



Family reunification for beneficiaries of international protection

The information presented in this fact sheet is extracted from the [Asylum Report 2024](#) and covers developments in 2023 and early 2024. Direct link to the section: <https://euaa.europa.eu/asylum-report-2024/31323-family-reunification>

Family reunification can play a pivotal role in the integration of beneficiaries of international protection into the host society. The right to family life is enshrined in several international human rights documents, including the Universal Declaration of Human Rights and the European Convention on Human Rights. The EU Charter of Fundamental Rights affirms the right with due regard to these instruments. The Family Reunification Directive details provisions under which non-EU nationals can bring their family members to the EU country in which they legally reside.

In many EU+ countries, family reunification in the context of international protection may be granted to refugees but not to beneficiaries of subsidiary protection. National and European courts continue to interpret decisions taken by national administrations on the right to be unified with one's family.

In September 2023, the EUAA published [Recommendations on Family Reunification within the Dublin Procedure](#) to improve quality standards and support the harmonisation of processes.





Key developments in 2023

It has been 20 years since the Family Reunification Directive entered into force, and the occasion prompted publications and recommendations to improve the implementation of the legislation. There were many legislative and policy changes related to family reunification across EU+ countries. The CJEU and national courts continued to deliver guidance on its practical application, clarifying related rules on its scope and criteria.

- Czech law now allows adult applicants to be reunited with their parents or a close relative in the ascending line if they applied for international protection as a minor and the family reunification is requested within 3 months of the decision on the asylum application.¹
- In Sweden, new regulations for family reunification entered into force on 1 December 2023. The age limit for when a residence permit on grounds of personal ties can be denied was raised from 18 years to 21 years. In addition, the possibilities for exemption from the maintenance requirement in family member immigration for people who are eligible for subsidiary protection became more limited. The maintenance requirements refers to the ability to financially support oneself and one's family.²
- The State Agency for Refugees (SAR) in Bulgaria issued new instructions on the family reunification procedure for beneficiaries of international protection, noting that both the submission of the family reunification request and the subsequent registration of family members must be carried out in the same registration and reception centre where the decision to grant international protection was issued to the beneficiary.³ The civil society organisation Foundation for Access to Rights published detailed recommendations on legislation, policies and practices to improve the Bulgarian family reunification system. For example, the organisation suggested that the maximum length for the procedure and the roles and responsibilities of each stakeholder should be included in law.⁴
- A draft Belgian Migration Code foresees changes to family reunification rules. The planned changes apply to all and are not specific to beneficiaries of international protection. For example, family reunification with a Belgian child is only possible if the parent can demonstrate that he/she is involved in the daily care of the child. The parent can lose the right to residence if they no longer participate in the daily care. In addition, the cascade ban is extended to spouses of a Belgian or an EU citizen, meaning that the person being reunited with their partner cannot initiate a new family reunification with another partner within 2 years.⁵
- Similarly to 2022, the Finnish Immigration Service announced that there were backlogs in processing a share of family reunification applications in 2023 as well. The majority of applications were still processed on time, 60% within 3 months and 75% within 6 months. The delays were due to a significant increase in the number of family reunification requests in recent years (50% compared to 2021).⁶ Overall, the length of processing family reunification requests decreased from an estimated 9 to 6 months,

and the time for the extension of family reunification residence permits stabilised at an estimated 6 months instead of 4-7 months.⁷

- Germany implemented the Hessian State Admission Programme (LAP) in June 2023 for the family reunification of Afghan nationals already living in Hesse.⁸ Similar programmes were also launched by the Free State of Thuringia (until December 2023),⁹ the Free Hanseatic City of Bremen¹⁰ and the Land of Berlin which introduced a joint programme for the family reunification of Afghan, Syrian and Iraqi refugees with relatives in Berlin (valid until December 2024).¹¹
- Croatia, Czechia, Estonia, France, Germany, Italy and Portugal allowed temporary protection status to be converted into residence permits for employment or family reunification.¹²
- Marking the 20th anniversary of the Family Reunification Directive, ECRE published an overview of the right to family reunification for beneficiaries of international protection.¹³
- The Red Cross formulated recommendations to enhance the family reunification procedure, based on experiences of the national Red Cross and Red Crescent Societies while delivering support to separated families.¹⁴
- The Legal Centre for the Protection of Human Rights (PIC) in Slovenia published information videos on family reunification.¹⁵

Case law related to family reunification

- The ECtHR [ruled](#) in the case of third-country nationals who resided in Switzerland as refugees within the meaning of the 1951 Convention relating to the status of refugees. In line with domestic law, they were granted provisional admission rather than asylum, as in their cases the grounds for their refugee status arose following their departure from their countries of origin and as a result of their own actions, namely their illegal exit from those countries. Under domestic law, family reunification for this type of beneficiary of protection is discretionary and subject to certain cumulative conditions. Their applications for family reunification (with minor children or spouses) were rejected in Switzerland because one of these criteria, the non-reliance on social assistance, was not satisfied. The ECtHR concluded that in three of the cases the Swiss authorities did not strike a fair balance between the applicants' and the state's competing interests, while in the fourth one, it confirmed that the domestic court had not overstepped in its decision when it considered the person's lack of initiative to improve her financial situation.
- In another case, the ECtHR [found](#) that the Swedish authorities struck a fair balance between the applicant's and the state's interests when they rejected a refugee's request to be reunited with his first wife and children from that marriage. The applicant was under an exemption for 3 months from recognition to fulfil the requirement to have enough funds to maintain the reunited family members, but he submitted his request afterwards. The court also [upheld](#) its previous jurisprudence and ruled that the temporary suspension of family reunification requests by beneficiaries of subsidiary protection in Sweden was not a violation of the ECHR, Article 8.

