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Policy paper

Family reunification: a right, not a privilege



Table of Contents

Introduction	2
1. Family unity matters.....	4
A driver of integration and social inclusion.....	4
The mental health impact of family separation.....	6
A safe pathway to protection	7
2. Family life: a right, not a privilege	8
International and European legal frameworks.....	8
Jurisprudence and EU guidance promoting family reunification	10
3. Legislative restrictions to family reunification.....	12
Refugees and subsidiary protection beneficiaries: similar protection needs, different rights	12
Post-2015 crack down on family reunification for subsidiary protection holders.....	13
Recent wave of restrictions and legal appeals.....	14
4. Procedures and practical barriers	18
Procedural requirements and barriers to family reunification	18
The hidden price of reunion.....	19
The right to effective procedures and procedural safeguards.....	20
Post-arrival challenges: access to permit, rights, and family dynamics	21
Recommendations	23
Conclusion	26



Family arrives in Italy thanks to Caritas Italy. Photo: Caritas Italy.

Introduction

For the past 20 years, family reunification has been a leading driver of migration to the EU, accounting for about one-third of residence permits issued to non-EU nationals in 2023.¹ **Access to family reunification is key for every person**, including migrants, but for people separated by armed conflict, persecution or hardship, it is even more essential, as the right to family life cannot be effectively exercised in the country of origin. **This policy paper looks at the situation of beneficiaries of international protection**, including people with a refugee or subsidiary protection status² whose protection and family reunification needs and challenges are similar. We refer to beneficiaries of international protection under the generic term of “refugee”, unless we address the legislative barriers faced by subsidiary protection holders.

We first outline why **the right to family life is central to the human dignity of every person and a prerequisite for successful integration**. Reunited families are more stable, resilient and better equipped to thrive and rebuild their lives and play an active role in receiving host communities, including through employment. Prolonged separation strains relationships with children, spouses, and parents, while isolation, stress, and psychosocial challenges intensify and prevent people from living a normal life. **Family reunification lies at the heart of Caritas’ mission and reflects a core principle of Catholic social teaching: the family as the foundational building block of society**. It is central to our work, as it strengthens both the well-being of reunited families and the cohesion of society as a whole. In addition, **family reunification provides a safe pathway**, but legal and practical barriers often push separated families into dangerous irregular journeys to reunite in Europe.

Secondly, the **paper reaffirms that family life is a right, not a privilege, enshrined in international and EU law** and reaffirmed by abundant jurisprudence which requires states to give effective access to the right to family life

¹ Eurostat, 2024, More than 3.7 million first residence permits in 2023, <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240912-1>

² Art 3.6 of the EU qualification regulation defines a person eligible for subsidiary protection as a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that that person, if returned to his or her country of origin or former habitual residence, would face a real risk of suffering serious harm, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401347

and family unity through flexible, prompt and effective access to family reunification. The EU Directive 2003/86/EC on the right to family reunification and its guidance **aim to enable family life and promote the effective exercise of this right.**

Thirdly, the policy paper examines how **the right to family life is increasingly undermined by restrictive migration policies**, which frame family reunification as a threat to policymakers' efforts to reduce arrivals. Since 2015, several countries have imposed **stricter requirements on beneficiaries of international protection**, with family reunification either suspended or subject to multi-year waiting periods. This trend has intensified in recent years, making reunification nearly impossible for certain groups.

Lastly, we outline **complex bureaucratic procedures and practical barriers** that delay or prevent families from reuniting for years. Across Europe, Caritas accompanies refugees to navigate complex **legal and administrative requirements**, as reunification is hindered by strict rules, long delays, and high costs. Family members in conflict-affected areas seeking reunification in Europe often risk their lives and incur significant costs simply to travel to embassies to fulfill administrative requirements.

In order to make the right to family life a reality, **Caritas Europa calls on decision-makers to facilitate and promote family reunification** instead of undermining it. We set out recommendations to EU Member States to remove the barriers that keep families apart and to help families live together in safety and dignity and invite the European Commission to strengthen the monitoring and enforcement of the Family Reunification Directive.



Family members reuniting thanks to Caritas Belgium. Photo: Isabel Corthier.

1. Family unity matters

For Caritas Europa, **family unity and the right to family life are central to the human dignity of every person and a prerequisite for successful integration.** Our members witness daily the vital role that family unity plays in fostering social inclusion and participation in receiving societies. Through family counselling and integration support, **Caritas accompanies refugees** as they navigate the immense administrative burdens of the reunification process. Because this procedural complexity often exceeds the capacity of individuals to manage alone, professional support is essential.

A driver of integration and social inclusion

Integration is a complex two-way process, and isolation makes it even harder. For any individual, rebuilding life in a new country requires a sense of stability that enables full participation in society, and family life is a central part of that foundation. On the contrary, its absence creates obstacles that affect every dimension of integration.

Evidence consistently shows that family presence accelerates integration, while prolonged separation undermines it.³ UNHCR highlights⁴ that families strengthen the social support systems on which integration relies. **Research confirms that lengthy family reunification procedures delay participation in education, employment and community life,** while reunification leads to measurable improvements in these areas. The logic is clear: **refugees separated from their loved ones struggle to invest in other aspects of life.** Re-establishing family bonds functions as a precondition for integration across other domains, such as language learning, employment

³ The stories collected by the Red Cross through the EU funded REPAIR project confirm the barriers to integration:

<https://communityengagementhub.org/repair-case-studies/>

⁴ UNHCR, 2024, Operational guidance on complementary pathways for admission, <https://www.unhcr.org/complementary-pathways-guidance/8-family-reunification/>

and community participation. Close and trusting relationships with family act as a bridge toward building broader social connections.⁵ When that inner circle is missing, the capacity to reach outward is reduced, directly limiting social networks, which are vital for socio-economic integration.⁶

According to the 2025 Migrant Integration Policy Index,⁷ **family reunification is one of the core components that enables refugees to settle long-term and feel secure about their future in the receiving country.** The analysis of policy outcomes across all EU Member States (MS) confirms that facilitating a secure family life has positive effects on refugees' labour market outcomes, while restrictive family reunification rules tend to disproportionately affect newly arrived people with fewer resources, particularly third-country nationals from poorer or conflict-affected regions.

The labour market consequences of family separation are equally documented. Analysis across European OECD countries shows that **delays in family reunification are associated with worse wage outcomes**, even many years after arrival. Delays cause lower wages, partly by delaying investment in education and skills. **The effects extend to spouses who arrive late**, since in European countries delayed arrival is associated with lower language knowledge and reduced employment probability years after the reunion. **The impact on children is particularly striking:** those who join their families at pre-school age show better outcomes in adulthood in terms of education, employment and language skills compared with children who arrive at school age.⁸ Evidence from Switzerland confirms that, even if reunited families may initially face income disadvantages, most achieve satisfactory living conditions within five years from the reunion.⁹ Delays therefore **have lasting intergenerational effect.**

The financial dimension of family separation is also significant. When family members are abroad, **refugees in Europe often feel a deep obligation to provide financial support to those left behind, diverting income and resources away from their own integration process.**¹⁰ This can lead to economic hardship during an already fragile period. Family separation can therefore place refugees in financially precarious situation, undermining the self-reliance that integration policies are meant to foster.¹¹ Additionally, the financial contribution of a reunited spouse can help prevent poverty, while the additional income can allow refugees and their families to achieve better overall living conditions.¹²

There is also a less visible but equally significant consequence: **the impact that difficult family reunification experiences may have on refugees' sense of belonging in the receiving country.** Belonging means feeling an emotional connection to the country of residence, a sense of being at home and safe. This is widely recognised as a fundamental aspect of integration. Yet research has found that negative encounters with immigration authorities and reunification procedures can undermine this sense of belonging. Sponsors have reported being ashamed of the country in which they live, perceiving that their family members are not welcome, and feeling divided from fellow citizens who do not share the same experience. **Such feelings negatively impact social**

