



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion concerning 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 final}.

The Commission appreciates the strong overall support given by the Camera Deputaților to the findings of the above-mentioned Communication. It is particularly pleased to learn that Romania has amended and supplemented its immigration and asylum laws and other legislation applying to foreign nationals with a view to aligning itself with EU policy and applying the same common standards as the other Member States. Romania's focus in its national immigration policy on a concerted approach, taking into account its possible impact on other EU Member States and ensuring fair treatment of immigrants and their harmonious integration into the host society, is commendable.

As regards the specific observations raised by your Opinion, the Commission would like to make the following comments:

Concerning the right to initiate family reunification procedures without minimum length of stay, the Commission considers that Member States have a limited margin of appreciation for requiring a minimum length of stay before a sponsor may apply to be joined by his/her family members. The Commission also considers that Member States may not impose a general waiting period on all applicants but need to consider the particular circumstances of specific cases and the best interests of minor children. Any period of time during which a sponsor has resided on the territory of a Member State in accordance with its national law should be taken into account, starting from the first day. In addition, the Commission encourages Member States to keep waiting periods as short as strictly necessary for achieving the purpose of the provision (favouring integration), especially in cases involving minor children.

In relation to the extension of family reunification to include broader categories of family members, the Commission points out that Member States have the possibility to include

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ascendants, adult unmarried children, registered partnerships and partners in a stable long-term relationship in the coverage of the Directive. The Directive does not prevent Member States from extending its provisions to further categories of family members under their national law. The Commission shares the view that factors of risk in the country of origin and cultural factors should be taken into account in the case-by-case assessment.

As to the point raised that "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", the Commission points out that only with regard to the applicability of the more favourable conditions for the family reunification of refugees an optional deadline of three months is possible. For other situations of family reunification covered by the Directive no deadlines apply. At the same time, the Commission encourages Member States not to apply this three month deadline, which limits in time the application of more favourable conditions to refugees, or to extend it beyond three months. In any case, the Commission fully shares the concern that more leniency is desirable to take account of the particular situation of refugees. The Commission considers for example that, when applying the three month deadline, Member States should allow for the possibility that the sponsor can submit the application in the territory of the Member State instead of the family members in the third country. The Commission also considers that Member States should allow that partial applications can be made, which can be completed as soon as documents become available or tracing is successfully completed, even beyond the three month deadline. The Commission has reiterated its call for using the family reunification clause also in the context of the recently adopted European Agenda on Migration stressing that Member States are responsible for applying the Dublin system and in particular, they should allocate the resources needed in order to increase the number of transfers and cut delays, consistently apply the clauses related to family reunification, and make more regular use of the discretionary clauses, allowing them to examine an asylum application and relieve the pressure on the frontline Member States.

The Commission hopes that these clarifications address the observations raised by the Camera Deputaţilor and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*