

**Parliament of Romania  
Chamber of Deputies**

**Decision**

**approving the opinion relating to the Communication from the Commission to  
the European Parliament and the Council on guidance for application of  
Directive 2003/86/EC on the right to family reunification  
COM (2014) 210**

Pursuant to the provisions of Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Article 40 of Decision No 11/2011 of the Chamber of Deputies on the working and decision-making procedure for parliamentary supervision of draft legislative acts of the European Union, based on the provisions of the Treaty of Lisbon on the role of national Parliaments,

The Chamber of Deputies hereby adopts this Decision:

Sole Article - Having regard to draft opinion No 4c-19/239 adopted by the Committee for European Affairs at its meeting of 11 June 2014,

1. The Chamber of Deputies welcomes this Communication, which provides guidance to Member States on how to apply Directive 2003/86/EC. These guidelines reflect the current views of the Commission and are without prejudice to the case law of the Court of Justice of the European Union and its further development. Views may change in future and, as a consequence, this is an evolving document and an open-ended process. The Directive recognises the right to family reunification and determines the conditions for the exercise of this right.

2. The Chamber of Deputies notes that Member States may decide to extend the right to family reunification to family members other than the spouse and minor children. Member States may make the exercise of the right to family reunification subject to compliance with certain requirements if the Directive allows this. Furthermore, Member States retain a certain margin of appreciation to verify whether requirements imposed by the Directive are met and for weighing the competing interests of the individual concerned and the community as a whole, in each factual situation.

3. The Chamber of Deputies would stress the following:

- the specific goals refer to respecting and guaranteeing the rights of natural persons, ensuring transparency of the rules on family reunification and of the common EU standards, promoting and directly applying the overall principles relating to the availability of information, the best interests of the child, the right to appeal, and the means of fighting fraud and any form of abuse;

- implementation of the common policy in the area of asylum and subsidiary or temporary protection and of the common immigration policy is achieved by granting an appropriate status to any third-country national in need of international protection, by ensuring compliance with the principle of non-return, by managing migration flows effectively, by ensuring fair treatment of third-country nationals residing lawfully on the territory of the Member States, and by preventing illegal immigration. All of these guarantees represent

aspirations which are part of the European identity of each Member States of the European Union;

- in the case of non-EU nationals, the matter of family reunification is governed by Directive 2003/86/EC. Family reunification helps to create sociocultural stability facilitating the integration of non-EU nationals in the Member States of the European Union, and this also serves to promote economic and social cohesion;

- the guidance on how to interpret the Directive should provide legal certainty for the persons concerned and take into account the best interests of the child, comply with the principles laid down by the European Convention of Human Rights and the EU Charter of Fundamental Rights in respect of protecting the family and respecting family life, comply with the relevant case law of the European Court of Human Rights and the Court of Justice of the European Union, and provide for action against abuse and fraud relating to the rights conferred by this Directive. Furthermore, the Communication obliges Member States to grant effective legal remedy against decisions of national authorities both to the sponsor and to his/her family members to enable the possibility of effective exercise of this right.

4. The Chamber of Deputies would point out that the right to family and private life represents a fundamental right, and full exercise of this right should give sponsors of family reunification, as defined by the Directive, the right to initiate the family reunification procedures when they receive the residence permit, without requiring a minimum length of stay.

5. The Chamber of Deputies would emphasize that family reunification should be extended to include more diverse categories, particularly with regard to children who are 18 or over or siblings, taking into account factors of risk in the country of origin together with cultural factors. Furthermore, the deadlines for submitting an application for family reunification should be extended, so as to enable potential sponsors to contact their family members, prepare the full documentation for the process of family reunification, and resolve any other issues relating to their situation.

6. The Chamber of Deputies notes that the Directive applies only to sponsors who are third-country nationals. That means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union, who is residing lawfully in a Member State, and who applies for family reunification. An application for family reunification may also be submitted by a sponsor's family members who are third-country nationals and who join the sponsor to preserve the family unit, whether the family relationship arose before or after the sponsor's entry.

7. The Chamber of Deputies would mention that, by Decision No 498 of 18 May 2011, the Romanian Government approved the national immigration strategy for the period 2011-2014 with a view to implementing a specific immigration policy based on national needs and at the same time concerted, taking into account its possible impact on other Member States of the European Union and ensuring fair treatment of immigrants and their harmonious integration into the host society.

8. The Chamber of Deputies notes that Romania has amended and supplemented the legislation on legal arrangements applying to foreign nationals, as well as certain legislative acts in the area of immigration and asylum, with a view to aligning itself with the EU policy

and applying the same common standards as the other Member States.

This Decision was adopted by the Chamber of Deputies at the session of 9 September 2014 in compliance with Article 16(2) of the Romanian Constitution, republished.

President of the Chamber of Deputies,  
Valeriu Ștefan ZGONEA

Bucharest, 9 September 2014