

**Question for written answer E-001973/2012
to the Commission
Rule 117
Emine Bozkurt (S&D)**

Subject: Refugees and the right to family reunification

The right to family life is stipulated in many Treaties. This right applies particularly to refugees. The Member States recognised this right in the Family Reunification Directive (2003/86/EC). The preamble states that more favourable conditions must be created for refugees, which is done in Chapter V in order to allow them to exercise their right to family reunification. The current tightened policy in the Netherlands demands an 'actual family relationship'. This requirement is no longer applied in ordinary family reunifications since the ECHR ruling in the case of Tuquabo-Tekle (1 December 2005). It is sufficient in such cases if there is a family life in accordance with Article 8 of the ECHR. In the case of family reunification of refugees, those to be reunited must actually be part of the refugee's family at the moment of departure from the country of origin.

In order to first establish the so-called 'actual' family relationship, all family members, even children under 12 years of age, are subject to an interview at the embassy. It does not matter whether they are foster children or biological children, and the system is applied to all nationalities. During these interviews, dozens or sometimes even hundreds of detailed questions are asked, even to young children. The environment in which these children are interviewed at an embassy is not child-friendly and the level of questions is often not geared towards children. If a number of discrepancies are identified, then the application is rejected, even if it is clear from the other answers that the parent and the child do belong together. And even if a DNA test shows that a biological child is involved.

1. Is the Commission aware that the Netherlands applies this criterion of 'actual' family relationship?
2. Is the Commission of the opinion that the Netherlands, by applying the additional criterion of 'actual' family relationship to refugees, is in breach of the Family Reunification Directive and the fundamental rights to privacy and family life?
3. Does the Commission regard the tightened Dutch measures as being commensurate and proportionate?