

### **Revealing the “knots” of gendering in Nordic family reunification law**

This paper examines Nordic family unification rules as they have been developed over the past decades. The processes of recognition of foreign marriages and parent-child relations where private international law and human rights law intersect, is the focal point of analysis. Uncovering the framing and negotiation of arguments concerning gender in this field of law, will be given special attention.

The paper analyses developments that has increased the standing of the protection against discrimination guarantee in Nordic law in general, and that therefore on a normative level is supposed to have considerable effect on the decisions regarding family unification to the Nordic countries. I argue that such developments should lead to closer scrutiny of the impact of gendered family rules from the country where the relationships that are sought reunified in the Nordic countries, were established. However, the paper will show that there is still a need for increased attention given to gender equality considerations in the development of general regulations of family unification as well as in the actual decisions.

Family unification regulations and the administrative processes that apply the regulations are complicated in a number of ways of which the paper makes a review and analysis. Issues that are analysed specifically are:

- Recognition of child marriages,
- The recognition of marriages affected by marriage prohibitions related to gender i.e. prohibition for Muslim women to marry Non-Muslim men and the exclusive right for men only, to marry more than one spouse,
- The non-recognition of mother- child relationships because of the lack of formal status as parent in the country of origin, because women (because of their gender) in this country are not given a right to parental responsibility with their biological children. The result being that women are denied family reunification with their biological children that reside in the country of origin, even when their father has died and is not able to care for them.

The paper analyses the current legal situation as well as recent developments in Norwegian family reunification regulations and practice. This analysis is further illustrated by examples from the other Nordic legal systems.