Case C-379/20

Summary of the request for a preliminary ruling pursuant to Article 98(1) of the Rules of Procedure of the Court of Justice

Date lodged:

11 August 2020

Referring court:

Østre Landsret (Eastern High Court, Denmark)

Date of the decision to refer:

3 July 2020

Applicant:

B

Defendant:

Udlændingenævnet (Immigration Appeals Board)

Subject matter of the action in the main proceedings

This case concerns the rejection of an application for family reunification of a Turkish national, B, with his father, F, also a Turkish national, who was granted a residence permit in Denmark on 13 October 2003 and has held a permanent residence permit in Denmark since 2 December 2013.

Subject matter and legal basis for a preliminary ruling

Interpretation of the standstill clause in Article 13 of Decision No 1/80 of the Association Council of 19 September 1980, as that clause has been interpreted in particular in the judgments of the Court of Justice of 12 April 2016, *Genc*, C-561/14, EU:C:2016:247, and of 10 July 2019, *A*, C-89/18, EU:C:2019:580.

Article 267 TFEU.

Question referred

Does Article 13 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association, which is linked to the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the EEC and the Community, on the other, and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963, preclude the introduction and application of a new national measure under which family reunification between an economically-active Turkish national who is lawfully resident in the Member State in question and that person's child who is 15 years of age is subject to the condition that very specific grounds, including the consideration of family unity and the consideration of the best interests of the child, support such reunification?

Relevant EU legislation

Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the EEC and the Community, on the other, and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 ('the Association Agreement'); Articles 6 and 13.

Additional Protocol of 23 November 1970 to the Association Agreement, concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972; Article 41(1) and (2).

Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association pursuant to the Association Agreement ('Decision No 1/80'); Article 13.

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification ('the Family Reunification Directive') (OJ 2003 L 251, p. 12); recitals 3, 4 and 12; Article 4(1)(b) to (d), (2)(a), and (5) and (6).

Parliament v *Council*, C-540/03, EU:C:2006:429; paragraphs 61-66, 68-71, 73-74.

Dogan, C-138/13, EU:C:2014:2066; paragraphs 37-39.

Noorzia, C-338/13, EU:C:2014:2092; paragraphs 15-16.

Genc, C-561/14, EU:C:2016:247; paragraphs 55-56, 60-67.

A, C-89/18, EU:C:2019:580; paragraphs 34-43, 45-47.

Relevant national legislation

Legal framework

Paragraph 9(1)(2) of the Udlændingeloven (Law on foreign nationals), Consolidated Law No 1022 of 2 October 2019, provides as follows:

> 'Upon application, a residence permit may be issued to
>
> ...
>
> (2) an unmarried minor child under the age of 15 of a person permanently resident in Denmark or of that person's spouse, provided that the child resides with the person having custody of him or her and has not started his or her own family through regular cohabitation, and provided that the person resident in Denmark
>
> ...
>
> (e) holds a permanent residence permit or a residence permit with a possibility of permanent residence.'

The first sentence of Paragraph 9 c(1) of the Law on foreign nationals provides:

> 'Upon application, a residence permit may be issued to a foreign national if very specific grounds, including consideration of family unity and, if the foreign national is under the age of 18 years, consideration of the best interests of the child, support that.'

The *travaux préparatoires* for the relevant legislative provisions

Paragraph 9(1)(2) of the Law on foreign nationals was amended and replaced with the current wording in 2004, whereby the age limit for family reunification with children was lowered from 18 years to 15 years.

Part 3.1 of the general comments on the legislative proposal contains more detailed reasons for lowering the age limit. The purpose of such an age limit for the purposes of family reunification where children are involved is to counter both so-called 're-education trips' (so that they can be raised in and influenced by the values and standards of the country of origin) and cases where parents deliberately choose to let the child remain in the country of origin until the child is almost an adult which, in the legislature's view, is detrimental to the prospects of integration. Very specific grounds may, however, allow for an exemption from that age limit to be granted.

