

Right to family reunification

1999/0258(CNS) - 10/10/2000 - Modified legislative proposal

This document concerns an amended proposal for a Council Directive on the right to family reunification. The European Parliament adopted 17 amendments in total and the Commission can accept most of them in full or in part, in some cases, subject to a change of wording. Moreover, the amendments are completely in line with the Commission's approach and complement and enrich the Directive. One amendment restricts the scope of this Directive. It excludes persons enjoying a subsidiary form of protection and calls for the adoption without delay of a proposal on their admission and residence. The Commission accepts this amendment and has changed the relevant articles accordingly. It considers that persons in this category must have the right to family reunification and need protection; however, it recognises that the absence of a harmonised concept of subsidiary protection at Community level constitutes an obstacle to their inclusion in the proposed Directive. As a result of the Tampere European Council summit of October 1999, the Scoreboard presented by the Commission in March 2000 and endorsed by the Council envisages the adoption by 2004 of a proposal on the status of persons enjoying subsidiary forms of protection. The Commission intends to make such a proposal next year, which could also cover family reunification for this category of third-country nationals. 8 recitals were accepted in full or in part and relate to the following: - the establishment of an area of freedom, security and justice; - the citing of Article 63(3)(a) of the EC Treaty in its entirety; - the need to have access to statistical data and information in order to be able to evaluate migration flows; - family reunification; - persons enjoying a subsidiary form of protection - the nature of the dependence on the applicant of relatives; - transparency of procedures for national administrations; - prevention of breaches of procedure. In addition, 7 other amendments were accepted resulting in the amendment of several articles of the proposed Directive. These amendments related to the following areas: - the exclusion of persons enjoying subsidiary forms of protection from the scope of the Directive; - several applications for several members of their families; - quality and assessment of accommodation; - resources the applicant may be required to provide; - prohibition on access to employment and vocational training by relatives in the ascending line or the children of full age.