

FAMILY REUNIFICATION

20TH ANNIVERSARY OF DIRECTIVE 2003/86/EC

INTRODUCTION

Over the past two decades, family reunification has emerged as the primary legal entry channel for migrants and refugees to the European Union (EU). This briefing paper aims to provide an overview of the critical components of Directive 2003/86/EC, mapping out its evolutionary trajectory over the past two decades through an analysis of the data available on residence permits for family reunification issued in Europe, highlighting their prevalence on the overall volume of permits and the demographic characteristics of beneficiaries. In addition to aggregate data at the European Union level, the briefing paper goes into specifics, providing a comparative analysis of family reunification in four different national contexts: Germany, Italy, France, and Spain.

Family reunification is one of the cornerstones of regular migration. Well-designed and well-managed family reunification solutions support governments in their efforts to enhance regular migration pathways while upholding the right to family life and family unity and reducing vulnerabilities throughout the migration process. As such, through its extensive migration management expertise, the International Organization for Migration (IOM)

plays a crucial role in supporting Member States in facilitating family reunification procedures.

Since 2001, on behalf of the Italian Ministry of Foreign Affairs and International Cooperation (MAECI), IOM has been supporting Italian Embassies and Consulates in the issuance of family reunification visas by assisting through DNA testing those cases that lack adequate documentation to prove family links. The type of support requested from IOM includes cases involving all countries where Italian diplomatic representations cannot obtain sufficient documentation to prove relationships between family reunification applicants.

Since 2022 IOM has also joined the "Community of Practice on Family Reunification for Beneficiaries of International Protection and Migrants" (CoP)¹, which was officially launched on September 22, 2023 to mark the 20th anniversary of the European Directive on Family Reunification (2003/86/EC). The CoP includes various actors (UNHCR, Save the Children, Italian Red Cross, among others) who deal in various capacities with the issue of family reunification. The main objectives of the CoP are to promote the instrument of family reunification, exchange information and best practices, assist specific cases, liaise with institutions, and organise awareness-raising and training events.

“The family reunification Directive establishes the rules under which non-EU nationals can bring their family members to the EU country in which they are legally residing.

The directive respects the fundamental rights and principles recognised in the European Convention on Human Rights and in the EU Charter of Fundamental Rights”.

[European Commission on the Council Directive 2003/86/EC](#)

¹ [Community of Practice – Ricongiungimento – In Italia insieme alla tua famiglia](#)

INTERNATIONAL AND EUROPEAN LEGAL FRAMEWORK

The right to family reunification is one of the most relevant aspects of safe, orderly, and regular migration. Families that have been separated during the migration process often face many obstacles to reunification, leading to prolonged separation.

Unfortunately, numerous challenges often impede this process, including strict eligibility criteria, financial requirements, and lack of support and information on migration pathways, supporting the right to life and family unity of migrants and refugees and reducing vulnerabilities during the migration process.

The right to family unity is enshrined in various international legal instruments. The Universal Declaration of Human Rights² and the United Nations International Covenant on Civil and Political Rights³ emphasise the importance of protecting and supporting families. Similarly, the International Covenant on Economic, Social and Cultural Rights⁴ and the Convention on the Rights of the Child⁵ also contain provisions for family unity and the promotion of family reunification for migrants, particularly children.

Within the European context, the Charter of Fundamental Rights of the European Union⁶ recognises family unity as a fundamental human right, ensuring access to remedies when these rights are violated. The European Convention on Human Rights⁷ further reinforces the right to private and family life for all individuals. Additionally, the Council Directive 2003/86/EC⁸ on the right to family reunification establishes specific guidelines for family reunification within the European Union.

The EU family reunification Directive

The 2003/86/EC Directive⁹ adopted by the Council on 22 September 2003, establishes conditions regulating family reunification legal practices for citizens of third countries legally residing in the EU.

The Directive, set on fundamental rights and principles recognised by the European Convention on Human Rights and by the Charter of Fundamental Rights of the European Union, aims to:

- ensure the recognition of family unity as a fundamental human right;
- ensure that provisions of such a right are respected;
- harmonise regulations over family reunification legal practices;
- ease the integration of third-country citizens in the EU Member states;
- promote social and economic cohesion in host societies.

