



Family reunification for beneficiaries of international protection

The information presented in this fact sheet is extracted from the [EASO Asylum Report 2021](https://www.easo.europa.eu/easo-asylum-report-2021/41424-family-reunification). Direct link to the section: <https://www.easo.europa.eu/easo-asylum-report-2021/41424-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 reaffirms this right with due regard to these instruments, in addition to case law of the Court of Justice of the European Union and the European Court of Human Rights. The Family Reunification Directive details provisions for recognised refugees in the EU.

In many EU+ countries, family reunification may be granted to refugees but not to beneficiaries of subsidiary protection. As seen in recent cases in [Denmark](#) (July 2021) and [Finland](#) (June 2021), national and European courts continue to interpret decisions taken by national administrations on the right to be unified with one's family.



Key developments extracted from the EASO Asylum Report 2021

Amidst the COVID-19 pandemic, family reunification procedures were halted or severely delayed during 2020. At the administrative level, however, some Member States initiated changes to facilitate family reunification for beneficiaries of international protection and provided clarifications on the process through more detailed guidance. Courts remained active in shaping policy and practice on family reunification, similar to previous years.

- An amendment to the **Luxembourgish** Immigration Law was presented to the parliament, which aimed to simplify the family reunification procedure in general and to extend the time limit for facilitated family reunification criteria for beneficiaries of international protection from 3 months to 6 months.ⁱ The amendment follows the recommendations of the Consultative Commission on Human Rights.ⁱⁱ
- The **Swiss** Federal Council adopted a positive opinion on a report from the Political Institutions Committee of the Council of States on the parliamentary initiative on granting the same family reunification regimes to beneficiaries of international protection and persons with temporary admission.ⁱⁱⁱ The Swiss UNHCR and Red Cross launched two

videos to underline the importance of facilitating family reunification, both for refugees and persons with temporary admission.^{iv}

- The **Irish** Supreme Court [ruled](#) on the right to family reunification for refugees who were naturalised. The Minister for Justice accepted family reunification requests in such cases between 2010 and 2017, but following the issuance of legal advice, it reverted to its practice before 2010 and started to reject them. While the High Court and the Court of Appeal confirmed this approach, the Supreme Court found that naturalised refugees keep their right to family reunification and an interpretation to the contrary would diverge from the legislators' intent. The judgment applied to the legacy Refugee Act 1996, which was repealed and replaced by the International Protection Act 2015, which includes expressly under Section 47(9) that a refugee declaration is formally revoked on naturalisation.
- The Supreme Court also [assessed](#) the definition of a child under the International Protection Act 2015 and held that this included biological and adopted children, but it did not cover a larger scope of family structures within the International Protection Act's family reunification provisions. The applicant created serious doubt about his paternity to the two children, and in these circumstances, the national authorities could require a DNA test to establish the relationship. The authorities were also entitled to draw conclusions from the fact that the applicant rejected to take this test and, thus, to refuse the application for family reunification.
- The time limit for submitting family reunification requests was extended in **Greece** for beneficiaries of international protection who were granted status between December 2019 and March 2020. However, the administrative burden for translating and certifying documents remained a requirement which was proven to be challenging for beneficiaries, who typically lost their documents during their escape.^v
- The **Greek** Council for Refugees observed issues when children arrived through the family reunification procedure – once they turned 21 years, their permits were no longer renewed.^{vi} Similar challenges persisted in **Cyprus**, where family members of beneficiaries of international protection could still not obtain a residence permit and, thus, had no access to rights.^{vii}
- The 3-month time limit for facilitated criteria for family reunification for refugees was extended in **Finland**, when applicants could not submit a family reunification request due to the pandemic. In addition, the government programme proposed amendments to the Aliens Act to facilitate the family reunification of unaccompanied minors and eliminate the requirement for sufficient financial resources, even if they submitted their request after the 3-month time limit. A Regional Administrative Court emphasised in its [judgment](#) that the 3-month period should not be interpreted in a strict manner. In that specific case, it was clear that the applicants made significant efforts to gather all necessary documentation on time and they were delayed only because there was no Finnish consulate in their country of origin.
- The **Finnish** Supreme Administrative Court [interpreted](#) the notion of family relations and the best interests of the child in a case where the parents who fled from Iraq to Turkey decided to send their daughter to Finland and then request family reunification. The court noted that the girl received subsidiary protection because her return alone would put her at risk of serious harm, but the security situation in their home region would allow to return the family. It added that the parents voluntarily ended family relations when they