⁵ Baillot et al., 2023, 'Step by step': the role of social connections in reunited refugee families' navigation of statutory systems, *Journal of Ethnic and Migration Studies*, 49(17), pp. 4313–4332, <https://www.tandfonline.com/doi/full/10.1080/1369183X.2023.2168633>

⁶ ECRE, 2005, The way forward, towards the integration of refugees in Europe, https://ecre.org/wp-content/uploads/2016/07/ECRE-The-Way-Forward-Towards-the-Integration-of-Refugees-in-Europe_July-2005.pdf

⁷ Yavçan and Gorgerino (Migration Policy Group), 2025, MIPEX 2025 – A Roadmap for Inclusive Policy in the EU, <https://www.mipex.eu/family-reunion>

⁸ OECD, 2019, International Migration Outlook 2019, https://www.oecd.org/en/publications/international-migration-outlook-2019_c3e35eec-en.html

⁹ Galeano and Gerber, 2023, The Economic Performance of Reunited Families in Switzerland, 2013–2018, *Journal of international migration and integration*, 25(1), pp. 37–60, <https://pmc.ncbi.nlm.nih.gov/Art.s/PMC10902038/>

¹⁰ Katsampa et al., 2025, Family against the odds: the psychosocial impact of family separation on refugee men living in the United Kingdom, *Social Sciences*, 14(3), 159, <https://www.mdpi.com/2076-0760/14/3/159>

¹¹ ECRE, 2023, Not there yet: Family reunification for beneficiaries of international protection, <https://ecre.org/wp-content/uploads/2023/02/AIDA-Family-Reunification-February-2023.pdf>

¹² OECD, 2019, op. cit.

cohesion and mutual trust, both of which are essential to successful integration for newcomers and for receiving societies alike.¹³

The separation of families is extremely stressful for all family members. It's difficult for people to settle into the new country when they are constantly worrying about their loved ones. Once the family joins them, many things improve. Integration becomes easier, people can focus on work and language learning, and they feel more secure. I have often seen how great the psychological burden of separation can be.

The separation breaks families apart. The people here are constantly worried about their loved ones and can hardly concentrate on their lives in Germany. I remember a father with three adolescent children – he was completely overwhelmed because, as a single parent, he lacked family support.

Carla Wilde, migration counsellor at Caritas in Halle, Caritas Germany¹⁴

The mental health impact of family separation

For individuals, displacement is rarely a single traumatic event. Researchers have described the experience as a form of “triple trauma”: the decisions that triggers flight, the dangers of the journey and the ongoing stressors of settling in a new country. Family separation compounds these three phases and **can re-traumatise refugees and hinder recovery from previous traumatic experiences**.¹⁵

Family separation is not merely an emotional hardship, but a clinically significant risk factor for mental health deterioration. A 24-year-long study drawing on Danish national registry data found that **refugee fathers still separated from their families faced a risk of mental disorders more than twice as high as those who had already been reunified**. This risk increased with longer waiting periods, and elevated risk persisted even after reunification had been achieved, suggesting that the harm caused by prolonged separation is not immediately reversed once families are together again.¹⁶ Research from Germany reinforces this picture: **family separation is associated with higher levels of psychological stress and lower well-being**, while family reunification has a positive association with refugees' mental health.¹⁷ Additionally, **symptoms of depression and anxiety were found to be significantly higher among refugees seeking family reunification** compared to those not seeking it, and studies consistently identified associations between the lack of family reunification and post-traumatic stress disorder (PTSD).¹⁸

Beyond individual mental health, **when parents and children are separated for extended periods, the emotional impact affects all family members and can damage the parent-child relationship itself**. This has especially

¹³ Strik et al., 2013, Family reunification: a barrier or facilitator of integration? A comparative study,

<https://emnbelgium.be/publication/family-reunification-barrier-or-facilitator-integration-comparative-study>

¹⁴ Caritas Germany, 2025, Interview mit Carla Wilde: Familienzusammenführung ist ein zentrales Thema der Migrationsberatung,

<https://www.caritas.de/fuerprofis/fachthemen/migration/20-jahre-migrationsberatung-mbe/interview-mit-carla-wilde>

¹⁵ Oduola and Dykxhoorn, 2022, Triple trauma, double uncertainty, and a singular imperative to address the mental health crises within asylum-seekers and refugees system: a commentary on Hvidtfeldt et al. (2021), *Soc Psychiatry Psychiatr Epidemiol*, 57(10), pp. 2157–2159, <https://pmc.ncbi.nlm.nih.gov/Art.s/PMC9477934/>

¹⁶ Hvidtfeldt et al., 2021, Waiting for family reunification and the risk of mental disorders among refugee fathers: a 24-year longitudinal cohort study from Denmark, *Soc Psychiatry Psychiatr Epidemiol*, 57(5), pp. 1061–1072, <https://pmc.ncbi.nlm.nih.gov/Art.s/PMC9042990/>

¹⁷ Löbel and Jacobsen, 2021, Waiting for kin: a longitudinal study of family reunification and refugee mental health in Germany, *Journal of Ethnic and Migration Studies*, 47(13), pp. 2916–2937, <https://www.tandfonline.com/doi/full/10.1080/1369183X.2021.1884538>

¹⁸ Nowak et al., 2023, Associations between postmigration living situation and symptoms of common mental disorders in adult refugees in Europe: updating systematic review from 2015 onwards, *BMC Public Health*, 23(1), 1289, <https://pmc.ncbi.nlm.nih.gov/Art.s/PMC10320886/>

pronounced consequences for young children, for whom the absence of primary caregivers during formative developmental years carries well-documented long-term psychological risks.¹⁹

Reunification heals, as being with loved ones helps refugees begin to recover from trauma more quickly. Family members provide a sense of safety and normality in an otherwise unfamiliar environment and reconnect individuals to community structures – schools, workplaces, faith communities – that accelerate recovery and integration. This is especially true for women and children, who are in the most vulnerable situation in displacement settings.²⁰

A safe pathway to protection

Whether as a chosen strategy or an unintended consequence of forced displacement, family separation is rarely meant to be permanent.²¹ However, family members left behind are not necessarily safe simply because one relative has reached protection, as they may themselves face serious risks. **Accessible and efficient family reunification procedures can therefore protect more people and reduce the need for dangerous journeys to Europe.**

When legal reunification channels are inaccessible or too slow, family members do not simply wait; they move, often through irregular pathways.²² In the context of perilous migration routes, **broader access to family reunification would allow more people to travel safely and legally, improving management of movements and reducing reliance on smugglers.** However, because of the multiple barriers many eligible applicants face, family members who were left behind are often pushed to undertake dangerous irregular journeys to join their relatives in Europe. This pattern has been well observed among **refugees who embark on irregular routes precisely due to lack of access to family reunification mechanisms.**^{23 24}

The consequences fall most heavily on people in the most vulnerable situations. A 2023 quantitative study of Syrian refugee cohorts showed that when routes are riskier and entry barriers higher, there are fewer female and family migrants. Such obstacles disproportionately affect women, children, older people, and persons with disabilities.²⁵ In other words, **restricting legal reunification does not stop movement, but it filters out the most vulnerable, leaving them behind or pushing them onto more dangerous pathways. Well-designed family reunification procedures create safe and regular pathways** that prevent refugees from resorting to dangerous and irregular journeys. Effective procedures can also weaken smuggling networks that profit from the absence of legal alternatives. As underscored by the International Organisation for Migration (IOM), **well-managed reunification can help governments to enhance regular migration pathways, while upholding the right to family life and reducing vulnerabilities along migration routes.**²⁶ While family reunification should not be reduced to a migration management tool, it can contribute to safer migration pathways while ensuring that protection reaches those who need it most.

¹⁹ Strik et al., 2013, op. cit.

