



A child's right to family life in the context of European migration policies

PICUM submission to UN Special Rapporteur on
the human rights of migrants' call for input

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The family is a central part of any child's life, whether they migrate or not, and whether they migrate alone or not. The interactions between family unity, migration and other policies are many and varied, however, and this brief only represents a selection. PICUM's submission focusses on the following elements:

- the respect for family unity in EU and national migration laws and case law, including labour migration policies and regularisation measures;
- the impact of (some) migration enforcement policies on family unity;
- gendered aspects and cross-border cases of family law.

Its structure is based on the list of questions of the UN Special Rapporteur on the human rights of migrant's [call for input](#) on children's right to family life in the context of migration and asylum policies, open in May and June 2026. However, it can also be read as a stand-alone, yet non-exhaustive brief on the topic.

PICUM, the Platform for International Cooperation on Undocumented Migrants, was founded in 2001 as an initiative of grassroots organisations, and now represents a network of around 155 organisations working with and for undocumented migrants in 35 countries. With twenty-five years of evidence, experience and expertise on issues affecting undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at the policy level.



The right to family life and its interdependence with other human rights

The right to family life operates in direct interdependence with the full spectrum of children's rights. Family unity is usually¹ a precondition for the realisation of rights to education, healthcare, social protection, and stable emotional development. When the family unit is disrupted, a cascade of harm can extend across nearly every right of the UN Convention on the Rights of the Child. Migration, then, has both [direct and indirect effects](#) on families and dependents, whether because people migrate separately, or are separated during migration by migration enforcement, detention, or forced separation. These disruptions to family structures directly affect children's wellbeing and the economic stability of the household.

This interdependence between family unity and other fundamental rights also applies to the children of parents who are undocumented, parents who have a precarious/insecure status or children who belong to mixed-status families. (Note that, in general, children follow the residence status of their parent(s). However, as this brief explains, parents can also derive their residence status from their children.)

The interplay between family unity and migration law can be seen in **labour migration**, for example. There are often strict limitations on migrant workers' – and therefore their children's – right to family life. Many work visas and permits do not provide for workers to access a residence permit for their spouse, partner or children, or only to do so if they meet certain requirements and after a period of time. For many, especially those in lower salaried jobs, it is not possible to meet the minimum income and housing requirements, resulting in a clear class and economic discrimination in who can enjoy their right to family life. Even if the requirements can be met, the imposed period of family separation or of

the child [growing up undocumented](#) can come at a heavy cost. For migrant workers with a precarious or irregular residence status, it is also common to have to work excessive hours, which can significantly impact parents' availability for their children and overall well-being in the household.

Gender fundamentally shapes the experience of family life in migration, both for men and women. Women migrate independently as workers, students, or heads of households, and [represented 52%](#) of all migrants in Europe in 2024.

A reality is that labour sectors and exploitation are gendered. Female migrants are disproportionately concentrated in care work, domestic work, cleaning, and hospitality - sectors characterised by social isolation, precarious contracts, and high exposure to abuse. Where residence status is tied to a specific employer, the risk of exploitation is compounded. Children of women in these sectors face particular instability, as their mother's housing, income, and residence status may all depend on the continuation of an exploitative employment relationship.

Care responsibilities can be a barrier to **regularisation**, too. Women continue to bear the primary responsibility for children and elderly relatives in most households. At the same time, undocumented children are excluded from most publicly funded [early childhood education and care](#) (either in law or practice), making it more difficult for undocumented women to work or to meet the procedural requirements of some regularisation mechanisms (e.g., these based on work). Digitalisation, [high fees per family member](#), and opaque administrative procedures compound this. In the Netherlands, for example, a family of four unable to return to their country of origin

1 Some exceptions for some rights may exist, e.g. in the case of unaccompanied children, children placed in care, etc.

through no fault of their own [has to pay €423 per person](#) for a 'no fault' permit today – €1,692 in total. An undocumented parent who cannot regularise their status usually cannot safely access public services, including social care, healthcare, birth registration,... for them, their partner or their children, thereby continuing a cycle of exclusion.

A key issue to highlight is the harmful interplay between dependent residence statuses, domestic violence, family unity and migration enforcement.

