

## EMN IRELAND MIGRATION MEMO #4: How do European countries manage family reunification for recognised refugees?

This EMN Ireland Migration Memo summarises the finding from the EMN Inform ‘[Family Reunification for beneficiaries of international protection](#)’. This Migration Memo was prepared by Dervla Potter, Yazmin deBarra and Keire Murphy. [EMN Ireland](#) is the Irish National Contact Point of the [European Migration Network](#) and is located in the [Economic and Social Research Institute \(ESRI\)](#) and the Department of Justice.

### THE ISSUE

Family reunification is an important right that can help refugees to restore normalcy in their lives. Family reunification in the protection context can also bring family members in potentially vulnerable circumstances to safety. In the EU, family reunification for non-EEA nationals, including refugees, is regulated by the Family Reunification Directive, which Ireland has not opted in to. In Ireland, provisions on family reunification for beneficiaries of international protection (‘recognised refugees’) are laid out in the International Protection Act 2015, while the [non-EEA Family Reunification Policy](#) covers applications that fall outside its scope (for example, family reunification for employment permit holders).

There has been significant debate in Ireland about the family reunification system in place for beneficiaries of international protection and other non-EEA nationals, with criticisms for example relating to the definition of ‘family’, challenges acquiring documents within given timeframes, and processing delays. Other countries have also reported [challenges](#) in this area, and it is useful to look at how other EMN Member and Observer countries manage their systems. This EMN Ireland Migration Memo provides an overview of approaches to family reunification for beneficiaries of international protection by 25 responding EMN Member and Observer Countries.

### WHAT FAMILY MEMBERS ARE ELIGIBLE?

In Ireland under the International Protection Act 2015, only very close family such as spouses or civil partners and unmarried children under 18 (both biological and adopted) are eligible for family reunification with a recognised adult refugee (the sponsor). Minor, unmarried refugees can also apply to reunite with their parents and the parents’ unmarried minor children. Ireland requires that family links pre-date the sponsor’s application for international protection, a condition that is also applied in a small number of other countries such as Austria, France and Slovakia. In almost half of the responding countries, cohabiting partners or long-term partners are also eligible for family reunification, but not in Ireland.

Many countries also allow reunification with dependent adult children or parents, in line with the discretion granted under the Family Reunification Directive for this category. In several of the responding countries, adult dependent children can be granted family reunification, sometimes only in certain circumstances (e.g. health conditions). At least 10<sup>1</sup> respondent countries also allow reunification with parents of adult refugees who are dependent on the refugee.

Other family members are eligible in some countries, for example foster children (Finland and Netherlands) or children of whom the refugee has custody (Luxembourg) and minor siblings (Portugal). In some countries there is broad discretion, for example in Croatia, where any other relative may be considered eligible where there are ‘special personal or serious humanitarian reasons for family reunification’. Serbia, Slovenia and Spain allow reunification with other relatives where dependence can be proven. In Ireland, several of these groups are not included but for family members who do not fall within the scope of the International Protection Act 2015 provisions, the sponsors can apply for reunification under the non-EEA Family Reunification Policy, although this comes with additional requirements such as sufficient financial resources.

#### Spotlight on: Family reunification with children

**General principle under the Family Reunification Directive:** Children must be under 18 and unmarried to be eligible for family reunification. However, in jurisprudence relating to the Family Reunification Directive (which Ireland does not participate in), the Court of Justice of the European Union (CJEU) has found, in cases where a minor turns 18 during proceedings, that the Directive must be interpreted in light of the right to respect for private and family life and the best interests of the child ([C-133/19](#), [C-136/19](#) and [C-137/19](#)).

<sup>1</sup> Belgium, Estonia, Greece, Italy, Lithuania, Luxembourg, Portugal, Slovenia, Slovakia, Norway.

