

(English version)

**Question for written answer E-003123/25**  
**to the Commission**  
**Mary Khan (ESN), Petra Steger (PfE)**  
(29 July 2025)

*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?

Submitted: 29.7.2025

**Answer given by Mr Brunner on behalf of the European Commission**  
(26 September 2025)

The Family Reunification Directive 2003/86/EC <sup>(1)</sup> applies to legally resident third-country nationals and refugees <sup>(2)</sup>. It does not apply to beneficiaries of subsidiary protection, since the harmonisation of rules relating to this category was introduced at EU level in 2004 by the Qualification Directive 2004/83/EC <sup>(3)</sup>, which has since been repealed and replaced by the Recast Qualification Directive 2011/95/EU <sup>(4)</sup>.

Although the Recast Qualification Directive contains provisions on accompanying family members, it does not cover family reunification of beneficiaries of subsidiary protection.

Therefore, EU law does not establish harmonised rules for the family reunification of beneficiaries of subsidiary protection, which remains a competence of Member States.

The Commission is currently not planning to revise the Family Reunification Directive. The Commission is focused on monitoring the implementation of the directive, including through a comprehensive study being done within the framework of the European Migration Network.

The Commission cannot predict what may happen to third-country nationals who are applying for family reunification in Germany and invoke Article 8 of the European Convention on Human Rights.

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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, ELI: <http://data.europa.eu/eli/dir/2003/86/oj>.

<sup>(2)</sup> 'Refugee' as defined in Article 2(b) of 'the Family Reunification Directive'.

<sup>(3)</sup> Council Directive 2004/83/EC of 29 April 2004 on the minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection.

<sup>(4)</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, pp. 9), which will be replaced, as of 12 June 2026, by Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1347/oj>).

The EU is not party to the Convention and it is for Member States to manage those requests in light of the applicable national, European and international obligations.

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