sent their daughter ahead to secure residence permits and the parents had acted against the best interests of the child. Under these conditions, the court assessed that the best interests of the child did not require her to be reunited with her parents. The court reached the same conclusion in another [case](#) with similar facts.

- The Immigration Office in **Belgium** provided detailed guidance on the exceptional circumstances to extend the validity of family reunification decisions and the validity of supporting documents.^{viii}
- In **France**, family reunification procedures were suspended due to the pandemic throughout 2020, and this decision was challenged by civil society organisations in front of the Council of State at the end of the year.^{ix} The Council delivered its [judgment](#) at the beginning of 2021 and raised serious doubts about the legality of the measures. The judge noted that the number of persons who benefit from family reunification is typically not excessive and health risks could be mitigated through testing and quarantine measures instead of a complete travel ban. The judge found as well that the measures were in serious breach of the right to family life and the best interests of the child and that the limitations were not proportionate. Family reunification procedures were temporarily suspended or halted in other countries as well, for example in Cyprus, Hungary and Switzerland, causing further delays in the process.^x
- In **France**, the first instance administrative court [found](#) that a family reunification request could have been rejected due to considerations for public order in the case of a separated Afghan family. The family fled Iran and applied for asylum in Greece, then the mother travelled further to France with her newborn child, where they were granted international protection. However, the French consulate in Athens refused the family reunification request, underlining that it had already refused their transfer request based on the Dublin III Regulation. The court overturned this decision noting that the consulate failed to consider the urgency of the request.
- The **Netherlands** issued clarifications on the assessment of family reunification for beneficiaries of international protection. For example, the fact that the family members were not named during the asylum procedure is not in itself a ground to reject reunification, but it can be taken into account when assessing the actual family link. For foster children, the identity of the biological parents and the family link of the foster parents to the biological parents always need to be clarified. When the biological parents are still present, the link between a foster child and foster parents can only be recognised for family reunification under very exceptional circumstances.^{xi} Both the IND and civil society organisations noted that family reunification procedures were delayed due reduced capacity of embassies and general travel restrictions caused by the pandemic.^{xii}
- The **Swedish** Migration Agency provided clarification on the economic requirement for family reunification, explaining in which cases beneficiaries of international protection and children are exempted from these rules.^{xiii} The agency also updated its legal position on considering a child's age in family reunification procedures, following the CJEU's relevant [judgment](#).^{xiv} Planned changes to the country's migration legislation would also systemise the changes introduced by the law on temporary limitations on the possibility of obtaining a residence permit and would limit family reunification to core family members only. However, the draft law extends family reunification to persons who intend to marry or cohabit if their relationship was already established in the country of origin, enabling family reunification for same-sex couples who were unable to formalise their relationship in their home country.^{xv}