²⁰ UNHCR, 2025, Refugee family reunion: why it matters, https://www.unhcr.org/uk/sites/uk/files/2025-09/why_refugee_family_reunion_matters_10_september_2025.pdf

²¹ Jastram and Newland (UNHCR), 2009, Family unity and refugee protection, <https://www.unhcr.org/sites/default/files/legacy-pdf/3bd3d4a14.pdf>

²² UNHCR, 2022, Families together – Family reunification in Europe for refugees, <https://www.unhcr.org/familiestogether/>

²³ UNHCR, 2018, Desperate Journeys – Refugees and migrants arriving in Europe and at Europe's borders, <https://www.unhcr.org/desperatejourneys/desperate-journeys/>

²⁴ Red Cross EU Office, 2023 (1), Making family reunification a reality, <https://redcross.eu/latest-news/making-family-reunification-a-reality>

²⁵ Gundacker et al., 2024, Unequal access to protection? Selection patterns over arrival cohorts of Syrians seeking refuge in Lebanon, Turkey, and Germany, *Frontiers in Human Dynamics*, <https://www.frontiersin.org/journals/human-dynamics/Art.s/10.3389/fhumd.2023.1171885/full>

²⁶ IOM, 2023, Family reunification – Policies & practices supporting regular migration pathways, <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/2023-07/family-reunification.pdf>



Barwako is a 12-year-old girl from Somalia. As a child, she developed a skin condition that caused the loss of her lower lip. Caritas Italy brought her and her family (her parents and four siblings) to Italy from a refugee camp in Addis Ababa, where they had been living. Photo: Caritas Italy.

2. Family life: a right, not a privilege

Family life is a right, not a privilege or a luxury. Several international and European legal instruments affirm the right to family life and, by extension, the importance of the right to family reunification to preserve family unity.

International and European legal frameworks

The **Universal Declaration of Human Rights** (Art. 16.3) and the **International Covenant on Civil and Political Rights** (Art. 23) provide that the family is a fundamental group unit of society and should be respected and protected. The **Charter of Fundamental Rights of the European Union**, which applies to EU institutions and MS when implementing EU law, protects the right to respect for private and family life (Art. 7). This right is also guaranteed by Art. 8 of the **European Convention on Human Rights** (ECHR) and may only be restricted when strictly necessary and proportionate. The 1951 **Refugee Convention** recommends that governments take measures to ensure the protection and unity of the families of refugees. Art. 9 of the **UN Convention on the Rights of the Child** commits signatories to **prevent the separation of a child and their parents** against their will, while Art. 10 commits the State Parties to **assess applications for family reunification in a positive, humane and expeditious manner** in situations where the sponsor is a child. In addition, the Council of Europe Parliamentary Assembly resolution "The right to

family life for migrants and refugees” explicitly refers to maintaining family unity while respecting human rights and dignity.²⁷

At EU level, **Directive 2003/86/EC²⁸ recognises the right to family reunification** and establishes the rules governing family reunification for third-country nationals, including the conditions, eligible family members, and procedural timelines. The Directive also provides **more favourable and flexible provisions for refugees** due to their specific situation and vulnerability. For instance, **it exempts them from the stringent and difficult requirements relating to financial resources, health insurance, and accommodation** for newly arrived family members, provided that the application is submitted **within three months** of the grant of status (Art. 12(1)). After three months, MS may impose the afore-mentioned material requirements, but they can also decide to continue applying the exemption for longer. The **Council of Europe** highlights that **preparing all the necessary documents and securing actual access to an embassy within such a short timeframe is a substantial challenge**,²⁹ and UNHCR invites countries to exempt refugees from these conditions even after three months.³⁰

The Directive limits **eligible family members for reunification to the nuclear family** – i.e. sponsor’s spouse and minor unmarried children – but it enables MS to widen the scope to other family members. Indeed, **a strict definition of family limited only to legal ties and direct lineage does not reflect the reality of family life in different cultural contexts, especially in situations of persecution or armed conflict**, where children may be cared for by grandparents, aunts, uncles, or cousins, and older siblings may often assume parental responsibilities.³¹ There is **no specific provision for the reunification of siblings over 18**, even if they are still dependent on their parents.³² MS can also allow family reunification with **dependent adult relatives**, but the “dependency” requirements are often narrowly applied and hard to satisfy.

The Directive also allows MS to **limit the flexible rules on reunification with refugees to family relationships formed prior to entry to the EU** (Art. 9(2)), and several MS do so. **UNHCR strongly opposes this approach**, as it does not reflect the reality of many refugees’ lives, where bonds may form after arrival in the country of asylum – especially given long processing times for asylum applications.³³

Unaccompanied refugee children in the EU have the right to be reunited with their parents, but they risk “ageing out” during the process. Since some MS require them to be under 18 when the final decision on their family reunification application is reached, long asylum procedures and administrative delays can result in cases where children have “aged out” and thus become ineligible for family reunification.³⁴ Importantly, in April 2018, the Court of Justice of the European Union (CJEU) ruled that unaccompanied minors who turn 18 during the asylum process retain their right to family reunification if they are granted refugee status,³⁵ provided they applied for asylum as minors and request reunification within a reasonable time.³⁶

²⁷Council of Europe Parliamentary Assembly, Resolution 2243 (2018) “The right to family life for migrants and refugees”, <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25185&lang=en>

²⁸Council of the European Union, 2003, Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, <https://eur-lex.europa.eu/eli/dir/2003/86/oj/eng>

²⁹ Council of Europe, 2017, Realising the right to family reunification of refugees in Europe, p. 4, <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

³⁰ UNHCR, 2022, op. cit.

³¹ Ibid. and UNICEF, 2017, The Refuge of Family: How the UK Government can help children fleeing danger reach the safety of family, p. 3, https://www.unicef.org.uk/wp-content/uploads/2017/09/Unicef_TheRefugeOfFamily_briefing.pdf

³² UNHCR, 2022, op. cit., p. 13.

³³ Ibid., p. 14.

³⁴ Ibid., p. 13.

³⁵ In Germany for instance, this ruling is not considered applicable for beneficiaries of subsidiary protection as the Directive does not apply to them. They are still ageing out frequently.

³⁶ See Court of Justice of the European Union, Judgment in Case C-550/16: A and S v Staatssecretaris van Veiligheid en Justitie, 12 April 2018, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-04/cp180040en.pdf>. There is also similar case law on the situation where a parent applies for asylum when the child abroad is still a minor and the child becomes an adult when the parent obtains refugee status: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62020CJ0279>

Reunification with people other than parents is very difficult once the parents have passed away. In most EU MS, **orphaned unaccompanied children are effectively prevented from reuniting with siblings**, even when this is in their best interests. Often, when an **unaccompanied child in Europe has minor siblings living abroad with a parent, the parent may be granted a visa, but not the minor siblings** – leading to further family separation, as it is the case in Germany.

The Directive (Art. 5(4)) requires that **decisions on family reunification applications be notified in writing to the applicant as soon as possible, and in any case no later than nine months** after lodging the application. Once in the EU, eligible family members are entitled to a renewable **residence permit** of at least one year and have **access to education, employment and vocational training**.

Several MS, such as Austria, Belgium, or Sweden for instance, rely on **Art. 8 of the ECHR to enable family reunification**, assessing cases individually based on factors such as the strength of family ties, duration of residence, and the potential impact on family life. Permits may be granted where refusal would disproportionately interfere with private and family life, including in cases involving dependency relationships.

Beyond the Directive, several countries also provide **safe pathways and admission** by granting **residence permits or visas on humanitarian grounds**, considering factors such as family unity and ties, integration, or exceptional circumstances. For example, **Belgium offers humanitarian visas in exceptional cases**, which are rarely granted except for minor siblings of unaccompanied minors who would otherwise be left isolated in their country of origin. **Germany used to have a provision to grant family reunification on humanitarian grounds**, with some federal states operating humanitarian reception programmes for beneficiaries of international protection who do not qualify for conventional family reunification procedures.³⁷ Unfortunately, **all humanitarian admission programmes were stopped by the federal government in spring 2025**.

Jurisprudence and EU guidance promoting family reunification

Comprehensive **jurisprudence** has also been developed over the years to clarify the scope of the right to family life and the Family Reunification Directive. The **European Court of Human Rights (ECtHR)** case law requires states to ensure **actual access** to the right to family life and family unity through **flexible, prompt and effective family reunification**.³⁸ The **CJEU** jurisprudence has notably established that the Directive's aim is to **enable family life and promote the right to it, so it must be interpreted and applied in that light**. The Directive's rules should also be applied in a consistent manner with the protection of **fundamental rights**, notably regarding **family life and the best interests of the child**.

