

**Priority question for written answer P-003696/2026/rev.1
to the Commission**
Rule 144
Jana Toom (Renew)

Subject: Decisions to return third-country nationals who are parents of minor EU citizens

This question arises as a result of an individual case that appears to illustrate a broader legislative and administrative problem in Estonia concerning return decisions affecting third-country nationals who are parents of a child who is an Estonian citizen.

Could the Commission answer the following questions:

1. Does the Commission consider that Estonian administrative practice ensures an effective individual assessment of the dependency relationship between a minor EU citizen and their third-country national parent, in accordance with the case-law of the Court of Justice of the European Union?
2. Does the Commission consider that Estonia correctly implemented and applied Directive 2008/115/EC, specifically Articles 5, 6(5), 7(2) and 7(11) thereof, as regards return proceedings affecting parents of minor EU citizens, in particular given the perceived incompatibility with Article 6(5) of Directive 2008/115/EC of issuing or maintaining return decisions while a residence permit application or visa-related procedure is pending?
3. Do the legislative gap and administrative practice identified warrant further examination by the Commission, including through an implementation review, EU Pilot dialogue or infringement proceedings?

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