

**Question for written answer E-003123/2025
to the Commission**
Rule 144
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Subject: Suspension of family reunification for beneficiaries of subsidiary protection in Germany

On 27 June 2025, the German Bundestag decided to suspend family reunification for beneficiaries of subsidiary protection for two years. Although family reunification for third-country nationals is regulated by Directive 2003/86/EC, in which family reunification is problematically declared to be a human right, Germany – unlike Austria – did not invoke the so-called emergency clause (Article 72 TFEU), which may be applied in the event of a threat to public order and internal security. Austria justifies the suspension vis-à-vis EU law in this manner, while Germany has chosen to implement the measure exclusively under national law.

These divergent approaches illustrate the structural constraints on national scope for action through centralised EU rules, which force Member States to become legally creative and risk potentially violating EU law in order to protect their internal security. The rigid EU legal situation ignores real capacity limits, overburdens social systems and jeopardises public order. Moreover, there is a need to critically examine whether Article 8 of the European Convention on Human Rights is being misused to circumvent the suspension, which would further undermine national governments' ability to control the situation.

1. What is the Commission's legal assessment of Germany's suspension of family reunification for beneficiaries of subsidiary protection?
2. How does the Commission envisage the long-term viability of Directive 2003/86/EC in view of real capacity constraints and security risks?
3. From the Commission's point of view, what will happen to third-country nationals who are currently applying for family reunification in Germany and invoking Article 8 of the European Convention on Human Rights?

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