In response to significant implementation challenges across the EU, **the European Commission (EC) developed guidance in 2014** to clarify how the Directive should be implemented and to outline key elements of the relevant jurisprudence.³⁹ Notably, the EC specifies that **derogations must be interpreted strictly** and that the conditions and requirements available to MS must **not be applied in a manner that would undermine either the objective of the Directive – the promotion of family reunification – or its effectiveness**.⁴⁰ The EC further stresses that MS remain free to provide **more favourable rules**. In particular, they can extend the **exemption period to meet the material requirements beyond three months**, or waive those conditions altogether. MS are also encouraged to provide **greater flexibility regarding documentary requirements and proof of family ties** due to the difficult and

³⁷ EMN, 2025, Family reunification of third-country nationals: State of play of law and practice, p. 22,

<https://emnbelgium.be/publication/family-reunification-third-country-nationals-state-play-law-and-practice>

³⁸ In addition, in some exceptional cases, ECtHR case law gives states a positive obligation to grant a person a residence permit to protect his/her family life. See for example the case M.A. v. Denmark, nos. 6697/18, ECtHR, 9 July 2024,

<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-211178%22%5D%7D>

³⁹ European Commission, 2014, Guidance for application of Directive 2003/86/EC on the right to family reunification, COM(2014) 210 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014DC0210>

⁴⁰ Ibid. And Case C-578/08, *Chakroun*, 4 March 2010, para 43.

often life-threatening circumstances faced by family members left in the country of origin (see section 4 on Procedures and practical barriers).⁴¹ The guidance also highlights that **extending the processing period for a family reunification application beyond nine months cannot be justified by administrative or capacity constraints**. Such extensions might only be allowed for reasons linked to the particular complexity of the case.⁴²

While beneficiaries of subsidiary protection are not covered by the scope of the Directive, the **EC encourages MS to provide them with the same flexibility granted to refugees**. The EC has noted that the “humanitarian protection needs of persons benefiting from subsidiary protection do not differ from those of refugees” and encourages MS “to adopt rules that grant similar rights to refugees and beneficiaries of temporary or subsidiary protection”.⁴³ This reasoning is also repeatedly **reaffirmed by both UNHCR⁴⁴ and the Council of Europe⁴⁵**.

⁴¹ Ibid., pp. 11-13.

⁴² Ibid., p. 10.

⁴³ Ibid., pp. 24-25.

⁴⁴ UNHCR, 2022, op. cit., p. 8.

⁴⁵ Council of Europe, 2017, op. cit., p. 14.



Innocent was a teenager when he fled with his family from the violence in his home country, Congo. They moved from village to village, from region to region. Innocent lost track of his family but found them again when he ended up in a refugee camp in neighboring Rwanda. Today, he lives in Aalst with his wife Eugénie and their young children. Photo: Caritas Belgium.

3. Legislative restrictions to family reunification

Refugees and subsidiary protection beneficiaries: similar protection needs, different rights

Despite well-established international and European legal obligations to uphold the right to family life and ensure effective access to family reunification, **several countries have curtailed this access as a means of limiting arrivals on their territories.** When MS perceive their asylum and reception systems to be under pressure, or face political demands to adopt stricter migration policies, they often **restrict family reunification, treating it as a tool of migration management rather than as a right.** The dominant discourse surrounding family reunification is increasingly underpinned by distrust, with reunited families often implicitly suspected of fraud and family life portrayed as a strategic instrument or misuse.

According to the 2025 European Migration Network Study on family reunification,⁴⁶ MS are increasingly **differentiating their approaches** to family reunification depending on the type of people, facilitating family reunification to attract skilled workers, while introducing **stricter requirements for other groups, including beneficiaries of international protection**.

Contrary to EU guidance encouraging the application of flexible rules for refugees and beneficiaries of subsidiary protection, several MS have imposed **stricter family reunification rules for the latter**, thereby delaying or even preventing access to the procedure, despite the fact that both categories face very similar humanitarian and protection needs. In addition, **the Qualification Regulation⁴⁷ ensures equal treatment of refugees and beneficiaries of subsidiary protection with regard to most of the associated rights**, such as family unity, employment, healthcare and integration. As regards family unity, the Regulation provides that family members of beneficiaries of subsidiary protection are entitled to international protection under the same conditions as refugees' family members. The Qualification Regulation also stipulates that the MS granting international protection to a beneficiary of international protection shall issue residence permits to that person's family members who do not individually qualify for international protection and who apply for a residence permit in that MS for the purpose of maintaining family unity.⁴⁸

Furthermore, as pointed out by the European Council on Refugees and Exiles (ECRE)⁴⁹, granting fewer rights to beneficiaries of subsidiary protection creates concerns in a context where there are **significant divergences among countries in the use of different protection statuses**, with some MS favouring subsidiary protection for people who would likely be granted refugee status elsewhere.

Post-2015 crack down on family reunification for subsidiary protection holders

The tendency to restrict access to family reunification for subsidiary protection beneficiaries and to grant more of this type of protection culminated after more than 1 million asylum applications were made in the EU in 2015. A backlash replaced the initial welcoming attitude towards refugees, with several countries closing their borders and adopting restrictive legislation aimed to prevent further arrivals. These measures included the introduction of a **waiting period of several years to start family reunification or not granting this right at all for beneficiaries of subsidiary protection**. These restrictions affected many Syrians among others. In practice, once people were granted a protection status, they often had to **wait several years – typically two to three – before they could even start the family reunification procedure**. Given the length of asylum and family reunification procedures, **the whole process could take many years before families could be reunited. This prologued separation and uncertainty pushed people into extended periods of anxiety and despair** (e.g. if you add the journey to arrive in Europe, the asylum procedure, mandatory waiting periods, the duration of family reunification procedures, and the family members' journey). **Germany, Austria and Sweden** are among the MS that restricted access to family reunification after 2015.

Given the more limited rights attached to subsidiary protection status, an increase in the number of such statuses compared to refugee status has been observed. In **Germany**, a steep rise in the proportion of subsidiary protection decisions granted, as compared to 2015, led to an increase of legal appeal to challenge the type of protection status granted (e.g. people who received a subsidiary protection status appealing to receive a refugee status), creating an additional burden for the administration and the courts. These appeals had a success rate of over 75% in 2016, the year following the policy change, and 81% among Syrians applicants.⁵⁰ Eight months after

⁴⁶ EMN, 2025, op. cit.

⁴⁷ European Parliament and Council of the European Union, 2024, Regulation (EU) 2024/1347, <https://eur-lex.europa.eu/eli/reg/2024/1347/oj/eng>

⁴⁸ Ibid., p. 21.

⁴⁹ ECRE, 2023, op. cit., p. 31.

⁵⁰ ECRE, 2023, op. cit., p. 10 and Council of Europe, 2017, op. cit., p. 34.

granting subsidiary protection holders the same rights as refugees, the government backtracked and the German Residence Act was amended in 2016, leading to a **two-year suspension** of family reunification from March 2016 to July 2018 for people who received subsidiary protection after 17 March 2016. A law from 16 March 2018 abolished the right to family reunification for beneficiaries of subsidiary protection and introduced instead a provision, according to which **a maximum of 1,000 relatives shall be granted a visa to enter Germany each month**.

In Sweden, family reunification for subsidiary protection beneficiaries was **suspended from 2016 to 2019** for all persons having applied for asylum after 24 November 2015. During this three-year period, family reunification was allowed only in exceptional cases where a refusal would be a breach of Sweden's international obligations (e.g. Art. 3 and 8 of the ECHR).⁵¹

In Austria, amendments to the Asylum Law from 2016 **introduced a three-year waiting period** for subsidiary protection holders, as well as the **requirement to demonstrate stable accommodation, health insurance and sufficient income**, except in the case of unaccompanied children.⁵² **Austria introduced in 2017 an annual quota** system, which limits the number of residence permits that can be issued to family members of sponsors holding specific residence permits (e.g. Red-White-Red Card Plus, a residence and work permit for non-EU/EEA nationals that grants residence in Austria and full access to the labour market).

