

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

RECOMMENDATION No. R (99) 23

of the Committee of Ministers to member States
on family reunion for refugees and other persons
in need of international protection

*(adopted by the Committee of Ministers on 15 December 1999
at the 692nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Recalling the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol and its Final Act;

Bearing in mind that everyone has the right to respect for family life and that the family is the natural and fundamental unit of society and is entitled to protection by society and the state;

Aware that well-founded fear of persecution and other risks to the lives and safety of persons force them to flee their country of origin and that such flight threatens family unity and often leads to the separation of members of the same family;

Considering that members of separated families can only enjoy their right to respect for family life through the reunion of family members in a country where they can lead a normal family life together;

Conscious of the need to preserve and defend the principle of family unity while fully respecting to the fundamental human rights and dignity of refugees and other persons in need of international protection, including the best interests of children;

Recognising that preserving the integrity of refugee families both enhances the protection of their members and facilitates appropriate longer-term solutions for them;

Adopted the following recommendation:

1. Member states hosting refugees and other persons in need of international protection, who have no other country than the country of asylum or protection in order to lead a normal family life

together, should promote through appropriate measures family reunion, taking into account the relevant case-law of the European Court of Human Rights.

2. Members of the family of the refugee or other person in need of international protection covered by this recommendation are the spouse, dependent minor children and, according to domestic legislation or practice, other relatives.

3. The rights and entitlements to be granted by member states to joining family members should in principle be the same as those accorded to their family member who is a refugee or another person in need of international protection, respectively.

4. Member states should deal with applications for family reunion from refugees and other persons in need of international protection in a positive, humane and expeditious manner. In order to verify family links, member states should primarily rely on available documents provided by the applicant, by competent humanitarian agencies or in any other way. The absence of such documents should not *per se* be considered as an impediment to the application and member states may request the applicants to provide evidence of existing family links in other ways. Where applications for family reunion by such persons are rejected, independent and impartial review of such decisions should be available.

5. Member states should pay particular attention to applications for family reunion concerning persons who are in a vulnerable position. In particular, with regard to unaccompanied minors, member states should, with a view to family reunion, co-operate with children or their representatives in order to trace the members of the family of the unaccompanied minor.

6. Member states should facilitate the work of governmental and non-governmental organisations and other institutions active in the humanitarian field with a view to promoting family reunion of refugees and other persons in need of international protection.