



For EU citizens who have not exercised their right to free movement and live in their country of nationality, national laws for family reunification apply. These laws vary greatly from country to country, and in many cases, are significantly more restrictive than the Citizens' Rights Directive. Non-EU partners must often pass language exams before arrival, while their spouses must prove disproportionately high-income levels or navigate opaque bureaucratic processes that lead to prolonged separation or even denial of entry.

These national laws are, in many cases, incompatible with the principles enshrined in European and international law. Children are separated from one of their parents. Couples are kept apart for years, unable to start a shared life. Some parents are forced into single parenthood because they cannot meet income thresholds while caring alone for a child. And all too often, visa applications are delayed or rejected due to arbitrary or discriminatory practices, further compounding the harm. This legal disparity creates an unfair system that privileges those with the means to use free movement – such as individuals with financial security, access to programs like Erasmus or to strong academic networks – while disproportionately disadvantaging those with lower incomes, less formal education, caregiving responsibilities (often women), or disabilities. In effect, this institutionalises structural discrimination and denies many EU citizens the fundamental right to family life.

From our daily work with affected families, **we observe the following recurring and urgent issues:**

- ➔ **Disproportionate scrutiny** subjects binational couples to invasive investigations that delay or prevent family reunification.
- ➔ **Complex and opaque application procedures** are expensive, slow, and frequently involve arbitrary documentation demands.
- ➔ **Discriminatory practices and structural racism** lead to unequal treatment based on nationality, race, gender, age, sexual orientation and socio-economic background.
- ➔ **Employment restrictions** cause financial stress and dependence for non-EU partners.
- ➔ **Excessive income requirements** burden families with less formal education or where one partner cannot work, is disabled, or is a primary caregiver.
- ➔ **Permit insecurity**, constant renewals and repeated bureaucratic hurdles create instability and exclude families from public services, healthcare and housing.
- ➔ **Relations of dependence** due to the current legal framework reinforce unequal power dynamics, especially in the case of domestic abuse and violence.
- ➔ **Long-term separation** caused by bureaucratic delays often leads to mental health problems and family instability.

Despite these challenges, **binational couples across Europe contribute to our societies just as any other loving family does – with care, resilience, and commitment.**

extended delays
#binationalcouples additional requests #lovingday
suspicion bureaucracy control investigation
invasion of privacy second-class citizen dependence
discrimination invisibility no way inequality restrictions
instability precariousness arbitrariness



We therefore urge you to take meaningful action to protect their rights. We call on you to:

- ➔ **Improve data collection and monitoring** on binational families across the EU, including domestic partnerships and LGBTQIA+ couples, to ensure their visibility, by:
 - ▶ calling for the systematic collection of disaggregated data in Eurostat and FRA reports.
 - ▶ including a dedicated section on binational partnerships in the next EU Citizenship Report.
- ➔ **Acknowledge and address the unequal treatment** of binational couples, particularly where the EU citizen resides in their own Member State and has not exercised their right to free movement, by:
 - ▶ holding dedicated LIBE & DROI Committee Hearings on Binational Families, with expert and civil society input (e.g. ENB), to raise awareness and enhance legislative scrutiny.
 - ▶ initiating an inquiry into the implementation of Directive 2004/38/EC in Member States, within the Annual Report on the application of EU law, to assess and compare national practices of reverse discrimination.
- ➔ **Uphold, protect and expand the right to family life** for all EU citizens with non-EU partners, in full alignment with EU and international human rights standards, by:
 - ▶ holding Member States accountable for indirect violations of the ECHR and the Charter by not treating their own citizens in accordance with Directive 2004/38/EC.
 - ▶ urging the Commission to initiate infringement proceedings against Member States whose family reunification laws disproportionately restrict binational families.
 - ▶ encourage Member States to align national legislation with Directive 2004/38/EC by eliminating pre-arrival barriers, such as language tests, and by setting income requirements proportionate to average living costs.
- ➔ **Ensure equal and respectful treatment** in all Member States by establishing EU-wide guidelines for transparent application procedures that protect couples' right to privacy and eliminate arbitrary, invasive, or discriminatory practices such as "genuineness" checks.

The EU must stand for fairness, dignity, and inclusion. These are not abstract ideals – they are lived realities for millions of Europeans. We urge you to act decisively to ensure that the right to love and live as a family is not a privilege, but a right equally accessible to all. Thank you for your attention and for your support and commitment to a more just and inclusive Europe.

To the love!

On behalf of the ENB

A handwritten signature in black ink, appearing to read 'AS', is written over a light blue circular stamp.

Anna Sabel

Managing Director of the Association of Binational Families and Partnerships, iaf e.V. (federal office, Germany)

Our member associations came together to form the European Conference for Binational/Bicultural Relationships in 1990, becoming the **European Network for Binational-Bicultural Couples and Families (ENB)** in 2016. We work in the Member States where we are represented and together at European level to defend the universal and fundamental right and freedom for everyone to love and pursue a family life with the person they choose, regardless of their nationality.

We bring together a wide range of expertise and activities, from providing direct support to families and lobbying decision-makers, to conducting research and raising public awareness. Our member associations, active in 10 countries, have been working in the field for 9 years, each with deep experience in defending the rights of binational couples and families. Many of our members are themselves part of such families, giving our work a deeply personal and informed perspective. Moreover, a great many of us are ourselves part of binational couples and families.

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