**Turning 18 during the international protection process:** In 10 countries (excluding Ireland), children can reunite with family even if they turn 18 during the sponsor parent's international protection application process. In almost half of responding countries, unaccompanied minors can apply for family reunification if they turn 18 during the international protection process. Ireland has a discretionary policy for unaccompanied minors who turn 18. Unaccompanied minors in 9 countries (not including Ireland) can apply for family reunification within 3 months of obtaining status if they turn 18 during the international protection process. The CJEU has found that, where a sponsor parent's child has reached the age of the majority during the asylum application process and prior to the family reunification application, the appropriate date for considering the age of the minor is the date of application for asylum by the parent, provided they apply for family reunification within three months of being granted refugee status (C-279/20).

## WHO APPLIES AND HOW?

In 10 countries (including Ireland), the refugee sponsor submits the application for family reunification. Some countries accept applications in person, via an electronic platform (Italy, Latvia, the Netherlands, Norway), or by email (Cyprus, Estonia, Montenegro, Slovenia). Ireland requires applications to be submitted by post. In 12 countries, the family member applies, usually in person at embassies or consulates, sometimes combined with an online application. In Poland and the Netherlands, both the sponsor and the family member can apply.

## HOW LONG DOES IT TAKE?

The Family Reunification Directive stipulates that Member States must give written notification of their decision as soon as possible and no later than nine months from the application date, although the time limit may be extended in complex cases. Most countries therefore have time limits of between 1 and 9 months to issue a decision on applications, with extensions possible in specific circumstances. Ireland and Bulgaria have no defined timeline for decision-making.

## HOW DO APPLICANTS PROVE FAMILY LINKS?

Proof of pre-existing family ties between the sponsor and family member is the main type of documentation required to prove family links, such as marriage/partnership certificates and birth certificates. Alternatives can be accepted where official documentation cannot be obtained. In Cyprus, for instance, family photos and letters are admissible, while in Luxembourg any type of document that establishes the identity or nationality of the family member and verifies family links can be used.

### Spotlight on: Integral assessment in the Netherlands

In the Netherlands, family reunification procedures involve an 'integral assessment' based on the sponsor's submitted documents and statements. Alternative documentation and declarations are considered when assessing family links. The weight given to certain documents is determined by several factors: 1) the (type of) authority that issued the document; 2) judgement of the Documents Bureau of the Immigration and Naturalisation Service (IND), which examines the authenticity of the documentation; 3) administrative practice in the country of origin; and 4) content of the documents.

In 13 countries, including Ireland, asylum application information can be used. In addition, 14 respondents may conduct interviews with the sponsor/applicant to verify family relationships. Consular authorities of countries like Greece and the Netherlands may interview family members. DNA testing is used in 12 countries, including Ireland (in exceptional cases). Written declarations or oaths are also used in Bulgaria, Cyprus, and Slovakia.

## KEY TAKEAWAYS

- EMN countries have varying criteria for eligible family members for reunification. Many allow long-term or cohabiting partners to reunify, and many allow dependent adult children and dependent parents in some circumstances. Various approaches to submitting family reunification applications are taken in different countries.
- Almost all responding countries have defined time limits to issue decisions on applications, in line with the 9-month time limit under the Family Reunification Directive. Ireland is one of only two countries with no defined time limit.
- Proof of pre-existing family ties is verified across EMN countries by using official documentation, or alternatives such as photos and letters, information from asylum applications, interviews with sponsor/family members, DNA testing and written declarations/oaths.

*The information contained in this Migration Memo refers to the situation in the abovementioned EMN Member and Observer Countries up to June 2023. EMN Ireland Migration Memos provide short summaries of work published by ESRI researchers or syntheses of EMN EU-level research, situated in an Irish context. Memos are designed to be easily accessible to a wide readership. For more information on the EMN, see our [2024 Leaflet](#). For more information on EMN publications visit [www.emn.ie](http://www.emn.ie) or email [emn.ireland@esri.ie](mailto:emn.ireland@esri.ie).*