Recent wave of restrictions and legal appeals

In the 2020s, several countries lifted the restrictions they had introduced for subsidiary protection beneficiaries. However, as the debate and policies around migration become harsher, a **new wave of restrictions emerged in the mid-2020s. Several MS, including Greece, Cyprus and Malta, fully exclude beneficiaries of subsidiary protection from family reunification**, while others have imposed **significant waiting periods for this group**.⁵³

In 2024 the **Finnish** government proposed a new law requiring a two-year waiting period for family reunification. As of 16 June 2025, the rule applies to sponsors with subsidiary protection, and only to new family members of sponsors with refugee status. Exceptions to this waiting period may be granted in specific cases, such as where required by the best interests of the child. In October 2025, **Portugal** passed a new immigration law introducing a two-year ban on family reunification for newly arrived migrants and refugees.⁵⁴ In 2024, **Sweden** launched an inquiry aimed at proposing stricter family reunification rules, including revised sponsor requirements, narrower definitions of eligible family categories, stricter maintenance and health insurance conditions, and increased use of DNA testing to prove kinship. In 2026, the **Netherlands** approved major changes to its family reunification rules,⁵⁵ introducing a two-tier protection system that distinguishes between refugees and beneficiaries of subsidiary protection, grants them different rights, imposes a two-year waiting period for subsidiary protection beneficiaries, and limits eligible family members to the nuclear family for both groups.⁵⁶ In **Switzerland**, persons granted temporary protection – a different type of protection than temporary protection for refugees from Ukraine and subsidiary protection – are subject to a two-year waiting period and face multiple additional obstacles to family reunification.

⁵¹ Radjenovic (European Parliament), 2020, Family reunification rights of refugees and beneficiaries of subsidiary protection, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646176/EPRS_BRI\(2020\)646176_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646176/EPRS_BRI(2020)646176_EN.pdf)

⁵² Before these amendments, they did not have to wait to apply for family reunification and were exempted from the material requirements if they applied within three months of receiving status.

⁵³ ECRE, 2023, op. cit., p. 16.

⁵⁴ Directorate-General for Migration and Home Affairs, 2026, Key integration developments and research in Portugal, https://home-affairs.ec.europa.eu/news/key-integration-developments-and-research-portugal-2026-01-26_en

⁵⁵ VluchtelingenWerk Nederland, Wat staat er in de asielwetten, <https://www.vluchtelingenwerk.nl/nieuws-en-kennis/onze-themas/asiel/wat-staat-er-in-de-asielwetten#%E2%80%A6>

⁵⁶ EMN, 2025, op. cit., p. 21.

In 2025, **Germany** approved a law **suspending family reunification for beneficiaries of subsidiary protection for two years**. Prior to this reform, family reunification for beneficiaries of subsidiary protection had already been limited to 1,000 persons per month since 2018 (i.e. 12,000 people per year), which raised significant legal, humanitarian and integration-related concerns. The suspension applies to all beneficiaries of subsidiary protection seeking family reunification, regardless of the stage reached in their proceedings. Many individuals who had already been awaiting family reunification are now unable to join their family members in Germany, despite having waited years for their visa applications to be processed. Even families whose visa applications had already been approved and who were simply waiting to receive their visas as part of the 1,000-entry quota per month are affected by the suspension, causing considerable disappointment and distress. This restriction is expected to affect primarily Syrian families.

Strengthening families is a central concern for Caritas Germany

Caritas Germany opposed these restrictions and is seeking to ensure that those who applied for family reunification before the reform can still obtain visas. In a joint statement⁵⁷ from May 2025, Caritas Germany stressed that suspending family reunification would impose a high human cost without substantially easing pressure on municipalities. Experience since the 2016 suspension shows that such restrictions do not reduce the workload for courts or authorities; instead, they increase it due to numerous urgent applications and individual case procedures.

In March 2025, **Austria** invoked a state of emergency under Art. 72 of the Treaty on the Functioning of the European Union (TFEU), citing an alleged threat to public order and internal security due to pressure on public services, including schools. On this basis, Austria passed a law allowing **a six-month suspension of family reunification for all refugees**, with exceptions for vulnerable cases and unaccompanied minors based on Art. 8 of ECHR, although such exceptions are rarely granted. The law can be extended until September 2026 and has already been prologued until 2 July 2026. A new quota system for family reunification was also established in the context of legal reforms related to the EU Pact on Migration and Asylum. **In a position paper⁵⁸, Caritas Austria challenged the existence of a state of emergency** and stressed that restrictions adopted under Art. 72 TFEU must comply with the principle of proportionality and strict necessity, be suitable for achieving their stated objective, and be used only when no less restrictive alternatives exist. Current data shows no such emergency, as asylum and family reunification applications in Austria are declining, making a threat to public order or internal security unlikely. Caritas Austria also argues that schools are not overloaded nationwide and that the suspension ignores structural issues, instead shifting responsibility onto refugees and implying they are to blame for broader societal challenges. This reform will mainly affect Syrian refugees, the largest group of refugees in Austria, who have already faced significant restrictions on family reunification since the fall of the Assad regime in Syria in December 2024.⁵⁹

⁵⁷ Katholische Arbeitsgemeinschaft Migration (KAM), 2025, Caritas unterzeichnet Aufruf „Familien gehören zusammen!“, <https://www.kam-info-migration.de/kam-newsletter/kurz-infos/caritas-unterzeichnet-aufruf-familien-gehoren-zusammen-guid>

⁵⁸ Caritas Österreich, 2025, Verordnung zur Feststellung der Gefährdung der Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit, https://www.caritas.at/fileadmin/storage/global/caritas-at/Ueber-uns/Publikationen/Soziales_Anwaltschaft/Stellungnahme_Stop_Familiennachzug_VO_Caritas_OEsterreich_10.06.pdf

⁵⁹ Caritas Austria specifies that this is due to asylum authorities initiating proceedings of status withdrawal against Syrian refugees. A recent decision by the Austrian Constitutional Court has clarified, however, that the mere fact that proceedings to withdraw status have been initiated is not sufficient to refuse family reunification applications. Rather, authorities have to determine whether withdrawal is even likely. Moreover, applications for family reunification for refugees in Austria have been on the decline in recent years. This is mostly due to changes in granting of status for Syrians: whereas they mostly received refugee status before, in the past years they have often received subsidiary protection and are thus subject to the stricter rules for beneficiaries of subsidiary protection.

Caritas Austria decries the humane impact of these restrictions

Caritas Austria stresses⁶⁰ the humane consequences of these restrictions, without improving the efficiency of the family reunification procedures, as many legal appeals are foreseen, including at the Constitutional Court. Family reunification is a manageable and controllable form of regular migration, and improved planning, coordination, and distribution should be used instead of suspension. Stopping family reunification also contradicts key government goals, especially integration.

In its counselling centres, Caritas Austria receives many inquiries from affected families. There is a strong sense of uncertainty and despair. The fear of leaving one's family behind in a war zone and being unable to reunite creates enormous psychological stress, frustration, insecurity, and lack of prospects, ultimately hindering integration. A 17-year-old unaccompanied minor, who has spent three years alone, expressed suicidal thoughts when learning about the restrictions. Caritas Austria's experience shows that integration is more successful when families are safe, since family stability supports responsibility and long-term integration.

In **Belgium**, a new law adopted on 18 July 2025, as part of a wider batch of measures to **restrict migration and asylum, introduced stricter rules on family reunification**. The law introduces a **two-year waiting period for family reunification for subsidiary protection beneficiaries**, stricter requirements regarding income, housing, and health insurance, enhanced proof obligations for family or marital ties, and application fees for residence permits longer than three months. The measures also include **reducing the waiver period for material reception conditions from one year to six months for refugees, while unaccompanied minors with subsidiary protection are excluded from access to family reunification**.