It is apparent from the specific comments on the legislative proposal concerning the amendment of Paragraph 9(1)(2) of the Law on foreign nationals inter alia that, under the proposal, it is a condition for a residence permit under Paragraph 9(1)(2) that the child be under the age of 15 years at the time of the application

and that that requirement applies for everyone. There may nevertheless be very specific grounds in some exceptional cases under which permission is given for family reunification with a child in Denmark even though the child does not satisfy the requirement of being under the age of 15 years at the time of the application. This will be so where a refusal to allow family reunification would be contrary to Denmark's international obligations, inter alia the ECHR, such as where a person resident in Denmark is a refugee or a person having similar protection status. There may also be other very specific humanitarian grounds, inter alia, serious illness or serious disability. Furthermore, consideration of the best interests of the child under the UN Convention on the Rights of the Child may mean that permission must be given for family reunification in Denmark, irrespective of whether the child is 15 years of age or older at the time of the application.

Paragraph 9c of the Law on foreign nationals was amended by Law No 567 of 18 June 2012. It is apparent from the *travaux préparatoires* for the amending legislation that the rationale for the amendment was to clarify when a residence permit could be granted to children who were 15 years of age and to clarify practice for the assessment of the best interests of the child in such situations. It is apparent from the specific comments on the legislative proposal inter alia that the legislative amendment provision is clarified to the effect that the consideration of the best interests of the child forms part of the determination of whether very specific grounds support granting a residence permit in a case involving a foreign national under the age of 18. It is further apparent that this was a clarification of prevailing law and that the provision would be applied as before.

Statistical information

The following statistical information has been submitted in the case in relation to Paragraph 9c(1) of the Law on foreign nationals:

Number of permits and number of rejections in first-time cases reported by the Danish Immigration Service in the period 1 January 2012 – 10 October 2018 under Paragraph 9c(1) [of the Law on foreign nationals] to minor-children who were 15 years of age or older at the time of the application, distributed among the five nationalities which were the subject of most decisions during that period

Nationality of applicant	**Outcome**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018 ***	**Total**
Syria	Permit	6	19	125	412	173	90	45	870
	Rejection	1	3	5	24	27	38	28	126
Syria total		**7**	**22**	**130**	**436**	**200**	**128**	**73**	**996**
Somalia	Permit		7	17	12	13	12	7	68
	Rejection	3	13	22	18	26	15	10	107
Somalia total		**3**	**20**	**39**	**30**	**39**	**27**	**17**	**175**

Stateless*	Permit	1		14	61	27	17	10	130
	Rejection		1	2	3	5	10	7	28
Stateless* total		**1**	**1**	**16**	**64**	**32**	**27**	**17**	**158**
Eritrea	Permit	1	1	1	3	17	26	15	64
	Rejection				1	3	22	11	37
Eritrea Total		**1**	**1**	**1**	**4**	**20**	**48**	**26**	**101**
Turkey	Permit		5	29	2		1	4	41
	Rejection	11	18	3	10	4	6	2	54
Turkey total		**11**	**23**	**32**	**12**	**4**	**7**	**6**	**95**
Other nationalities	Permit	32	60	67	46	36	44	23	308
	Rejection	25	58	49	45	45	56	25	303
Other nationalities total		**57**	**118**	**116**	**91**	**81**	**100**	**48**	**611**
Total		**80**	**185**	**334**	**637**	**376**	**337**	**187**	**2 136**

* Period 1 January -10 October 2018.
** Incl. Stateless Palestinians.
[omissis: information concerning the basis for the data extraction]

It is apparent from Statistics Denmark's (Danmarks Statistik) so-called 'foreign national database' that the portion of 20-24 year-old immigrants to Denmark having completed Danish secondary education or higher education as at 2018 was 56% for that group of persons who were aged 0-15 at the time of immigration, and 10% for that group of persons who were at least 16 years of age at the time of immigration. The portion of 25-29 year-old immigrants having completed Danish secondary education or higher education as at 2018 was 65% for that group of persons who were aged 0-15 at the time of immigration, and 19% for that group of persons who were at least 16 years of age at the time of immigration.