In 2008, the Commission presented the first report monitoring the state of the implementation of the Directive¹⁰. The report assessed that Member States had, for the first time, enforced a detailed set of tangible rules on the right of family reunification in national legislation. Although Member States began enforcing a comprehensive set of rules concerning family reunification, the report highlighted problems of incorrect transposition and misapplication. These require changes such as provisions to ease visa-related procedures, granting autonomous residence permits, considering the best interests of the child, legal claims, and more favourable provisions for refugees' family reunification.

² United Nations General Assembly, [Universal Declaration of Human Rights](#) (New York, UNGA, 1948).

³ United Nations General Assembly, [International Covenant on Civil and Political Rights](#) (New York, UNGA, 1966).

⁴ United Nations General Assembly, [International Covenant on Economic, Social and Cultural Rights](#) (New York, UNGA, 1966).

⁵ United Nations General Assembly, [Convention on the Rights of the Child](#) (New York, UNGA, 1989).

⁶ European Parliament, European Council, European Commission, [Charter of Fundamental Rights of the European Union](#) (Strasbourg, 2007).

⁷ European Court of Human Rights, Council of Europe, [European Convention on Human Rights](#) (Strasbourg, 1950).

⁸ Council of European Union, [Council Directive 2003/86/EC on the right to family reunification](#) (22 September 2003).

⁹ Ibid.

¹⁰ Commission of the European Communities, [Report from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC on the Right to Family Reunification](#) (Brussels, 8 October 2008).

In 2011, an extensive consultation on the application of the 2003/86/EC Directive attempted to gather the opinions of interested parties and thus shed light on possible political pathways. In 2014, based on the consultation's outcomes, the Commission adopted a Communication¹¹ on guidelines for applying the 2003/86/EC Directive on family reunification. Among these, Member States were encouraged to implement the Directive in a way that would ensure a coherent policy and practice throughout the EU, thus aiming to harmonise the inherent regulations throughout the European region.

The Commission's 2019¹² monitoring-oriented report acknowledges notable improvements achieved since its first monitoring report on the implementation of the Directive in 2008. These advancements were facilitated through infringement proceedings, the 2014 guidelines Communication, and rulings by the European Court of Justice. Member States have made significant efforts to enhance and adapt their national norms, aligning them with the Directive's requirements. Nevertheless, certain aspects remain problematic for some Member States, necessitating continued efforts to ensure the correct application of the Directive. The focus is on fundamental rights, particularly the right to family life, children's rights, and the right to effective remedies. The discretionary nature of the Directive requires careful evaluation to avoid weakening the rules through excessive use of optional clauses.

COMPARATIVE OVERVIEW OF FAMILY REUNIFICATION PERMITS IN EUROPE

Family reunification permits constitute a significant share of European residence permits. Considering the available data since the launch of Directive 2003/86/EC, in the 2008-2022 period, 10 million residence permits for family reunification were issued in EU-27 area, equal to 30.1 per cent of the total (33 millions) (table 1).

The incidence of such a figure proves to be even more notable if compared to the share – out of the total – of employment-related permits, which accounts for a mere 4.1 percentage points more.

Table 1: First permits by reason in EU 27 (2008-2022)

Reason	Data	% Distribution
Employment	11,413,058	34.2%
Family	10,021,870	30.1%
Education	4,627,498	13.9%
Other reasons	7,261,132	21.8%
Total	33,323,558	100.0%

* Data from 2008 to 2012 do not include Croatia

FLM elaboration on Eurostat data

Focusing on 2022 data, residence permit for family reunification reasons represent 35 per cent of 23.9 million valid permits (table 2), thus denoting a steady and nurtured family reunification phenomenon. Germany, Italy, France, and Spain lead in the number of family reunification permits. Italy notably displays a higher incidence, with family reunification permits representing 48 per cent of the total, surpassing the EU average, whereas in the other countries the rate is close to the EU average.

In addition to assessing the stock of valid permits available until December 31 of each year, it is essential to examine the residence permits granted within the year, particularly the first ones issued¹³.

In 2022, 890,508¹⁴ residence permits were issued for family reunification, accounting for 26.1 per cent of all permits issued in EU Member States.

This type of permit represents the second largest segment of permits issued, behind only those issued for work, which account for 35.8 per cent of the total.

¹¹ [Communication from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC on the Right to Family Reunification](#) (2 October 2014).

¹² [Report from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC on the Right to Family Reunification](#) (Brussels, 29 March 2019).