- The **Danish** Immigration Service introduced a [new digital application](#) to apply for family reunification when a child did not apply for asylum concurrently with a parent. The new digital form is filled in by the parent or legal guardian residing in Denmark and the child (or on behalf of the child) applying for family reunification. It is still possible to use the paper application as well.
- Child beneficiaries of international protection in **Germany** remained entitled only to simplified family reunification with their parents^{xvi} but not with their siblings. In response, civil society organisations continued to report on the significant difficulties brought by this limitation.^{xvii}
- The **Hungarian** Helsinki Committee noted difficulties in proving family links between a sponsor and a family member when the asylum authority assessed the submitted documents to be false or falsified. Sponsors cannot initiate a DNA test since 2017, and it is only at the asylum authority's discretion, which typically refuses to request the test based on the assumption that sponsors tried to deliberately misinform the authorities with false information.^{xviii}
- Upon the UK withdrawal from the EU, international legal instruments relevant to asylum, such as the 1951 Refugee Convention and the European Convention on Human Rights (ECHR) are, of course, still applicable in the UK. However, EU law relevant to asylum is no longer automatically applicable, unless retained in the domestic legal system.^{xix} Importantly, the Dublin III Regulation has been repealed in the UK and, as of 1 January 2021, the provisions foreseen in the regulation have ceased to apply, including the specific clause on family reunification. As a result, now under British law, family reunification is possible when the person already living in the UK has an international protection status (refugee status or subsidiary protection), which excludes reunification for asylum applicants. Moreover, unaccompanied minors will only be able to reunite with their parents and not with other family members.^{xx}

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

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

Tell us what you think! Please fill in a short survey on the new fact sheets:
[https://ec.europa.eu/eusurvey/runner/EASO Asylum Report Accompanying Resources](https://ec.europa.eu/eusurvey/runner/EASO%20Asylum%20Report%20Accompanying%20Resources)

Sources

Please see the [Bibliography for the EASO Asylum Report 2021](#) for the full list of over 1,000 references.

ⁱ Projet de loi portant modification de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration [Draft law amending the amended law of 29 August 2008 on the free movement of persons and immigration].

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=DEC30643F3C839C0C3553A9811E373CFCC4B72077B97C2FE1C8360BEEA47D3B5C4A537B66A6CE01A95F16726BC1AAAF4C551E876CD491B72660585FD63DA113E9A

ⁱⁱ Consultative Commission on Human Rights | Commission Consultative des Droits de l'Homme. (2020, February 25). *Rapport de la CCDH sur le droit au regroupement familial des bénéficiaires de protection internationale au Luxembourg* [Report of the CCDH on the right to family reunification of beneficiaries of international protection in Luxembourg]. <https://ccdh.public.lu/dam-assets/fr/rapports/2020/Regroupement-familial-BPI-final.pdf>

ⁱⁱⁱ Federal Council | Conseil Fédéral. (2020, January 29). *Initiative parlementaire. Regroupement familial. Même régime pour les personnes à protéger et les personnes admises à titre provisoire* [Parliamentary initiative. Family reunification. Same regime for persons to be protected and persons temporarily admitted]. <https://www.news.admin.ch/news/message/attachments/60082.pdf>

^{iv} United Nations High Commissioner for Refugees. (2021, March 22). *Ensemble, faisons en sorte que ces familles soient réunies* [Together, let us ensure that these families are brought together]. <https://www.unhcr.org/dach/ch-fr/56575-ensemble-faisons-en-sort-que-ces-familles-soient-reunies.html>

^v Greek Council for Refugees | Ελληνικό Συμβούλιο για τους Πρόσφυγες. (2021). *Input to the EASO Asylum Report 2021*. <https://easo.europa.eu/sites/default/files/Greek-Council-for-Refugees.pdf>

^{vi} Greek Council for Refugees | Ελληνικό Συμβούλιο για τους Πρόσφυγες. (2021). *Input to the EASO Asylum Report 2021*. <https://easo.europa.eu/sites/default/files/Greek-Council-for-Refugees.pdf>

^{vii} AIDA Cyprus. (2021). *Country Report: Cyprus—2020 Update*. Edited by ECRE. Written by Cyprus Refugee Council. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-CY_2020update.pdf

^{viii} Immigration Office | Dienst Vreemdelingenzaken | Office des étrangers. (2020). *Family reunification*. <https://dofi.ibz.be/sites/dvzoe/EN/Pages/Family-reunification.aspx>

