

FAMILY REUNIFICATION DIRECTIVE

State of play. The Commission published in May 2012 a summary of the responses received on its public consultation on family reunification. Based on the results, the Commission will decide whether policy follow-up is necessary. An overview of the main findings:

- Most **Member States** did not advocate reopening the directive. Many MS stated that there were no major problems with current provisions and some were concerned that any modifications might limit the competence of MS. The NL was the only country that explicitly called for a reopening of the directive. It advocated a series of amendments involve additional restrictions on family migrants and a more binding integration policy stressing migrant responsibility. Overall, the following key issues emerged across many of the responses from MS:
- All **international organisations**, consultative bodies and almost all national NGOs took a pro-family reunification position and sought less restrictive rules, making a number of suggestions for amendments and improvements where the directive could be strengthened to ensure rights to family life. Many submissions highlighted international human rights obligations and identified areas where current practice denied some TCN the right to family reunification. However, a number of organisations sounded a note of caution about reopening the directive on the basis that in the current political climate an updated directive would be more restrictive and would further exacerbate the disadvantaged position of migrants. Instead, many organisations also called for the publication of guidance on the directive, and for better enforcement of existing provisions, including infringement procedures.

Background information:

Directive of 22 September 2003

- **Official name:** Council directive [2003/86/EC](#) of 22 September 2003 on the right to family reunification
- **Objective of the directive:** To establish common rules of law relating to the right to family reunification. The intention is to enable family members of third-country nationals residing lawfully on the territory of EU to join them in the Member State in which they are residing. The objective is to protect the family unit and to facilitate the integration of nationals of non-member countries. [Summary](#).
- **Transposition deadline:** 3 October 2005
- **Remarks:** The directive does not apply to Ireland, Denmark and the United Kingdom. In addition, it does not preclude any more favourable conditions recognised by national legislation.
- **Evaluation:** [Evaluation report](#) of 8 October 2008 of the European Commission on the application of the directive. The report concluded the directive has shown a low impact, partly due to the degree of discretion given to EU States when setting certain requirements.
- **November 2011 – March 2012: The Commission launched a broad consultation** on the issue on the basis of a [Green Paper](#). The aim was to collect opinions on how to have more effective rules on family reunification at EU level and to provide factual information and data on the application of the directive.
 - The consultation covered the following topic areas:
 - Scope of the application of the directive
 - Requirements for the exercise of the right to family reunification

- Entry and residence of family members
- Asylum related questions
- Fraud, abuse and procedural issues
- The Commission received 120 contributions, including 24 from Member States. [More information](#) and links to the answers from all stakeholders are available (including the answer from [Belgium](#)). The Commission provided a [summary](#) (11 May 2012).

More information:

- Background information on the website of the [European Commission](#).