¹³ First permit means the residence permit issued to a person for the first time. A residence permit is considered as a first permit also if the time gap between expiry of the old permit and the start of validity of the new permit issued for the same reason is at least 6 months, irrespective of the year of issuance of the permit (Eurostat, [Statistics | Eurostat \(europa.eu\)](#)).

¹⁴ First-time issued permits (renewals and conversions not included).

Looking at the historical trajectory of family reunification permits, they grew steadily in absolute terms from 2013 to 2019, with a remarkable 40 percent increase. However, their relative contribution to the total number of permits issued decreased over the same period, from 35.3 per cent to 26.8 per cent (figure 2).

The emergence of the COVID-19 pandemic in 2020 had a significant impact. Due to pandemic-related restrictions, family reunification permits dropped to 622,000 in 2020 and 699,000 in 2021 (figure 1). They constituted 27.1 per cent of total permits in 2020, while in 2021, the number declined to 23.8 per cent (figure 2).

After a 13.7 per cent decline between 2019 and 2021, family permits made an impressive recovery in 2022, increasing by 27.4 per cent to a decade-high of 891,000 (figure 1).

Table 2: Stock of valid permits (31.12.2022)

Countries	Family reasons	Total permits	% Family / Total
Germany	2,096,117	5,718,802	36.7%
Italy	1,843,454	3,838,651	48%
France	1,324,524	3,723,760	35.6%
Spain	1,278,284	3,627,117	35.2%
EU 27*	8,384,527	23,934,631	35%

* Last available data in 2021 for Denmark, Greece, France, Croatia, Cyprus, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Poland. 2020 data per Finland.

FLM elaboration on Eurostat data

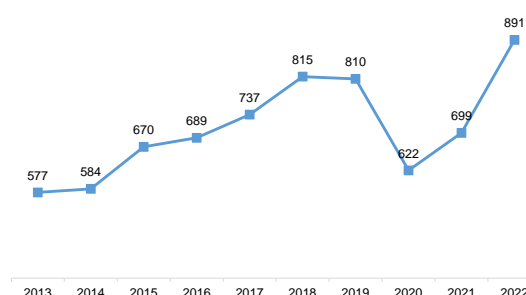
The first four countries in terms of family reunification permits issued are Germany, Spain, Italy and France which account for 65.7 per cent of the total of the 27 EU Member States. Notably, Germany, after experiencing a 57.7 per cent decline in family reunification permits between 2019 and 2021, recorded a remarkable 166 per cent increase in 2022, (table 3).

In contrast, Spain and Italy experienced steady growth in family permits during the two years of

the COVID-19 pandemic and in 2022. France, on the other hand, experienced a slight decline from 2019 to 2021 (-4.7 per cent) but showed a remarkable 3.2 per cent recovery in 2022 (table 3), likely attributable to the easing of COVID-19-related restrictions and increased migration pressure.

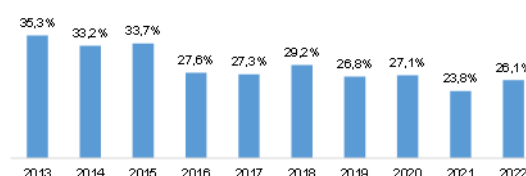
At the EU-27 level, family reunification permits account for 26.1 per cent of the total number of permits, although the distribution varies significantly among Member States. Belgium has the highest incidence at 48.6 per cent family reunification permits out of the total permits issued, followed by Luxembourg, Greece and Sweden, all with percentages above 40 per cent. In contrast, Eastern European countries have the lowest incidence, with Poland having the lowest contribution of family reunification permits, at 2.7 per cent of the total number of permits issued. (figure 3).

