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2.5.8 Age of minors in family reunification

B.M.M. and Others (Joined Cases C-133/19, C-136/19, C-137/19) concerned three minor children whose applications were rejected as inadmissible as they had become adults by the time a decision on family reunification was pronounced. Interpreting the Family Reunification Directive, read in light of the EU Charter, Article 47 (right to an effective remedy), the CJEU held that the date on which an application for family reunification was submitted is the date to be taken into account and not the date on which a decision was pronounced by the competent authorities. In addition, the CJEU stated that the same reasoning should be used for appeal proceedings if the minor child reaches majority during court proceedings. In the area of asylum, these cases are relevant for family reunification with beneficiaries of international protection.

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