, Russia, Saudi Arabia, South Africa, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

NO (5): Bangladesh, Jordan, Korea, New Zealand, and Singapore.¹

Figure 2: Protection of Same Sex Marital Relationships



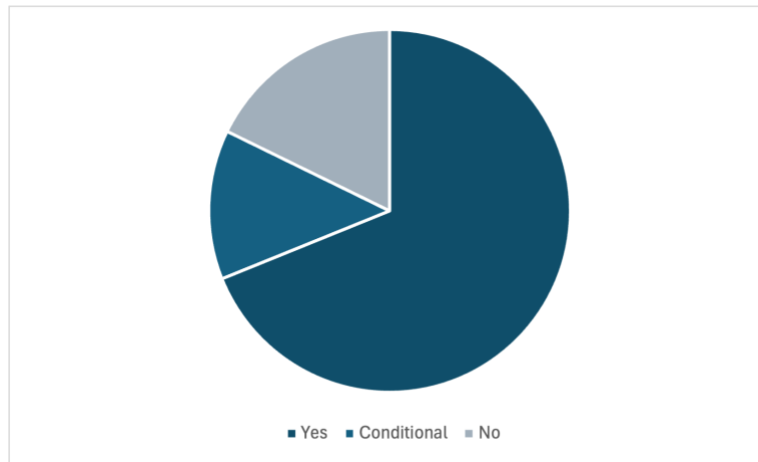
YES (23 countries): Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Ecuador, Finland, France, Ireland, Israel, Italy, Mexico, the Netherlands, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States.

CONDITIONAL (3 countries): Greece, Hungary, and Japan.

NO (19 countries): Bangladesh, Ethiopia, India, Indonesia, Germany, Jordan, Kenya, Korea, Lebanon, Morocco, New Zealand, Nigeria, Peru, Russia, Saudi Arabia, Senegal, Singapore, Turkey, and the United Arab Emirates.

¹ Note that while both New Zealand and Singapore do not provide a nationally-binding legal right to a legal avenue to family reunification, both provide such an avenue as a matter of policy and, as shown below, also provide a judicial remedy for refusal of family formation/reunification.

Figure 3: Judicial Remedy for Refusal of Formation/Reunification



YES (31 countries): Argentina, Austria, Belgium, Brazil, Canada, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Mexico, Morocco, the Netherlands, Nigeria, Peru, Russia, South Africa, Singapore, Spain, Sweden, Switzerland, Turkey, and the United Kingdom.

CONDITIONAL (6 countries): Australia, Chile, Colombia, Ethiopia, New Zealand, and the United States.

NO (8 countries): Bangladesh, India, Indonesia, Jordan, Korea, Senegal, Saudi Arabia, and the United Arab Emirates.