CONCEPT PAPER

The right to family life is a fundamental right enshrined in Article 8 of the European Convention on Human Rights. It can also be derived from the United Nations Universal Declaration of Human Rights. It is thereby a central part of European and International Human Rights Law. This provision affects many policy areas and it is safeguarded through different measures. It is also valid in the context of asylum and migration and has been incorporated into national migration and asylum law.

Beneficiaries of international protection, labour migrants, students and other categories of migrants all have the possibility of bringing their family members to their country of destination under certain conditions. The term ‘family reunification’ includes different concepts: family reunion (reforming in the host state a family previously existing abroad); family formation (establishing a new family unit), family retention (protecting members of an existing family unit from expulsion) and family regularisation (regularizing the status of an existing family unit). It therefore affects not only third country nationals but possibly also a country’s own citizens.

The ways in which family reunification is regulated will have a large impact both on individual migrants and on the migration patterns as a whole, since family reunification is in most Member States the largest category of migrants, exceeding both labour migrants and refugees. Roughly 700 000 migrants are admitted to EU countries through family reunification every year.
The EU Directive on family reunification\(^1\) sets out the minimum standards in this regard and obliges Members States to allow the entry and residence of certain categories of family members who fulfil the relevant conditions. The personal scope of the Directive is large, including also refugees. For refugees one of the most pressing issues is the concern for family members left behind in their home country after having fled. Persons enjoying subsidiary protection are excluded from the Directive and are thus subject to national legislation.

Despite the common legal framework Member States have been left certain latitude to decide on their detailed policy to family reunification. In 2011 the European Commission published a Green Paper\(^2\) to launch public consultations on the right to family reunification of third country nationals living in the European Union in order to gather opinions on how to have more effective rules at EU level. It was decided not to re-open the Directive but rather to produce guidelines\(^3\) on its application in order to foster further alignment in the EU. These guidelines addressed many aspects of the Directive, i. a. the definition of family member, the minimum age of spouse, and other requirements for the exercise of the right to family reunification (i.e. accommodation, insurance and sufficient resources).

Family reunification is an important avenue for legal migration but also, being able to lead family life is considered to be a significant factor in successful integration. Therefore, the future chances for family reunification substantially affect the choices of potential migrants. Relevant are also the possibilities for family members to get access to employment or education and to acquire the necessary language skills.

Family reunification – like any migration channel – can be used for abusive purposes e.g. through marriages of convenience and even involving criminal activity such as trafficking and forced marriages. Further measures are needed to counter these negative effects while maintaining a flexible system that can safeguard the right to family life.

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The panel meeting within the Eastern Partnership Panel on Migration and Asylum will evolve around four main sessions:

- **Session I** will deal with the European and international legal framework of family reunification and provide a general overview of the topic.
- **Session II** will address the different forms of family reunification by introducing different categories such as labour migrants and refugees with a focus on best practice and legislation in EU MS and EaP countries. It will also include a child perspective and elaborate on the limitations for exercising the right to family reunification.
- **Session III** will address the procedural and practical aspects in EU MS and EaP countries, including the issue of countering abuse.
- **Session IV** will deal with the issue of family reunification in relation to integration measures.

The meeting will offer a platform for discussion and exchange of views between the EU and the Eastern Partnership, with the involvement of several experts from academia and international organisations among others. Prior to the meeting a discussion paper will be disseminated to serve as a comparison between the participating states and also to formulate questions for further discussion.