On 26 February 2026, **the Belgian Constitutional Court issued a decision⁶¹ temporarily suspending certain aspects of the legislative measures** introduced in 2025 that tightened family reunification rules for beneficiaries of subsidiary protection. The Court observed that the immediate application of these measures could result in serious and irreparable harm and held that five preliminary questions should be referred to the CJEU before ruling on the applicants' challenges. The Constitutional Court underlined that referring preliminary questions to the CJEU was necessary not only to clarify the compatibility of the contested national measures with EU law, but also to assess whether the Family Reunification Directive and the Recast Qualification Directive themselves are compatible with the EU Charter of Fundamental Rights. **The significance of these preliminary questions goes well beyond the national level, as the Constitutional Court challenges main elements of the right to family reunification for beneficiaries of international protection**. These include the less favourable treatment of beneficiaries of subsidiary protection and the existence of different systems for protecting family unity depending on whether family members are already together in the receiving country or remain separated abroad.

Caritas Belgium joint legal challenges

This new family reunification law makes it nearly impossible for many families to live together again, with particularly severe consequences for children. Caritas Belgium is part of a collective of 25 organisations, including NGOs, unions and children rights coalitions, which asked the Constitutional Court to strike down several elements of this law. A ruling is expected in 2026 or later, depending on how the proceedings unfold.

⁶⁰ Caritas Österreich, 2025, op. cit.

⁶¹ Constitutional Court of Belgium, 2026, Judgment No. 24/2026 of 26 February 2026, <https://emnbelgium.be/sites/default/files/attachments/Constitutional%20Court%20-%202026-024%20FR.pdf>

Caritas Europa and its members are very concerned by these legislative restrictions, which in practice mean that **many people will be unable to reunite with family members for several years, or, in some cases, ever**. The **human consequences are immense**, while the complexity and evident incompatibility of some of these rules with international and European law have led to an increase of legal appeals, case law, and emergency procedures aimed to respect the existing legal framework mentioned above. This makes the whole system **more complicated to navigate**, both for refugees and for national administrations. These restrictive measures are also **counterproductive, as they undermine the integration process** of refugees, leave them in a state of prolonged uncertainty, and push family members left behind to dangerous migration routes in order to reunite with their loved ones in Europe. In doing so, they may ultimately contribute to an increase in irregular arrivals, contrary to the objectives pursued by MS. **Clear, flexible, and accessible family reunification rules are beneficial both for refugees and for society, as they support the orderly management of arrivals** and enhance refugees' integration and self-sufficiency.

Caritas Germany on the impact of the restrictions

In Stuttgart, Caritas is witnessing firsthand the humane impact of Germany's restriction to family reunification.

Most of those who seek help here are also war refugees, and some have already been waiting years for their procedures to be completed. Ali A., a Kurdish man from Syria, was also on the verge of bringing his wife and children to join him – after numerous German courses, proof of qualifications, and the procurement of documents. "I can't describe the tragedy," Ali says. Sometimes he thinks about taking his own life.⁶²

⁶² Cloppenburg, 2025, Familiennachzug ausgesetzt - Ungewissheit für Geflüchtete in Stuttgart, <https://www.swr.de/swraktuell/baden-wuerttemberg/was-aussetzung-von-familiennachzug-fuer-kriegsfluechtlinge-in-stuttgart-bedeutet-100.html>



Refugee resettlement: family members reunite. Photo: Pauline Willot.

4. Procedures and practical barriers

Even when access to family reunification is not legally restricted and no waiting periods apply, **in practice, it remains highly bureaucratic, time-consuming, and unevenly applied across the EU**. While EU law, specifically the Family Reunification Directive, sets out a clear legal framework to protect this right, the path towards reuniting with loved ones is often blocked by administrative barriers and disproportionate costs. These obstacles turn what should be a safe pathway into a source of ongoing hardship and uncertainty. At the same time, **Caritas Europa's member organisations report being under growing pressure**, with legal and social support teams increasingly overwhelmed by requests, complex cases, and situations of distress, which reflects the gap between formal rights and their practical accessibility.

Procedural requirements and barriers to family reunification

Art. 12(2) of the Family Reunification Directive **prohibits states from imposing a waiting period on refugees before initiating the process**, but practical delays often persist. Refugees usually spend months or years navigating the asylum procedure, then face additional months or years before their family reunification applications are processed. As discussed in the section on restrictions affecting subsidiary protection holders, waiting periods are often imposed on this group before an application can be even filed.

The Directive obliges MS to apply **more favourable conditions when sponsors apply within three months** of receiving their status, but this frequently represents an impossible race against time. Families must collect documents and fill in complex forms within a very short timeframe, while coordinating with family members who are often in vulnerable situations. **Missing this deadline is a consequence of the logistical hurdles embedded in the procedure**, which are most apparent in the physical requirements for submitting an application.

Under Art. 5, **MS have discretion to decide who initiates the procedure** (i.e. the “sponsor” in the EU or the family member in the country of origin). When states require family members abroad to start the process at a diplomatic representation, they shift the logistical and financial burden onto those who are least equipped to handle it. **Families can be required to appear in person, even multiple times, for the submission of documents, interviews, DNA testing, and visa collection.** Because embassies in conflict zones are frequently inaccessible, families can be forced to cross borders into third countries just to access a European diplomatic mission. This demands significant **financial resources to cover travel and accommodation and forces people in vulnerable situations to undertake dangerous journeys.** As highlighted by various organisations,⁶³ refugees should not be penalised for an embassy’s lack of resources or for logistical impossibilities.

Even when the door to the procedure opens, families face new hardships. Under Art. 6 and 7 of the Family Reunification Directive, MS may impose **requirements related to adequate accommodation, health insurance, and stable income.** Refugees are exempt from these requirements if they apply within the three-month window, but late applicants and nearly all beneficiaries of subsidiary protection face full material requirements. For a newly recognised refugee – often living in temporary reception centres and facing barriers to access the labour market – proving the ability to support an entire family is often unrealistic. This approach ignores the EC’s call for flexibility and the UNHCR’s recommendation⁶⁴ that states should waive these financial and housing criteria entirely for refugees.

Documentation is another major barrier. Refugees are required to submit certified copies of family members’ travel documents and proof of the family relationship. However, the Directive recognises that refugees may be unable to provide official documents, since they often fled without them and may be unable to safely request them from persecuting authorities. In this regard, Art. 11 of the Directive explicitly provides that “where a refugee cannot provide official documentary evidence of the family relationship, the Member States shall take into account other evidence [...] A decision rejecting an application may not be based solely on the fact that documentary evidence is lacking.” In practice, however, **many states treat the absence of documentation as decisive grounds for rejection, overlooking the realities faced by refugees.**⁶⁵

Even when a family relationship is proven, there are still rigid requirements for passport possession. Many countries refuse to accept alternative travel documents, effectively blocking families who cannot obtain passports due to persecution, hardship or discrimination.

The hidden price of reunion

The Family Reunification Directive remains silent on the financial dimension of family reunification, leaving wide discretion to MS. According to the EC’s guidance, administrative fees may be charged only if they are reasonable and proportionate, and they must never become an obstacle to exercising the right to family unity. The Commission also recommends waiving or limiting fees for minors.⁶⁶

In practice, refugees and their relatives face many direct and indirect expenses that together make family reunification **highly costly.** State-imposed fees – such as application fee, visa fee and residence permit fee – can quickly accumulate, especially when families must reapply after an initial rejection. In addition, procedural costs are significant: DNA testing, obtaining official documents, translation services, travel to embassies or consulates that are often located in other countries, and subsistence costs.⁶⁷

⁶³ Red Cross EU Office, 2023 (2), Upholding the right to family reunification for beneficiaries of international protection in Europe, <https://redcross.eu/positions-publications/upholding-the-right-to-family-reunification-for-beneficiaries-of-international-protection-in-europe>

⁶⁴ UNHCR, 2019, op. cit.

⁶⁵ ECRE, 2023, op. cit., p. 22.

⁶⁶ European Commission, 2014, op. cit., p. 9.

⁶⁷ ECRE, 2023, op. cit., p. 24.