Figure 1: First residence permits for family reunification in EU 27 (Thousands)



FLM elaboration on Eurostat data

Figure 2: First residence permits for family reunification in EU 27 (% Incidence on total permits)



FLM elaboration on Eurostat data

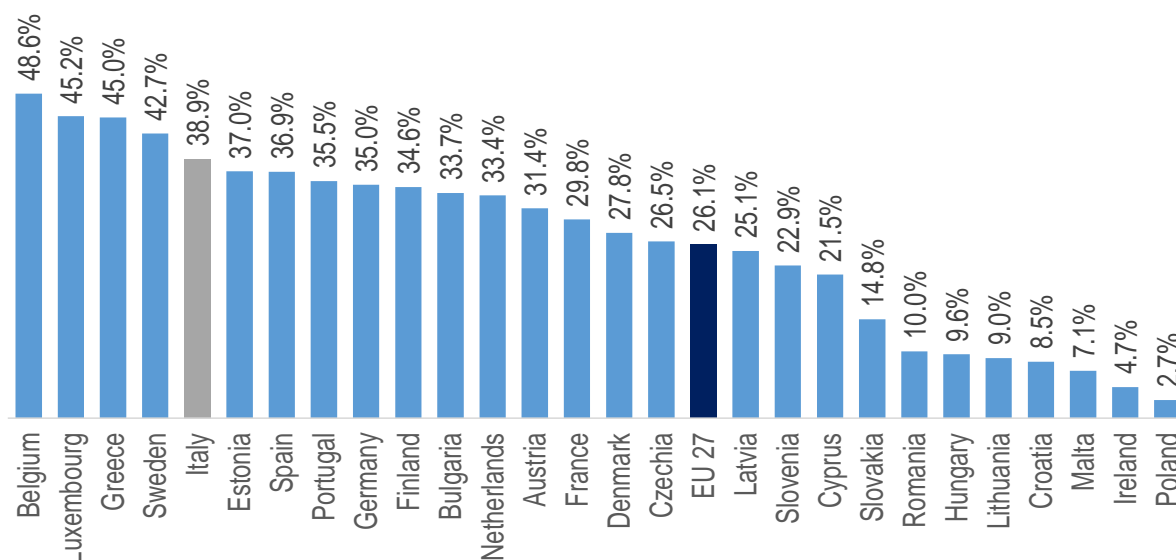
Table 3: First residence permits for family reunification reasons in EU 27

First permits by reason, length of validity and citizenship

First 10 EU Countries	Family permits 2022	Distribution	Variation 2019-21	Variation 2021-22	Total permits 2022	% Family/ Total
Germany	188,367	21.2%	-57.7%	+166%	538,690	35%
Spain	168,804	19%	+10.7%	+6.0%	457,412	36.9%
Italy	131,275	14.7%	+19.4%	+8.9%	337,788	38.9%
France	96,598	10.8%	-4.7%	+3.2%	324,200	29.8%
Netherlands	45,870	5.2%	-10.7%	+32.8%	137,446	33.4%
Portugal	38,602	4.3%	-22.7%	+30.8%	108,684	35.5%
Sweden	36,165	4.1%	-19.3%	-8.4%	84,788	42.7%
Belgium	33,313	3.7%	+1.4%	+1.8%	68,522	48.6%
Poland	19,004	2.1%	-33.5%	+70.3%	700,264	2.7%
Austria	17,369	2%	+7.2%	+20.1%	55,258	31.4%
EU 27	890,508	100.0%	-13.7%	+27.4%	3,418,028	26.1%

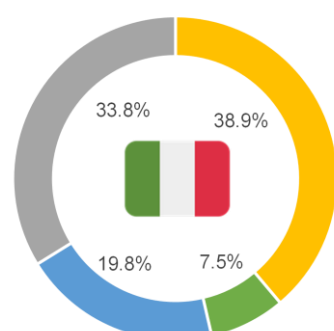
FLM elaboration on Eurostat data

Figure 3: EU Countries by incidence of residence permits for family reunification reasons on total permits (2022)



FLM elaboration on Eurostat data

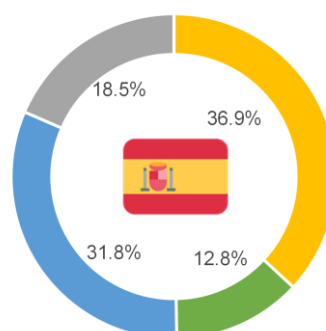
CHARACTERISTICS OF BENEFICIARIES OF FAMILY REUNIFICATION PERMITS



ITALY

Despite the fact that Southern European countries have shown a later development of family settlement compared to the rest of the region,

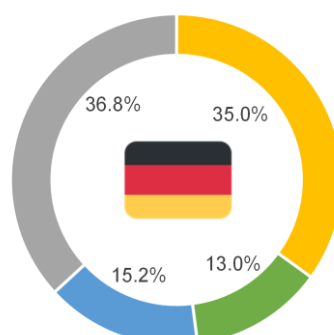
among the four Member States here analysed, Italy has the highest relative figure of family reunification permits (38.9 per cent). Conversely, the Country also shows the lowest incidence of study permits (only 7.5 per cent). Working permits amount to 19.8 per cent of the total, marking a similar situation to Germany and France. The main countries of origin of beneficiaries of family reunification permits are: Albania, Morocco and Bangladesh.