Dependent residence statuses can be a tool of control, both in work and in intimate relationships. People, often [women, who migrate as dependents](#) of a spouse or partner hold residence rights contingent on the continuation of that relationship. This status tied to another person or to the employer creates a power imbalance which can lead to exploitative relationships. Indeed, the European Institute for Gender Equality [has recognised](#) that migrant women in precarious situations face greater risks of domestic violence. And, in cases of intimate partner violence, abusive partners often intentionally misinform partners (often women) who depend on them for their residence status or who are undocumented, threatening them with deportation, the loss of custody of their children, or claiming they will not be entitled to state support for housing or subsistence. This

creates a climate of fear, reinforcing the cycle of power and control.² Ultimately, dependence on a partner's residence permit or status limits women's ability to make independent decisions including, crucially, the decision to leave abusive situations and relationships.

Children in such households are exposed to a dual threat: the violence itself, and the risk of family separation if the non-abusive parent attempts to leave or seek help. Children who witness domestic violence are indirect survivors who can suffer emotional, psychological, and social harm that can persist throughout their lives. Accurately recognising and accounting for all those affected is crucial to understanding the true scale of violence and providing appropriate support, including access to independent residence and work permits. These not only benefit the parent who was a victim, but also the child(ren).

As an illustration, one of PICUM's members, a migrant-led organisation in Switzerland, recently supported several women – particularly survivors of domestic abuse – with a range of individualised supports to access employment and services. Women also reported increased confidence, and improved report cards at school for their children as a result of improved mental health and well-being.

² Fear of immigration enforcement further deters families from accessing services. Hostile migration policies deliberately create an environment of fear, deterring people from seeking help and trapping them in cycles of abuse.

Protecting children from family separation

This section covers references to family unity and the best interests of the child in EU and national law, EU and national case law; some arguments used in decisions leading to family separation; the

interplay between migration enforcement, family unity and separation; and some impacts of family separation in a migration context (particularly focussing on cross-border family law).

In EU and national law

The most notable legal provisions on European level are Article 8 of the [European Convention on Human Rights \(ECHR\)](#) on private and family life, home, and correspondence, and Article 24 of the [EU Charter of Fundamental Rights](#), which enshrines children's rights and requires that the best interests of the child be treated as a primary consideration. Other important texts include the [Istanbul Convention](#) on preventing and combating violence against women and domestic violence - binding on the EU since October 2023 – which requires the suspension of expulsion proceedings where a victim's residence status depends on a spouse (Article 59(2)), and the granting of autonomous residence permits to victims in particularly difficult circumstances. The [Family Reunification Directive](#) (2003), article 15(3), provides for autonomous residence permits in particularly difficult circumstances, while the [EU Citizens Directive](#) (2004), article 12(2)(c), preserves the residence rights of non-EU family members of EU citizens in cases involving domestic violence. In addition, the [EU Returns Directive](#) (2008) requires³ Member States to respect family unity with members present on the territory pending return (either during the voluntary return period, or for the period with which the return is postponed (art 14). These directives and the Istanbul Convention are the closest approximation in EU law to a formal recognition that family life and child protection interests take precedence over migration enforcement.

However, several EU member states have implemented provisions that go beyond the minimum EU framework in ways that prioritise family integrity and personal safety over migration enforcement goals. A [PICUM mapping](#) (2020) found that Belgium, France, Germany, Greece, Italy, the Netherlands, Poland, and Spain all had legislation providing residence permits for victims of domestic violence on spouse-dependent visas. In France, Greece, Italy, the Netherlands, and Spain, these protections extend(ed) to undocumented survivors who did not enter the country on a spouse-dependent visa.

Another EU framework treats [cross-border cases of family law](#), including divorce, custody disputes, and international child abduction: the [Brussels II-ter Regulation](#). The regulation clarifies rules on jurisdiction, recognition, and enforcement of judgments related to these matters, including the dates, deadlines, conditions and procedures of return. A key aim of the regulation is to return a child within the European region in maximum six weeks. Brussels II-ter enhances the application of the [Hague Convention of 1980](#) within the EU. For example, it provides for an "overriding mechanism" where the court of the child's habitual residence before the abduction can order the child's return, even if a court in the country where the child is found has decided against it.

³ Note that the 2008 Return Directive is being replaced by the Return Regulation at the time of writing (June 2026).