^{ix} Forum réfugiés - Cosi. (2021). *Input to the EASO Asylum Report 2021*. <https://easo.europa.eu/sites/default/files/Forumre-fugies-Cosi.pdf>; Conseil National des Barreaux. (2021). *Input to the EASO Asylum Report 2021*. <https://easo.europa.eu/sites/default/files/Conseil-National-Barreaux.pdf>

^x AIDA Croatia. (2021). *Country Report: Croatia - 2020 Update*. Edited by ECRE. Written by Croatian Law Centre. https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-HR_2020update.pdf; AIDA Cyprus. (2021). *Country Report: Cyprus—2020 Update*. Edited by ECRE. Written by Cyprus Refugee Council. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-CY_2020update.pdf; AIDA Hungary. (2021). *Country Report: Hungary—2020 Update*. Edited by ECRE. Written by Hungarian Helsinki Committee. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-HU_2020update.pdf; AIDA Ireland. (2021). *Country Report: Ireland - 2020 Update*. Edited by ECRE. Written by Irish Refugee Council. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-IE_2020update.pdf; AIDA Switzerland. (2021). *Country Report: Switzerland - 2020 Update*. Edited by ECRE. Written by Swiss Refugee Council. https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-CH_2020update.pdf

-
- ^{xi} Besluit van de Staatssecretaris van Justitie en Veiligheid van 25 maart 2020, nummer WBV 2020/7, houdende wijziging van de Vreemdelingencirculaire 2000 [Decision of the State Secretary for Justice and Security of 25 March 2020, No WBV 2020/7, amending the Aliens Circular 2000]. <https://zoek.officielebekendmakingen.nl/stcrt-2020-15932.html>
- ^{xii} AIDA Netherlands. (2021). *Country Report: Netherlands - 2020 Update*. Edited by ECRE. Written by Dutch Council for Refugees. https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-NL_2020update.pdf; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin 4 - 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf
- ^{xiii} Swedish Migration Agency | Migrationsverket. (2020, June 24). *Rättsligt ställningstagande. Försörjningskravet i 9 § tillfälliga lagen - RS/011/2020* [Legal position. The supply requirement in Section 9 of the Temporary Act — RS/011/2020]. <https://lifos.migrationsverket.se/dokument?documentSummaryId=44496>
- ^{xiv} Swedish Migration Agency | Migrationsverket. (2020, October 29). *EU-dom flyttar fokus från besluts-till ansökningsdatum i familjeåterföreningsärenden* [EU ruling shifts focus from decision-making to application date in family reunification cases]. <https://www.migrationsverket.se/Om-Migrationsverket/Pressrum/Nyhetsarkiv/Nyhetsarkiv-2020/2020-10-29-EU-dom-flyttar-fokus-fran-besluts--till-ansokningsdatum-i-familjeaterforeningsarenden.html>
- ^{xv} AIDA Sweden. (2021). *Country Report: Sweden - 2020 Update*. Edited by ECRE. Written by the Swedish Refugee Law Center. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf
- ^{xvi} European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union*. <https://easo.europa.eu/asylum-report-2020>
- ^{xvii} European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin 4 - 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf
- ^{xviii} AIDA Hungary. (2021). *Country Report: Hungary—2020 Update*. Edited by ECRE. Written by Hungarian Helsinki Committee. https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-HU_2020update.pdf
- ^{xix} Seraphus. (2020, November 17). *Leaving Dublin behind: what does leaving the Dublin Regulation mean for the UK?* By Charlotte Rubin. <https://www.seraphus.co.uk/news/files/580d1cb68b560e634b72776708ab0370-62.php>
- ^{xx} InfoMigrants. (2020, December 31). *Brexit: What changes for migrants on January 1?* <https://www.infomigrants.net/en/post/29374/brexit-what-changes-for-migrants-on-january-1>