

Family reunification for beneficiaries of international protection

A comparative EMN inform
2017 - 2023

Background

- EMN work programme 2023
- Joint proposal by EMN Belgium and EMN The Netherlands
- 25 contributing countries:
 - EMN member countries: AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.
 - Observer countries: NO en RS.

Scope and aim

- **Personal scope:**
 - Included: Refugees, where applicable beneficiaries of subsidiary protection
 - Excluded: family reunification with EU citizens
- **Reporting period:** 2017 – July 2023
- **Previous publications:**
 - EMN study on Family reunification (2017);
 - ECRE report: 'Not there yet: Family reunification for beneficiaries of international protection' (2022).
- **Focus** on (1) application procedure, (2) documentation and (3) minors coming of age during the procedure.
- Influence of CJEU and ECtHR **case-law**.

Eligible statuses (Article 3(2)(c))

- Both recognised refugees and beneficiaries of subsidiary protection:
 - BE, BG, EE, FI^o, FR, HR, IE, IT, LU, LT, NL, PL, PT, SK and NO.
- Beneficiaries of subsidiary protection after a certain time:
 - AT and LV.
- Only recognised refugees:
 - CY, EL, RS.

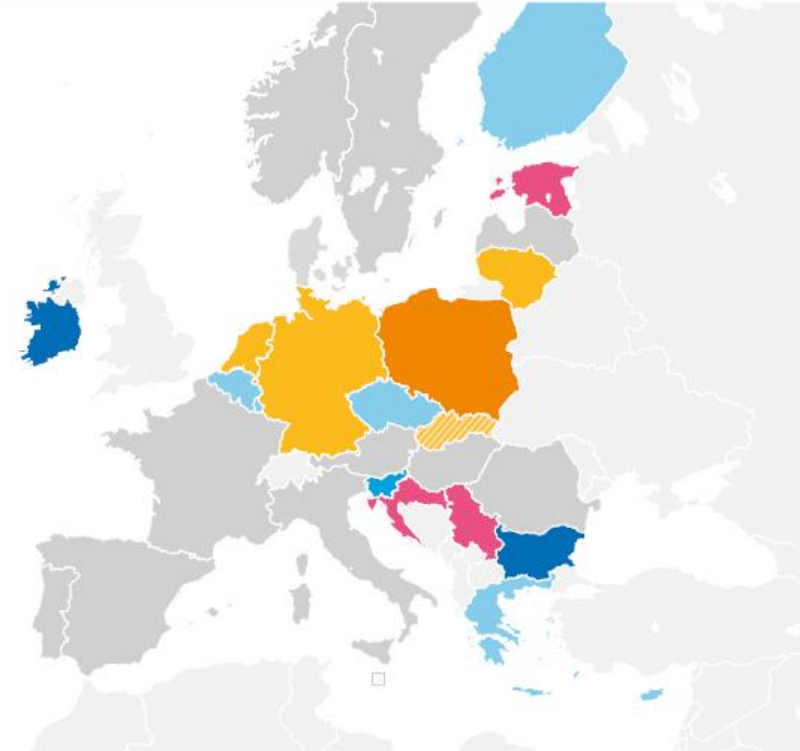
^o(Both allowed, but with minor differences)

Who applies: family member or sponsor (Article 5(1))

- Submission by a family member (mostly abroad):
 - AT, BE, CZ, DE, FI, FR, HR, LT, LV, SE, SK and NO.
- Submission by sponsor:
 - BG, CY, EE, EL, IE, IT, LU, MT, NL, SI.
 - In PL and NL both the family member and the sponsor can apply for family reunification, but in NL applications by family members are relatively rare.
- CJEU case C-1/23 PPU (Afrin)
- Eligible family members beyond the nuclear family (spouse/partner and children) differs significantly per country. Please see Annex 1 of the inform.

Time limit to issue a decision (Article 5(4))

Figure 1: Time periods for issuing a decision on an application for family reunification with beneficiaries of international protection



Time limit for issuing a decision	EMN Member and Observer Countries
30 days	EE, HR, ³³ RS
60 days	PL
3 months	DE, LT, NL (90 days), SK (90 days, under the Act on Residence of Foreigners)
6 months	SK (under the Asylum Act)
9 months	BE, CY, CZ (270 days), EL, FI, LU, MT
120 days	SI ³⁴
No defined time limit	BG, IE

Proof of family ties (Article 5(2)&11(2)): Additional documentation and evidence taken into account

- **Photographs, travel documents, letters:**
 - BE, CY, CZ, EE, FI, FR, HR, IE, IT, LT, LU, LV, NL, PT, SE, SK (specific cases) and NO.
- **Interviews:**
 - BE, CY, CZ, EE, EL, FI, HR, LU, LV, MT, NL, SE, SI, SK and NO.
- **DNA testing:**
 - AT, BE, EL, FI, IE (exceptional cases), IT, LU, NL, SE, SK and NO.

A decision rejecting an application may not be based solely on the fact that documentation is lacking.

Application of Article 12(1) of the Family Reunification Directive

Member States may require the refugee to meet conditions related to **suitable accommodation, insurance and stable and/or regular resources**, if the application is not submitted within a period of **three months** after granting the refugee status.

- ✓ AT, BE, CY, CZ, EL, FI, MT, LT, NL, SK (specific cases), SE, SI.
- ✓ Applicable to UAM?
 - NL and SK: YES.
 - BE, CY, EL, FI and SE: NO.

Reunification with dependent adult children (Article 10(2))

- Countries not allowing family reunification with dependent adult children within the framework of the Directive:
 - AT, CY, FR, IE, LT, LV, MT, and PL.
- Countries allowing family reunification with dependent adult children:
 - BE, BG, CZ, DE, EL, FI (exceptional cases), HR, IT, LU, NL, PT, SE (exceptional cases), SI, SK.
- In the Netherlands there is no clear age threshold for dependent adult children to be eligible. However, the older the dependent child, the higher the burden of proof on the parent sponsor and the child to show assumed dependency.

Timeframe for the parent sponsor to lodge an application with a minor turning 18

- CJEU judgments C-133/19, C-136/19 and C-137/19 (16 July 2020): the date to consider minority of an unmarried child is the date of the application for family reunification (instead of the date of the decision issued).
- CJEU judgment C-279/20 (1 August 2022): The date to consider minority should be the date of the parent sponsor's asylum application
 - Countries where children retain to right to family reunification even if coming to age during the asylum application of the parent sponsor (C-279/20): BE, EE, FI (only in case of refugees), FR, LT, LU, NL, PT, SI, SE.

Family reunification for UAMs coming of age

- CJEU case C-550/16 (12 April 2018): a UAM coming of age during the asylum procedure retains the right to family reunification if filed within the favourable time period.
- Countries where UAMs coming of age during the asylum procedure may apply for family reunification:
 - BE, CZ, FI, FR, LT, MT, NL, SE and SI.



Questions?



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