SPAIN

The country shows the highest incidence of employment permits out of the four selected Member States (31.8 per cent) – making it twice

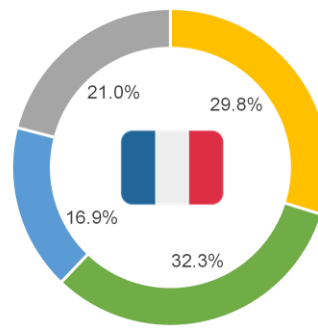
as high as the other observed countries – and the second highest incidence of family reunification permits (36.9 per cent). Study permits issued in 2022 accounted for 12.8 per cent of the total. The main countries of origin of beneficiaries of family reunification permits are: Morocco, Colombia and Argentina.



GERMANY

The most commonly issued permit is for family reunification (35 per cent), following Italy and Spain in the respective

national incidences. Work-related permits represent only 15.2 per cent, far behind the other national contexts. Lastly, study permits in 2022 were 13 per cent of the total, making it similar to Spain but lagging behind France. The main countries of origin of beneficiaries of family reunification permits are: the Syrian Arab Republic, Serbia and the Republic of Türkiye.



FRANCE

The country displays the least consistent incidence of family reunification permits out of the four analysed countries (29.8

per cent). This represents less than a third of all nationally-issued permits. Nevertheless, France has the highest and quite significant relative figure of study permits (32.3 per cent), thus doubling Germany and Spain's incidence and even tripling the Italian one. Lastly, working permits are 16.9 per cent of the total. The main countries of origin of beneficiaries of family reunification permits are: Algeria, Morocco and Tunisia.

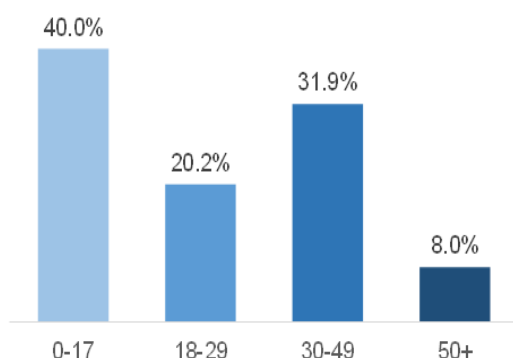
Figure 4: Distribution of permits by reason in the four national cases (2022)

First-time issued permits by reason

■ Family ■ Education ■ Employment ■ Other reason

FLM elaboration on Eurostat data

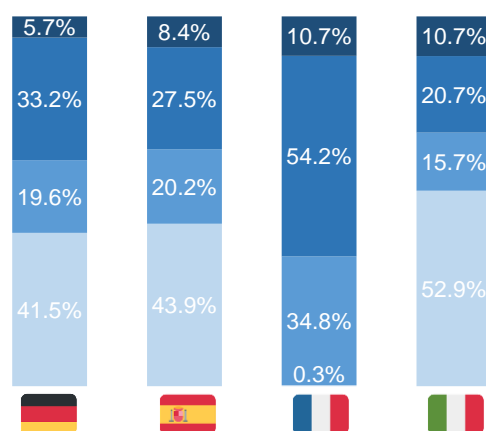
Figure 5: Distribution of residence permits for family reunification by age classes in EU countries



FLM elaboration on Eurostat data

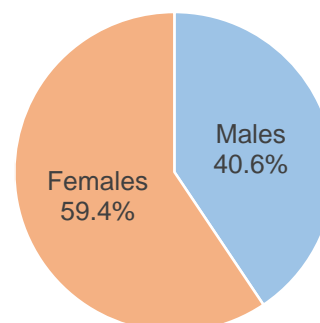
Regarding the age distribution of residence permit for family reunification beneficiaries at the EU-27 level, 40 per cent are children (figure 5). Among the four Countries considered, the incidence of children on the total of residence permits for family reunification changes significantly, stretching from 0.3 per cent registered in France to a substantial 52.9 per cent in the Italian context (figure 6). Spain and Germany, on the other hand, show values closer to the EU average – respectively 43.9 per cent and 41.5 per cent. At the EU-27 level, over-50-year-old beneficiaries are around 8.4 per cent, reaching the highest relative figures among the four Member States in Italy (10.7 per cent) and France (10.7 per cent).¹⁵