In Belgium, for instance, these costs translate into a considerable financial burden. While minors and family members of refugees are exempt from the €218 Immigration Office fee, they must still cover consular fees of €180 per person and service provider charges of up to €40 per person. Documentation costs alone include €25 for legalisation, €20 for certified copies, and €20 for certification by the diplomatic post, all payable for each document. These expenses are compounded by external requirements, such as medical certificates (up to €300), DNA tests (€242 per person), and the cost of obtaining travel documents. When combined with the high costs of translations and travel to reach a diplomatic post and the country of destination, the total expense can amount to thousands of euros.⁶⁸

These financial barriers are particularly heavy when applications must be submitted within short deadlines, such as the three-month window. The **cumulative effect of these costs often places family reunification out of reach**, forcing many applicants to rely on loans from relatives or community networks, thereby deepening their economic vulnerability.

Chierno Sow's family reunification journey with the support of Caritas Belgium

Chierno Sow is originally from Conakry, Guinea. His migration journey first brought him to the Netherlands before he eventually settled in Belgium. He now lives with his family in Brussels. "I feel like I'm living a waking dream." Chierno repeats the phrase in both French and Dutch. His wife and their four children joined him only a few months ago. But getting to this point required running an administrative marathon. "I remember, it was really difficult in the beginning," says Aurélie Decossaux, the social worker at Caritas Belgium who supported him throughout the family reunification process.

Chierno Sow explains that he sent more than €6,000 to his family to cover all the administrative expenses, the "gifts," and the travel costs required for his relatives to obtain the necessary documents in their country of origin.

The arrival of his wife and four children has changed his life in Belgium. "For years I was here in Europe and they were there. I missed them – without them, I was broken."⁶⁹

Recognising these realities, **UNHCR urges states to mitigate financial barriers** by exempting administrative and visa fees when they risk preventing reunification and by covering the costs of DNA testing when family links are confirmed.⁷⁰ Reducing financial obstacles is therefore both a matter of fairness and of policy coherence: a family cannot rebuild its life together if it cannot afford to be reunited in the first place.

The right to effective procedures and procedural safeguards

For any right to be properly implemented, applicants must know how to exercise it. The Commission's guidance requires MS to provide clear and multilingual information on the process; however official materials are often outdated or unavailable in the applicant's language. In practice, **NGOs and international organisations⁷¹ often fill this gap, offering basic guidance, translations or even in-depth individual case support.**⁷² Attention has also

⁶⁸ EMN, 2025, op. cit., p. 43.

⁶⁹ Hupin, 2025, Durcissement des règles de regroupement familial : faire venir ses proches "sera impossible pour une majorité de personnes", <https://www.rtb.be/article/durcissement-des-regles-de-regroupement-familial-ce-sera-impossible-pour-une-majorite-de-personnes-de-faire-venir-sa-famille-en-belgique-11556954>

⁷⁰ UNHCR, 2015, Family reunification in Europe, <https://www.unhcr.org/media/unhcr-family-reunification>

⁷¹ Red Cross EU Office, 2023 (2), op. cit.

⁷² UNHCR, 2019, op. cit.

been drawn to the absence of systematic legal aid for family reunification applicants. Without legal advice, many families risk losing their rights due to procedural errors.⁷³ Additionally, the complexity of family reunification procedures goes beyond standard legal knowledge. Practitioners need to be constantly updated on country-specific developments, from the latest changes at border crossings to updates in civil status laws in countries of origin, as well as the requirements imposed by visa service providers. This is the kind of specialised support that several Caritas organisations provide daily, filling a gap that general legal aid schemes are rarely equipped to cover.

When the application is submitted, **states must take a decision within nine months, but this is not always respected in practice.** Overburdened systems, inadequate staffing, and restrictive policies result in families typically having to wait far longer. In some EU countries, the process may take up to two years, even though the Family Reunification Directive permits extensions only in complex cases, not as a standard practice.

The **right to a legal remedy is established by Art. 18** of the Directive. In the implementation of the Directive, MS must also respect Art. 47 of the Charter of Fundamental Rights of the EU,⁷⁴ which guarantees the **right to an effective remedy before a tribunal.** This means that a family cannot merely be subjected to a second “administrative review” by the same authority that issued the rejection. Instead, they must have the opportunity to bring their case before an independent and impartial judge.

Post-arrival challenges: access to permit, rights, and family dynamics

Once reunited, families enter a new legal phase defined by the **link between the sponsor’s status and that of their family members.** According to Art. 13(2) of the Family Reunification Directive, family members must receive a renewable residence permit of at least one year, while Art. 12(3) limits its duration to the validity of the sponsor’s own permit. **Only after five years do spouses and children become eligible for an autonomous residence permit under Art. 15.** Until that point, the family’s right to stay remains conditional on the sponsor’s status: if the sponsor’s protection is withdrawn or revoked, or if the family’s situation changes, the family’s residence may also be at risk, creating a persistent sense of insecurity. **This continuing dependency keeps their situation fragile, since their safety and stability are not fully their own.**

The situation becomes even more precarious for those facing domestic or gender-based violence. **When the residence permit is linked to an abusive sponsor, dependency becomes a tool of control,** and victims may avoid reporting abuse due to fear of detention or deportation once the relationship ends. EU law provides safeguards through Art. 15(3) of the Family Reunification Directive, requiring MS to “grant an autonomous residence permit in particularly difficult circumstances,” including domestic violence. All MS have transposed this provision, but protection in practice can still remain challenging.

Caritas Europa also highlights that the situation can be **challenging for unaccompanied minors undergoing family reunification.** After the family arrives and the minor turns 18, they may wish to study or live independently, which can create uncertainty about how strictly immigration authorities will interpret and enforce residence permit conditions related to family life and cohabitation.

Formally, reunited family members enjoy the same rights as other long-term residents under Art. 14 of the Directive, including access to education and training, employment, and social services. However, several MS restrict labour market access for up to 12 months after arrival, conditioning it on labour market assessments. **The EC has encouraged MS to minimise such restrictions, as early access to work promotes self-reliance and facilitates integration.**⁷⁵ Even when access is granted, practical barriers – such as limited language proficiency, non-recognition of foreign qualifications, and discrimination – undermine meaningful participation. These

⁷³ ECRE, 2023, op. cit., p. 25.

⁷⁴ European Union, 2012, Charter of Fundamental Rights of the European Union, https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng

⁷⁵ European Commission, 2014, op. cit., p. 19.

obstacles contribute to risks of deskilling, underemployment, and long-term economic dependency on the sponsor. Although integration measures are intended to facilitate inclusion, their implementation varies significantly across MS. In some cases, they may operate as indirect barriers, especially when they are not accessible, affordable, or adapted to individual needs.⁷⁶

Family reunification is essential for ensuring safety and well-being, yet **unaccompanied minors are often severely affected by excessive waiting times and protracted procedures**, despite repeated calls for timely and child-centred reunification processes. Years of separation, compounded by lengthy and administratively complex processes, frequently result in a pattern of “institutionalised parentification”. Since minors often learn the language of the receiving country and navigate bureaucratic systems more quickly than their arriving relatives, **they come to assume adult responsibilities both before and after reunification**. While these tasks should be handled by public authorities and social workers, this informal transfer of responsibility reflects **lack of resources and fragmented support systems for families and young refugees transitioning to adulthood**. Many young refugees describe this situation as deeply stressful, as they are caught between wanting to live as children and being forced to act as the families’ primary support.⁷⁷

These findings underline the **need for targeted psychosocial and social work interventions from the moment of arrival and throughout the transition to adulthood**, as emphasised in Council of Europe standards and recommendations on the rights of the child and young refugees.^{78 79} This should include family counselling, parental support programmes, and youth services specifically designed for reunited refugee families. Such support would prevent young people from carrying system-level burdens and allow them to gradually rebuild age-appropriate family roles and relationships.

⁷⁶ Ibid., pp. 15–16.

