

# Right to family reunification

1999/0258(CNS) - 19/03/2003

The committee adopted the report by Carmen CERDEIRA MORTERERO (PES, E) amending the draft directive under the consultation procedure. The amendments were aimed principally at enabling more categories of people to benefit from the right to reunification: - not only spouses but also registered and unmarried partners, irrespective of sex, should be eligible for family reunification, if the host Member State treats unmarried or registered partners in the same manner as married couples; - not only refugees, but also people who are entitled to stay in the Union on the basis of the less favourable "subsidiary protection" status should also be entitled to family reunification; - Member States should authorise the entry of parents, spouses or partners of applicants if they are unable to look after themselves and have no other means of support; - unmarried adult children should be authorised to enter if they are dependent on the applicant because of their state of health; - the question of the entry of these categories should be harmonised at Community level rather than being left up to the Member States, as proposed by the Commission; - the provision whereby Member States may refuse entry to a child aged over twelve if he or she does not meet existing national conditions for integration was deleted; - the provision allowing Member States, for reasons of reception capacity, to stipulate a waiting period of up to three years between submission of an application for reunification and the issuing of a residence permit to the family members concerned was also deleted; - Member States may require applicants to have lived for just one year (as opposed to two years in the Commission proposal) in their territory before they can have their family members join them; - however, to prevent the directive from being misused, the committee stipulated that, in the event of widowhood, divorce, separation, or death of relatives, an independent residence permit should only be issued to people who have entered the Union for reasons of family reunification if they have been resident within the EU for a minimum of one year; - applications should be submitted to the competent authorities in the Member State where the applicant is resident (i.e. not to consulates abroad); - the period for taking a decision on an application should be cut from nine months (as proposed by the Commission) to six months; - illness or disability should be ruled out as a ground for refusing to renew a residence permit; - to ensure that the transposition of the directive does not lead to a lower level of protection than is currently provided by individual Member States, the latter should be allowed to uphold existing national provisions that are more favourable to applicants than those laid down in the directive.