Figure 6: Distribution of permits for family reasons by age classes in four EU countries (2022)



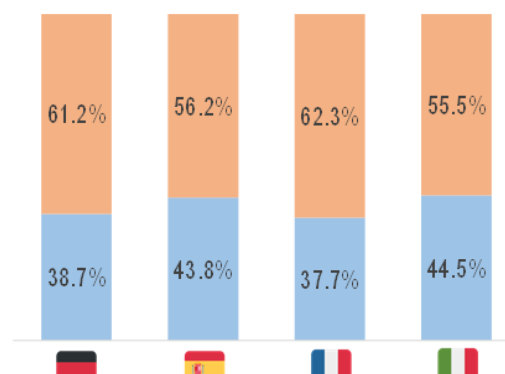
FLM elaboration on Eurostat data

Figure 7: Distribution of residence permits for family reunification by gender in EU states



FLM elaboration on Eurostat data

Figure 8: Distribution residence permits for family reunification by gender in four EU states



FLM elaboration on Eurostat data

In terms of gender distribution, women represent the majority of the total number of family reunification beneficiaries (59.4 per cent) (figure 7).

Among the four countries mentioned above, Italy and Spain display the highest incidence of men (respectively 44.5 per cent and 43.8 per cent) among family reunification beneficiaries.

Lastly, by observing the country of origin of beneficiaries, Morocco figures first (82 thousand issued permits, 9.2 per cent of the total). India and Albania follow, with 5.4 per cent and 4.7 per cent, respectively.

Morocco is the first sending country for Spain, but it represents the second for France and Italy (after Algeria and Albania, respectively). Among the four countries analysed, it is evident that there are noticeable differences concerning the citizenship of beneficiaries of family reunification permits.

¹⁵ The distribution by age classes is calculated as the sum of the national values. Data for Netherlands, Greece and Croatia are

calculated using the 2021 distribution per age classes. Data for Slovakia and Malta are estimated using the EU27 average distribution.

CONCLUSIONS AND RECOMMENDATIONS

The 20th anniversary of Directive 2003/86/EC represents an important opportunity to recall the **fundamental importance of family reunification as a legal entry channel in the European Union**.

Legal frameworks in place at both the international and European levels underscore the importance of protecting and **promoting the right to family unity throughout the migration process**.

However, **challenges in the application of the laws** safeguarding the right to family unity **persist**, including through stringent eligibility criteria, long processing times and financial obstacles.

While the Directive has made strides in **harmonizing family reunification practices**, continuous efforts are needed to ensure correct implementation across the EU Member States.

Well-designed and well-managed family reunification solutions can support governments in their efforts to promote regular migration pathways while upholding the right to family life and family unity, and whilst **reducing vulnerabilities throughout the migration process**.

Family reunification can also be a **complementary migration pathway for beneficiaries of international protection**.

Accessible, dignified and timely family reunification **benefits both migrants and their host societies**, creating sociocultural stability, facilitating integration, and thus promoting economic and social cohesion.

Well-planned family reunification programmes serve as stable societal foundations and safe, regular pathways, thus **discouraging unsafe migration**. A range of policy and operational options that facilitate the availability of and effective access to family reunification exist.

While many countries continue to have only limited and restrictive family reunification policies¹⁶, States can effectively **reduce barriers to family reunification** by implementing practical measures such as:

- 1) **Expanding the scope** of family reunification;
- 2) Providing **comprehensive information** and **simplifying admission procedures**;
- 3) **Facilitating access** and **enhancing application processing capacities**;
- 4) Offering **pre-departure orientation** and **integration tools**.

All of these measures must be **gender-sensitive**, ensuring the equality of women and men when it comes to family reunification schemes.

¹⁶ OECD, Family migration as an alternative pathway for refugees, International Migration Outlook, (Paris, 2016) OECD, p. 180.

Available from www.oecd.org/migration/international-migration-outlook-1999124x.htm.

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