⁷⁷ Bergset et al., 2025, On the reconstruction of family life and ‘institutional forms of parentification’: unaccompanied minors’ experiences with family reunification in Belgium and Norway, *European Journal of Social Work*, 28(5), pp. 1013–1026, <https://www.tandfonline.com/doi/full/10.1080/13691457.2025.2492852>

⁷⁸ Council of Europe, 2020, Family reunification for refugee and migrant children – Standards and promising practices (2020), <https://edoc.coe.int/en/refugees/8183-family-reunification-for-refugee-and-migrant-children-standards-and-promising-practices.html>

⁷⁹ Council of Europe Committee of Ministers, 2019, CM/Rec(2019)4 – Recommendation of the Committee of Ministers to member States on supporting young refugees in transition to adulthood, <https://search.coe.int/cm/#{%22CoEIdentifier%22:%2209000016809416e1%22,%22sort%22:%22CoEValidationDate%20Descending%22%7D>

Recommendations

Recommendation 1: Guarantee effective access to the right to family unity

Family reunification must not be subordinated to migration management objectives. Annual caps or quotas on family reunification should be abolished. The EU and Member States must fully comply with international and European legal framework, including fundamental rights obligations, ensuring that the right to family life is effectively upheld in law and in practice.

Recommendation 2: Remove administrative and procedural barriers

Member States must eliminate excessive bureaucratic requirements, rigid formalities, and inconsistent application of rules that hinder access to family reunification. Flexibility must be systematically applied to deadlines and documentation requirements, prioritising the effectiveness of the right to family unity over procedural constraints.

Recommendation 3: Ensure equal and favourable conditions for all protection statuses

Equal family reunification rights should be granted to all beneficiaries of protection, including refugees, beneficiaries of subsidiary protection, and temporary protection holders, reflecting their similar humanitarian protection needs. Waiver from material requirements should apply to all categories for at least three months, and preferably longer given the difficulties experienced by forcibly displaced people to meet the documentary and evidentiary requirements in a short timeframe. Authorities should also allow partial application, to be completed once supporting documents become available.

Recommendation 4: Broaden the scope of eligibility for family reunification

Eligibility criteria should reflect the diverse and complex realities of families in situations of forced displacement. Beyond the nuclear family, this should include extended family members such as grandparents, aunts, uncles, cousins, siblings, and legal guardians acting as primary caregivers, especially when parents are deceased. Unaccompanied minors must be allowed to reunite with minor siblings to avoid them being left behind when parents are reunited with one of their children. "Dependency" criteria must be interpreted in a fair, flexible, and context-sensitive manner.

Recommendation 5: Ensure flexible proof of family links

In line with Art. 11 of the Family Reunification Directive, families should not be rejected solely due to missing documentation. Authorities must accept alternative forms of evidence and apply a flexible approach to establishing identity and family relationships. The European Commission should update its 2014 guidance to promote harmonised practices across Member States, with attention to the difficulties faced by particularly vulnerable families.

Recommendation 6: Reduce financial obstacles

Costs associated with family reunification must not prevent access to the right. Administrative and procedural fees should be reasonable, proportionate, and waived or reduced where they risk preventing reunification, especially for minors and applicants in vulnerable situations. Indirect costs such as DNA testing, document legalisation, translation, travel to embassies, and subsistence expenses should be minimised or supported.

Recommendation 7: Facilitate access to procedures

Where possible, Member States should eliminate the requirement for in-person applications at embassies for families seeking reunification, particularly in contexts where access to embassies is unsafe or impracticable. Digital applications and submissions by the sponsor within the EU should be enabled. Where in-person presence is unavoidable, procedures should be simplified and supported by digital tools. Member States should also use available flexibility under the EU Visa Code to allow applications to be lodged at the most accessible Member State embassy.

Recommendation 8: Ensure access to travel documents

Passport requirements must not become a barrier to reunification for individuals unable to obtain national documents due to persecution or insecurity. Authorities should facilitate alternative solutions, including issuing one-way laissez-passer documents and accepting Convention Travel Documents. Other alternative documentation, such as those issued by international organisations, should be considered where necessary.

Recommendation 9: Provide secure and independent legal status

Reunited family members should be granted an autonomous and secure residence status. Residence rights should not depend entirely on the sponsor's status. Member States should provide permits of equal duration and stability or grant derivative protection status, where appropriate, in line with UNHCR guidance to reduce structural dependency and prevent vulnerability, including in situations of abuse.

Recommendation 10: Strengthen access to information and support

Applicants should have access to clear, accessible, and continuous information throughout the process. Member States should establish well-resourced counselling services and dedicated information points to assist with applications, including pre-screening and guidance on missing or incomplete documentation. Legal aid must be available from the earliest stages of the process, to both sponsors and family members, and tailored to vulnerable applicants.

Recommendation 11: Adopt child-sensitive procedures

Family reunification procedures must fully reflect the best interests of the child. Eligibility should be assessed based on the child's age at the time of the asylum application to avoid loss of rights due to administrative delays. Procedures must also be streamlined and complemented by systematic legal aid and targeted psychosocial and social services, to prevent children and young people from bearing administrative burdens and ensure they carry age-appropriate responsibilities.

Recommendation 12: Ensure immediate access to integration support

Reunited family members should receive prompt and effective access to integration support upon arrival, including housing, education, language training, and employment opportunities. Support in the receiving country should be locally available, widely accessible and prioritised over pre-departure schemes. Restrictions on labour market access should be minimised to reduce poverty risks and prevent deskilling. Particular attention should be paid to the transition of young refugees to adulthood, ensuring continuity of age-sensitive support when they turn 18.

Recommendation 13: Expand complementary pathways

The EU and Member States should expand complementary pathways to family unity, including resettlement, humanitarian corridor, and humanitarian admission programmes, which should provide additional avenues for family reunification beyond the provisions of Family Reunification Directive.

Recommendation 14: Engage refugees and diaspora communities

Refugees and diaspora communities must be systematically involved in the design, implementation, and evaluation of family reunification policies. Their expertise and networks can improve outreach, information-sharing, and practical support for applicants, contributing to more effective and responsive procedures.

Recommendation 15: Strengthen monitoring and enforcement of the Family Reunification Directive

The European Commission must reinforce monitoring of the implementation of Directive 2003/86/EC to ensure its correct and consistent application, as well as compliance with the related guidance. This should include identifying systemic gaps, practical obstacles, and divergences among Member States. In cooperation with EU agencies – i.e. EUAA, FRA – the Commission should support Member States through the exchange of good practices and the development of targeted, practical guidance to address barriers to effective access to family reunification. Where necessary, the Commission should take enforcement action, including starting infringement procedures against Member States that fail to comply with EU law.

Conclusion

Family reunification cannot be perceived as a concession or reduced to a migration management tool. It is a fundamental right, with well-documented benefits for both individuals and receiving societies. Evidence consistently shows that when refugees are reunited with their families, they achieve better integration outcomes, experience improved mental health, and are better able to participate in society and the labour market. At the same time, family members who might otherwise remain in dangerous situations are given a safe and regular pathway to protection.

The right to family reunification is firmly grounded in international and European law. However, in practice, it is often undermined by complex procedures, disproportionate costs, barriers related to documentation, and a growing number of restrictive legislative measures across Europe. These developments increasingly conflict with the existing legal framework, as evidenced by ongoing legal challenges before national and European courts. Even after reunification, obstacles persist, including dependent residence permits, unequal access to rights, and the psychological burden placed on children who are left to navigate administrative systems without adequate support. Behind every procedural barrier, delay, or rejected application, there is a family and often a child affected.

Caritas organisations across Europe accompany these families every day, providing support where public systems often fall short. Caritas Europa calls for a different approach, one in which family reunification procedures are clear and accessible, and where family unity is recognised for what it is: a prerequisite for the dignified treatment and future that every person fleeing conflict, persecution, and hardship deserves.

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About Caritas Europa

Caritas Europa is a network of 49 member organisations in 46 European countries and one of the 7 regions of Caritas Internationalis. Our members assist and provide services to millions of people in need.

Caritas Europa works with people of all faiths to end poverty and to promote the dignity of all.

We believe that people and the environment, not profits, should be at the heart of all policies.



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