



*Approaches to submitting the application for family reunification for beneficiaries of international protection.*

*Belgian national practice.*

EMN Conference Den Haag 24/04/2024

# 1.

## Focus of the presentation

- Submission of the application

*Effectiveness of the right to family reunification*

- For family members of beneficiaries of international protection
  - Particularities and flexible approaches
  - Family members abroad

## 2.

Belgian legal,  
administrative  
and  
institutional  
framework

### Submission

*Art. 12bis par. 1 of the Law of 15 Dec.1980*

- Who? Family member
- Where? Competent Belgian embassy or consulate
- How? In person



Immigration Office (DVZ)

Embassy

VFS/TLS

- Flexible approaches: partial application; any Belgian embassy

## 2.

Belgian legal,  
administrative  
and  
institutional  
framework



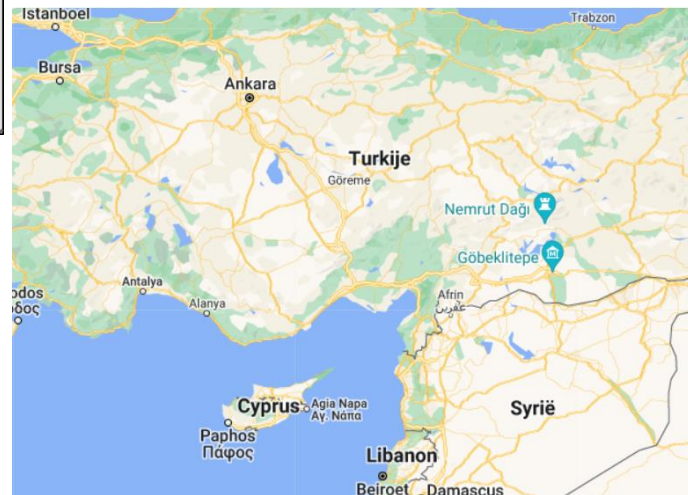
### Appearing in person is decisive for a timely submission

« Deadlines » in Belgium:

- ✓ Additional requirements (grace period): 1 year after the sponsor was granted international protection
- ✓ Parents of a minor who turns 18 during the asylum procedure : 3 months (HvJ, 12 april 2018, C-550/16)
- ✓ Child-applicants who turn 18 during the asylum procedure of their parents: 12 months – in future 3 months (HvJ, 1 augustus 2022, C-279/20)
- ✓ Conditions of age at the time of visa application

(9 months examination timeline of the application starts to run from the moment the file is complete)

# 3. In practice



## Judgment of the EU Court of Justice, 18 april 2023, Afrin, C-1/23 PPU

European Union law precludes national legislation which requires, without exception, that family members, in particular those of a recognized refugee, appear in person at the diplomatic post to submit the application for family reunification, including in a situation where it is **impossible or excessively difficult** for them to travel to that post.

### 4. Afrin

“It is essential that the Member States show, in such situations, the necessary flexibility to enable those concerned to be able in practice to submit their application for family reunification in good time, by facilitating the submission of that application and allowing in particular the use of remote means of communication.” (§51)

“As regards the particular situation of refugees, (...) the absence of any flexibility (...) may have the consequence that the persons in question will not succeed in complying with the time limit (...)” (§53).

The Member State may nevertheless require that the applicants appear in person at **a later stage of the application procedure** for family reunification. However, Member State must than facilitate such an appearance, notably by issuing consular documents or laissez-passers and reducing the number of appearances to the strict minimum (§58-69).

New procedure (instructions on the [website of Immigration Office](#))

4.

Afrin

*“By way of derogation ...”*

*“This mainly concerns applicants who are in a country or region affected by war or conflict and where Belgium does not issue visas.”*

- Evaluation by the diplomatic post, on a case by case basis.
- If authorized, the applicant can submit the application by e-mail

*“The visa will not be issued to an applicant who has not appeared in person at least once during the procedure or who has not presented the original supporting documents.”*

# 5. Conclusion

- Principle remains submission in person

 *Observations*

- Approximation to practices in other EU-member states?

 *Feedback?*