Case law

Several European and national legal cases centre around family separation and the protection of family and private life of migrant families, including undocumented or mixed status families. For instance:

Based on art. 8 European Convention of Human Rights and art. 7 Charter of Fundamental Rights; art. 5(b) 2008 Return Directive:

- The European Court of Human Rights⁴ clarified in [Boultif v. Switzerland](#) (para 48) and [M Üner v. the Netherlands](#) (para 58) that when the return of a third country national would separate them from their family or when the person is settled in the country, states should balance different factors including the length of stay in the country, family situation, nature of any criminal offences, best interests and well-being of the children and the solidity of social, cultural and family ties to the country of residence and to the country of origin.
- The European Court of Human Rights also found that general immigration policy considerations cannot be regarded as sufficient justification for refusing a residence permit for an immediate family member ([Rodrigues da Silva and Hoogkamer v. The Netherlands](#) and [Jeunesse v. the Netherlands](#)).

Based on Article 7, 20 and/or 24(2) of the EU Charter of Fundamental Rights:

- In several instances, the European Court of Justice (CJEU) has determined that EU-citizen children of undocumented parents may not be forced to leave the territory.
 - In the [Zambrano case](#), the Court held that, by not giving the third country national father of a Belgian child a derived residence right, Belgium would oblige the child to leave the territory of the EU as a whole, and therefore deprive the child of the genuine

enjoyment of the substance of the rights conferred by the EU citizenship status.

- In [Chavez-Vilchez](#), the Court clarified that it is not enough for member states to determine that the child can live with the other (EU-citizen) parent. Instead, Member States must determine whether the third country national parent is the actual caregiver to the child, and to what extent the child is dependent on that parent. The Court mentioned the following factors to be considered in the assessment: whether the other parent can take care of the child, the age of the child, the physical and emotional development of the child, the strength of the affective bond between the child and both of its parents, and the risks to the development and wellbeing of the child if it is separated from the third-country national parent.
- In the very recent [Safi case](#), the CJEU found that the mother of a minor, EU citizen child may enjoy a derived right of residence in the Member State where she resides with her child and of which the child holds the nationality, even if the mother already has a right of residence in another Member State.
- In [K.A. and Others](#), the CJEU clarified that, when issuing a return decision, including with respect to an individual who has been previously subject to an entry ban, member states should take into consideration their family life and in particular the interest of children (see also [Rendón Marín](#) and [Zambrano](#)).

The Chavez-Vilchez and Zambrano cases have led to several stand-alone regularisation mechanisms across the Union, like in the Netherlands, or has caused family unity to be part of other residence procedures/assessments in others, e.g.

4 Note that The European Court of Human Rights (ECtHR) has clarified that the right to private and family life "protects the right to establish and develop relationships with other human beings and the outside world and can sometimes embrace aspects of an individual's social identity, it must be accepted that the totality of social ties between settled migrants and the community in which they are living constitutes part of the concept of 'private life' within the meaning of Article 8 (ECtHR, 23 June 2008, [Maslov and Others v. Austria](#), §63; ECtHR, 20 September 2011, [A.A. v. the United Kingdom](#), §49.)

National courts have also taken into account family unity and/or the protection of family separation, including in relation to aforementioned case law and with regards to parents of adult children. In The Netherlands, for instance, the Immigration Office (IND) was ordered to issue a new decision in a case involving a Brazilian mother of several adult children with Dutch nationality. The woman

had asked for a residence permit based on family life, as her elder son, who has Autism Spectrum Disorder and depends on her, was still living with her ([NL25.6911c](#); [NL24.8221](#)). In another case, the IND failed to take into account the financial and emotional dependence of a Moroccan mother of her adult, Dutch children ([NL25.34867](#)).

Arguments used when taking decisions that may lead to family separation

Some have tried to counter the 'right to family unity' not by attacking its foundation as a right, but by putting into question the veracity of the family unit, either by putting into question the partnership (sham marriages) or parental relations (sham recognitions).

Some governments, for instance [Germany](#) and the Netherlands, have pointed towards sham parental recognitions as a migration and security concern. The current Dutch Minister of Asylum and Migration, for instance, [announced measures](#) that curbing "sham recognitions" is a key priority of his cabinet in April 2026. He pointed towards an increase of 'suspicions of sham recognitions' from 20 in 2022, to 250 in 2024, and to 410 in 2025. However, a researcher at the Amsterdam Center for Migration and Refugee Law, looked into the numbers and [found a marked decrease](#) of Chavez applications from families where the undocumented parent does not live in the same household, indicating a clear uptake of parental roles.

Sham marriages or 'marriages of convenience' are another way family units are put into question, with the search for them sometimes [framed](#) as part of the fight against migrant smuggling and trafficking. The European Commission published a [handbook](#) in 2014 to guide member states in their investigations. These checks usually happen around the time of the marriage or the third country national partner's entry into the Union. However, the CJEU has, earlier this month, concluded that authorities may retroactively check whether the relationship is real, even years later ([Besthame case](#)). This could mean that families in real, loving relationships may continue to see their relationship and family unity questioned for years.