- The Spanish Administrative Court in Barcelona [referred](#) questions to the CJEU for a preliminary ruling on the circumstances and procedure to provide reunited family members with an autonomous residence permit.
- The Brussels first instance tribunal [submitted](#) an urgent request for a preliminary ruling at the beginning of 2023, and the CJEU [ruled](#) that it was contrary to EU law to require everyone without any exception to submit an application for family reunification before the competent diplomatic representation. The court specifically examined the particular situation of refugees and underlined that the requirement without any derogations may render family reunification for them impossible in practice, as they were exceptional circumstances which prevented them from travelling to a Belgian diplomatic post to submit an application for family reunification.
- Following a CJEU [judgment](#) in 2022, CALL [held](#) that the Belgian authorities could not take into account a minor child's civil status (the fact that she was married) when examining the right to be reunited with the parents.
- The Belgian CALL [analysed](#) when exceptions from family reunification rules could be applied to beneficiaries of international protection. The case concerned a refugee who had already been residing in Belgium under a different residence right before receiving international protection. The court confirmed that the exceptions applied in this case, and the person should not be required the proof of medical insurance for the whole family.
- In line with recent CJEU case law, the French Council of State [ruled](#) that, for the purposes of family reunification, the age of the child is determined by the date when the request for the family reunification visa is made, irrespective of the date that the authorities register the request. When a first request is rejected and a second application is made, the date of the second request should be taken into account. When the parent is a beneficiary of international protection and the child reached the age of majority between the application for international protection and the application for family reunification, the child should be considered as a minor for the purposes of the family reunification procedure, provided the request was submitted 3 months within the granting of international protection.
- In Ireland, the High Court [underlined](#) that family reunification is governed by Irish law, and the rules of the Family Reunification Directive, as interpreted by the CJEU, are not applicable in the country. Thus, when considering the age of the children of a beneficiary of international protection, the date of the recognition is applicable, not the date of the application for international protection.
- Finnish courts continued to rule on substantial cases related to family reunification. In one case, the Supreme Administrative Court [ruled](#) that the Finnish Immigration Service may reject a family reunification request, assess the possibility of a return and issue a return decision for the purposes of that request, even when the same person's application for international protection was still pending an appeal. In another case the court [confirmed](#) that a permit based on family reunification may not be extended when the relationship broke and the spouses divorced. However, in another case, the court [underlined](#) that, when the person's situation is particularly difficult after the end of the relationship due to domestic violence, denying a permit would be unreasonable. In that case, the applicant had been in Finland for 4 years with her children.

- In Finland, the Supreme Administrative Court stated that legal certainty requires that a final and binding decision cannot be overturned. However, in a specific case and in light of the CJEU interpretation provided after the national decision, the court [found](#) that the erroneous application of the law – the fact that the person was considered to be an adult instead of a minor – could not be corrected by a new application. Thus, the court annulled the final decision and ordered the authorities to process the request again, considering the sponsor’s son as a minor.
- The Dutch Council of State ruled in three cases that a temporary policy measure to restrict family reunification, introduced in 2022,¹⁶ was against national and EU laws.¹⁷
- The Dutch first instance administrative court [noted](#) that the policy on young dependent adults was correctly applied by the authorities, but then they failed to weigh the interests of the state and of the applicant based on the ECHR, Article 8, when examining if the link between the father and his son should still be protected under that provision.



To search for more developments by topic, country or year, consult the [National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

For more information, please contact: asylum.report@euaa.europa.eu

Sources

Please see [Sources on Asylum 2024](#) for the full list of over 1,300 references which were consulted for the Asylum Report 2024.

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⁷ Finnish Immigration Service | Maahanmuuttovirasto. (2023, April 19). [Hakemusten käsittelyaika-arvioita on päivitetty](#) [Updates in estimated processing times].

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¹¹ Land Berlin. (2023, June 30). [Admission regulation of the Land of Berlin for Afghan, Syrian and Iraqi refugees with relatives in Berlin - Berlin.de](#).

¹² European Labour Authority. (2023). [Overview of the measures taken by EU and EFTA countries regarding employment and social security of displaced persons from Ukraine. Comparative summary report](#); Ministry of Labour and Social Policies | Ministero del Lavoro e delle Politiche Sociali. (2023, December 29). [Ucraina, prorogati fino al 31 dicembre 2024 i permessi di soggiorno per protezione temporanea](#) [Ukraine, residence permits for temporary protection extended until 31 December 2024].

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