Brief summary of the facts and the procedure in the main proceedings

1 On 31 January 2012, B, who was born on 5 August 1994 in Turkey, submitted an application to the Danish Immigration Service (Udlændingestyrelsen) for family reunification in Denmark with his father, F, who was born in Turkey on 20 September 1972 and has held a residence permit in Denmark since 13 October 2003, including a permanent residence permit since 2 December 2013.

2 B was born in Haymana, Turkey and, on the basis of information from his father, the Danish Immigration Service has established that, at the time of the application,

he was living with his paternal grandfather and mother in Haymana, where he also had two siblings. He completed eight years of primary school in Turkey. There is disagreement in the main proceedings as to whether B lived with his mother, who had remarried, in Haymana, but it is possible that they lived in the same city. F came to Denmark for the first time on 1 December 2000. On 25 June 2010 he was issued a visa for Denmark, valid until 25 September 2010. On 28 June 2010 he entered Denmark and left again on 11 August 2010. F was born in Ankara, Turkey, and lived together with B in the period 1994-2003.

3 On 6 November 2012, the Danish Immigration Service rejected B's application for family reunification pursuant to Paragraph 9c(1) of the Law on foreign nationals. The reasons given for the rejection were that no very specific grounds, including consideration of family unity and the best interests of the child to support granting B a residence permit under that provision, had been given. At the time of the application, B was around 17 ½ years old and was accordingly not entitled to family reunification: see, to that effect, Paragraph 9(1)(2).

4 On 5 January 2017, an appeal was lodged against that rejection decision with the Udlændinge- og Integrationsministeriet (Ministry of Immigration and Integration) who, on 30 January 2017, referred the appeal to the Danish Immigration Service, asking it to determine whether B was entitled to residence on the basis of the Association Agreement. By decision of 5 July 2017, the Danish Immigration Service informed B that it did not find that there were grounds to reopen the case in the light of the EU Court of Justice's judgment in *Dogan*.

5 B brought an appeal against the Danish Immigration Service's decision before the Immigration Appeals Board, which, on 15 January 2018, upheld the Danish Immigration Service's decision not to reopen the case, since the Board found that the judgment in *Dogan* did not confer on family members of economically-active Turkish nationals resident in Denmark a greater right to family reunification than as provided for under the rules of the Law on foreign nationals, as the individual provisions of those rules already provided that considerations of Denmark's international obligations – including rulings of the EU Court of Justice – are to form part of the assessment and that the requirements may be waived if there are very specific grounds, so that under the law account is taken of the specific circumstances in the individual case, and that the Service's decision had been taken on the basis of a weighing-up and assessment of whether there actually were such very specific grounds, which was not the case.

6 On 5 January 2017, B brought proceedings before Københavns Byret (District Court of Copenhagen, Denmark), claiming that the Danish Immigration Service should recognise that B is entitled to residence in Denmark under the rules of EU law. The case was referred to the Østre Landsret (Eastern High Court, Denmark) due to a procedural provision in national law, under which that court gives a ruling at first instance. For the Østre Landsret (Eastern High Court, Denmark), the case concerns solely the question whether lowering the age limit from 18 years to 15 years of age in Paragraph 9(1)(2) of the Law on foreign nationals for persons

applying for a residence permit in Denmark on the basis of parents residing in Denmark, which took place in 2004, is applicable in B's case, including when that provision is read in conjunction with the first sentence of Paragraph 9c(1) of the Law. Neither the Danish Immigration Service nor the Immigration Appeals Board have ruled specifically on that issue in the abovementioned decisions.