Unfortunately, the aforementioned [Hague Convention on International Child Abduction](#) (1980) has been used as a way to separate a child from their primary caregiver. Where a mother flees domestic violence across a border with her child, the abusive partner can invoke the Convention to compel the child's return to the country of habitual residence on the grounds of "wrongful removal." In such cases, a protective act (a mother removing her child from an abusive household) is framed as an unlawful abduction that requires judicial remedy. The Convention's only available defence in such cases is Article 13(1)(b), which allows refusal of return where it would expose the child to grave risk of physical or psychological harm.

A growing number of civil society organisations and legal experts have raised concerns about the Hague Convention's harmful impact on women and children experiencing abuse. Revibra Europe [gave critical insights](#) before the Brazilian Supreme Federal Court, noting that in 98% of 272 cases they analysed, domestic violence was the primary reason for mothers removing their children from the country of habitual residence. However, the information showed that this fact was not always taken into account. Among the 52 legal cases in The Hague supported during the 2019 to 2022 period, in 33 cases the children were returned to the abuser's home and deprived of any contact with their mother, even when there were mentions of physical, sexual and psychological violence against the woman and the children. In turn, the [FiLiA Hague Mothers](#) campaign led by affected women and supported by human rights lawyers has highlighted the systemic barriers faced by survivors, the retraumatisation caused by return proceedings, and the need for urgent reform of the Convention's implementation.

Migration enforcement policies, family unity and separation

This section focusses on the impact that migration enforcement policies, such as immigration detention, forced returns, investigative measures and the externalisation of migration (return) procedures, may have on a child's ability to enjoy their right to family unity.

Immigration detention and forced returns

The [EU Returns Directive \(2008\)](#) states that alternatives to detention should always be applied whenever possible, but does allow the detention of children and their families for "as a measure of last resort and for the shortest appropriate period of time" (art 17§1).⁵ Families can also be affected by immigration detention in other ways. [JRS Belgium](#) found about 40% of the detainees they visited in Belgian detention centers in 2024 had family outside (either a partner, a child or both). In an in-depth analysis of 22 cases, they found that the Belgian Immigration Office prioritised administrative aspects (i.e., whether partners are married or officially cohabiting) over whether people were actually in an intimate or parent-child relationship. Separation did not end with detention, however: JRS Belgium found that more than half of the people with family on the territory were deported from the centers, resulting in a sustained separation.

The European Commission, Parliament and Council came to an agreement on the [Return Regulation](#) on 1 June 2026 – which will replace the 2008 Returns Directive. The Return Regulation will impact on children and their families in numerous ways.⁶ Detention of children and their families continue being possible under the new Regulation and, even if it continues being presented "as a measure of last resort", children may be detained systematically by certain authorities, as it is the case already today. Moreover, under the new text, both the grounds and the duration of detention have been broadened.

The maximum duration of detention goes from 18 to 24 months, with the possibility extend it to 30 months if there is a "reasonable prospect of removal" (Art.32), also for unaccompanied children and families. Moreover, the detention period can start again if the person moves to another member state, again with no explicit exceptions (Art. 32).

The Regulation also expands other forms of restrictions of freedom of movement that will impact the rights of children and families. First of all, the concept of "alternatives to detention" (ATDs, Art. 23c) has been expanded: ATDs are not only conceived as non-custodial alternatives to detention when all detention grounds and conditions are met, but they can be applied independently from detention itself if there is a "risk of absconding" and used even after that the detention period has ended. The text defines "alternatives" as control-oriented and invasive measures, such as financial guarantees and electronic monitoring but "other measures" can be introduced under national law. Moreover, additional restrictions of movement (Art 23), like being confined to one's residence, an area or an address, or reporting obligations, will also be possible for all people in return procedures. Leaving will require and authorisation, unless it is for appointments in the context their migration procedure. This overall approach introduces additional punitive dynamics which risk reducing access to essential services (such as health and education) as well as entail intrusive surveillance practices, which raise serious concerns regarding privacy and dataprotection violations.

