

The Right to Family Reunification of Immigrants in Spain

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Abstract : This study seeks to make clear the importance of family reunification in order to establish consolidated habits of coexistence of immigrants, directly favoring the relationship of the family nucleus and indirectly the social integration of foreigners. In addition to the theoretical analysis of the subject, information has been reviewed by the National Institute of Statistics and Reports of Spanish organizations that compile data on immigrants and specifically on family reunification. The Spanish regulations on foreigners include the right of foreigners legally residing in Spain to regroup their families. The general conditions required to exercise this right are having legally resided in Spain for one year and having obtained authorization to reside for one more year. There are exceptions to the requirement of having resided for one year in our country. Article 39 of the Spanish Constitution, although it does not express what is to be understood as a family, does refer to the fact that 'the public authorities ensure the social, economic and legal protection of the family'. Therefore for the Spanish State, the family institution, in a broad sense, enjoys a privileged treatment that is revealed in the Supreme Norm and that reflects the interest of our society to address the relationships that subjects have in their immediate environment. Although we are aware of the reluctant position of the Spanish Constitutional Court to consider as a fundamental right the right to family life despite being enshrined in Article 8 of the European Convention on Human Rights, it is questionable whether access to authorization for family reunification should be more uniform in terms of requirements related to nationality, employment or training of applicants in order to have an egalitarian character. The requirement of having resided one year in Spain to be able to request successful family reunification seems dispensable because if foreigners can obviate this requirement by having a certain status, its abolition would be feasible by equating all situations and benefiting foreigners in general. The achievement of this proposal would help to strengthen the family life of immigrants from the beginning of their life in Spain.

Keywords : family, immigrants, social integration, reunification

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