

EN  
E-002343/2025  
Answer given by Mr Brunner  
on behalf of the European Commission  
(12.9.2025)

The Family Reunification Directive<sup>1</sup>, under Article 4, allows reunification with the sponsor's spouse and minor children, including minor or adopted children of the sponsor or their spouse for who they have custody. Recital 11 of the Family Reunification Directive emphasises that the right to family reunification should be exercised in proper compliance with the values and principles recognised by Member States, including by taking restrictive measures against applications for family reunification of polygamous households.

The Directive respects national legislations preventing polygamy. In that regard, the Family Reunification Directive explicitly states in Article 4(4) that Member States shall not authorise family reunification in the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory. According to the information available to the Commission, Austria and Germany transposed this provision correctly. Moreover, the Directive also provides that Member State may limit the family reunification of minor children of a further spouse. As clarified by Recital 10, it is up to the Member State to decide whether to authorise the family reunification with the minor children of the sponsor and a further spouse.

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<sup>1</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12–18.