The Regulation makes cooperation with return and readmission procedures an enforceable obligation, with severe consequences for non-compliance including refusal or reduction of social benefits, suspension of voluntary return incentives, withdrawal of work permits, longer entry bans, financial penalties, and criminal sanctions

5 The Court of Justice of the European Union clarified that detention can only be applied based on the analysis of individual circumstances and is only legitimate as long as there is a reasonable prospect of removal. Entering or staying in Europe irregularly, or the lack of identity documents, is not a sufficient ground for detention.

6 The final version which is yet to be voted and which is not publicly available, but which was seen by PICUM. While the substance will not change, it is possible that there might be some adjustments in terms of language and that the article numbers which are mentioned might be updated.

including imprisonment under national law (Articles 21–23b). Not only are there no explicit exemptions for children, but these measures risk leading to even more precariousness if applied to parents/caregivers.

Compared to the 2008 Return Directive, language on the respect of family unity during the voluntary departure period has been removed from Art. 14. In the new text, member states are required to “take into account” family unity during postponements of deportation. However, the text is phrased ambiguously as it also states that the listed rights have to be taken into account alongside the level of cooperation of the person, which could result in conditionality being applied.

Externalisation

Under the upcoming Return Regulation's newly introduced externalisations provisions, families with young children are not protected from being returned to and potentially detained in countries where member states have specific agreements or arrangements (the so-called “return hubs”, Art. 17) or returns to countries they have no real ties with (Art. 4), leaving them exposed to traumatic transfers to countries where dignified reception conditions, family unity, counselling and support are not guaranteed.

And while unaccompanied children cannot be sent to the so-called ‘return hubs,’ they can be returned to a guardian or a reception facility in any third country, including countries they have no ties with (Art. 20). This means they will not necessarily be reunited with family.

Investigative measures

The upcoming [EU Return Regulation](#) introduces the possibility for EU member states to put in place ‘investigative measures’ “where necessary, proportionate and duly justified for the purpose of preparing or ensuring an effective” deportation. Among the options listed explicitly is the raiding of private homes and other relevant premises, like service providers or shelters.⁷

If implemented by member states, this would have a significant impact on family unity and on children's rights. Home raids risk resulting in the detention or removal of a parent in front of their children, causing immediate trauma and potential permanent family separation. They also intensify the chilling effect on undocumented families' willingness to access schools, healthcare, and child protection services - indirectly denying children their rights to education, health, and protection from violence.

Procedural safeguards: assessing the best interests of the child

While the Return Regulation fails to develop a best interests procedure in text, EU law must be applied in accordance with the best interests of the child (as the Regulation also mentions in article 18). That means that member states must assess what is in the best interests of the child before issuing a return decision, or implementing it, and this through a multi-disciplinary [best interests of the child procedure](#). Family unity must be part of the consideration when identifying a durable solution.

⁷ Note that “other relevant premises” is left undefined in the Regulation, meaning it could encompass hospitals, school premises, NGO offices, lawyers' offices, and other spaces where undocumented families seek care, support, or legal advice.

Impacts of family separation in the context of migration

Separations due to immigration detention and/or the deportation of a parent, as described above, have far-reaching impacts on both the parents and the child, as recognized by the European Court of Human Rights and the Court of Justice of the EU (see case law above). When one parent is left behind, they must now manage as a single-parent household, with the logistical and financial challenges that entails. They and their children also face emotional turmoil: children who have been separated from their parents are more likely to [report symptoms of depression](#) than children who were not separated, for example.

One form of migration-related family separation arises where a mother flees domestic violence across a border with her child, and the abusive partner invokes the Hague Convention to compel the child's return. In these cases, a mechanism formally designed to protect children from abduction is used to separate children from the parent who is actually protecting them, and to enforce contact with the abusive parent.

The case of Chiara and Branca, [documented by Revibra Europe](#), illustrates the concrete impact on a child. Chiara was born in Italy to Branca, a Brazilian national who had endured years of domestic violence from her Italian husband. After the marriage breakdown, Branca returned to Brazil with Chiara. The father invoked the Hague Convention, accusing her of child abduction and using the legal proceedings to continue psychological abuse. Although granted visitation rights in Brazil, he never visited or joined virtual calls, effectively abandoning Chiara. Chiara has now lived in Brazil for six years, speaks Portuguese, and has never been separated from her mother. Returning her to Italy would separate her from her sole caregiver, force contact with an abusive father who has shown no interest in her, and place her in an unfamiliar country. Meanwhile, Branca faces criminal charges in Italy including a nine-year sentence and a €70,000 fine - meaning that complying with a return order would not only harm Chiara but criminalise the parent.

Promoting child- and family-centered migration and regularization pathways

Some national [regularisation mechanisms and programmes](#) take family unity and/or the best interests of the child into account. Some schemes consider it during the assessment of the case, for example:

- Up until recently,⁸ the Italian '[Decreto Lamorgese](#)' required that the International Protection Commission examines whether a person meets the grounds for a special protection permit ('protezione speciale') when rejecting their asylum application. This permit is meant for situations in which there are barriers to return related to art. 3 of the Refugee Convention (the principle of non-refoulement), art. 33 of the European Convention on Human Rights (ECHR; prohibition of torture and ill-treatment), to art. 8 ECHR (family and private life) and for people who are relatives of Italian citizens.
- In [Venezuela](#), administrative and judicial decisions on return and regularisation include the concept of 'arraigo' – bonds with the country. That means that the length of stay (de facto residence), the bonds of employment, and family and emotional ties that someone has developed in Venezuela and the best interests of any children involved in the decision must be taken into account.
- In [The Netherlands](#), the 'no fault'-permit ('buitenschuldstatus') is meant for people who cannot return for external reasons. Reasons can include the presence of family members who cannot be deported together to the same country, or children who don't have a family member or legal guardian in their country of origin/return. (Note that very few of these permits are issued annually.)

In other cases, family unity or the best interests of the child impact the criteria or grounds for the regularisation.

- Ireland applied a lower threshold for families with underage children during the [2022 regularisation programme for 'long-staying undocumented migrants'](#), requiring three years instead of four years of irregular stay.
- The regularisation programme '[Operation Papyrus](#)' (2017-2018, Canton of Geneva, Switzerland) required half the length of stay for families with children compared to others.
- The [Grand Duchy of Luxembourg](#) ensures that families with children who have been in public school for at least four years, and who are younger than 21 years old when applying, can regularize on that basis. The entire family regularizes, in line with the respect for family unity (art. 89).
- Spain's [2026 regularisation programme](#), which is open until 30 June, recognizes the presence of underage children and children with a disability as one of the grounds for regularisation.

Some regularisation mechanisms or programmes also include adult children or family members, often parents ('ascendants'). This was the case in the 2022 regularisation programme in [Ireland](#). Eligible adult family member applicants had to prove their undocumented residency, that they were living with the main applicant for at least two years immediately prior to the launch of the scheme and that they continued being undocumented and living with the main applicant when they applied. Underage children had to prove their residence prior to the publication of the scheme.

8 The explicit language on the right to family life was deleted by another decree in 2023. However, courts have continued recognising special protection on grounds of integration/respect for private and family life in practice, as they interpret this last part as a reference to Art 8 of the European convention on human rights. Source: email exchange with PICUM member, 10 June 2026.

Some schemes allow for family reunification from another country or include permits for the family members already in the country. For example, Spanish immigration law foresees residence and work permits for the [family members of an EU citizen, EEA citizen or Swiss child](#) (based on EU mobility law), as well as a regularisation mechanism for family members of a Spanish child who do not have these nationalities ('arraigo familiar'). Both result in renewable five-year permits because, as the Spanish government recognizes, these create more stability for the child.

Family unity is also an important element in labour migration policies, as [PICUM's series of labour migration case studies](#) shows. Among the pathways included in the case studies, the following are examples of provisions regarding family unity at the time of publication:

- When applying for a Residence Permit for an Employed Person (TTOL) in [Finland](#) (2022 case study), family members can apply at the same time as the worker; it is not necessary to wait until they have been granted the permit. The Immigration Service tries to review the application of all the family members at the same time. However, there is a minimum income requirement.

- In [Spain](#) (2025 case study), There is a minimum income requirement for family reunification for holders of a Single permit for employment which is the same as required for a permit (150% IPREM, the indicator used for administrative procedures, and covered by the minimum wage in 2025), although there is an additional requirement (an additional 50%) per additional family member. This can leave people in the difficult situation of being able to afford to access a permit for only one of their children for example.

As noted above, some pieces of EU legislation also provide rules governing residence rights linked to family life and EU citizenship. The [EU Citizens Directive](#), [Family Reunification Directive](#) and [Violence Against Women Directive](#) are particularly relevant. Furthermore, the [Council of Europe Convention on preventing and combating violence against women and domestic violence's](#) (ratified by the EU) article 59 provides the clearest international mandate for residence permits grounded in personal and family circumstances. However, the EU's failure to transpose this into the [Violence Against Women Directive](#) means implementation remains patchwork.

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