Principal arguments of the parties in the main proceedings

7 The parties to the case agree that B's father and therefore B may rely on the standstill clause set out in Article 13 of Decision No 1/80 and that, under the standstill clause, Denmark is under an obligation not to introduce new restrictions on Turkish nationals' exercise of economic activity as workers in Denmark that are more stringent than those applicable at the time of entry into force of the standstill clause on 1 December 1980, unless the introduction of such new restrictions is justified by an overriding reason in the public interest.

8 The parties further agree that the age limit of 15 years laid down in Paragraph 9(1)(2) of the Law on foreign nationals is a new restriction that is covered by the standstill clause set out in Article 13 of Decision No 1/80 and is therefore unlawful in so far as it is applicable in the determination of whether a permit is to be granted for the purposes of family reunification between Turkish workers in Denmark and their minor children, unless the rule is justified by an overriding reason in the public interest and is proportionate.

9 B has acknowledged that the consideration relied on by the Immigration Appeals Board of ensuring successful integration constitutes an overriding reason in the public interest that may justify the introduction of new conditions for family reunification notwithstanding the standstill clause in Article 13 of the Association Council's Decision No 1/80.

10 The principal question in the case is thus whether the introduction of the age limit of 15 years in Paragraph 9(1)(2) of the Law on foreign nationals is justified by an overriding reason in the public interest, including when that provision is read in conjunction with Paragraph 9c(1) of the Law on foreign nationals.

11 **B** has argued that the age requirement of 15 years laid down in Paragraph 9(1)(2) of the Law on foreign nationals is incompatible with the principle of proportionality, including in conjunction with the principle of legal certainty, and thus cannot be held to be justified on the basis of the consideration of ensuring successful integration. A minor child's successful integration in Denmark cannot be ensured by a complete ban on the child's coming to Denmark once he or she has reached a certain age, irrespective of the fact that a child's age is relevant to integration and that minor children find it easier to become integrated and learn Danish than children who are almost adults.

12 A prohibition that entails that minor children of 15 years of age and older are considered unsuitable for integration in Denmark, solely on the ground that they

have had most of their upbringing and schooling in their country of origin, is not compatible with the judgments of the EU Court of Justice in *Genc* and *A*, since such a rule relates to the child's connection to the country of origin and rules out *ex ante* the possibility that the child may achieve successful integration in Denmark. Such an age requirement is accordingly not suitable for safeguarding the consideration of ensuring successful integration, simply because it rules out any possibility of a specific assessment being made as to whether there is a basis on which the child may be able to achieve successful integration in Denmark going forward.

13 An overall wish to ensure that children are reunited with their families at a young age, so that they receive an education and acquire language skills at school, thus making it easier for them to become integrated, may not justify a Turkish worker's right to be reunited with his minor child under family reunification being restricted by a rule that deprives the worker of the right to bring his child to Denmark solely because the child has reached the age of 15. This interpretation finds support in the Family Reunification Directive.

14 It thus follows from the Family Reunification Directive – read in conjunction with the case-law of the EU Court of Justice – that family reunification is a necessary means of making family life possible and helping to facilitate third-country nationals' integration in the Member States. Moreover, the Directive lays down in an exhaustive manner the restrictions on the exercise of the right to family reunification which the Member States are permitted to introduce.

15 It can be deduced further therefrom that overriding reasons in the public interest, including the consideration of ensuring successful integration, may justify a Member State – as a condition for granting third-country nationals permission for family reunification with their minor-age children – laying down requirements to the effect that the child's father or mother in Denmark, that is to say, the sponsor in the Member State in question: (1) has resided in the Member State for a period which must not however exceed two years; 2) has an appropriate dwelling; (3) has fixed, regular income that is sufficient for him or her to provide for themselves and their family; and (4) accepts an obligation to comply with integration-related measures determined by the Member State, though the Member States are at all times under an obligation to take due account of the minor child's best interests.

16 In addition, the Family Reunification Directive contains two standstill clauses, which provide that a Member State may maintain legislation imposing requirements for an integration assessment of children over the age of 12 or requirements for the submission of an application before the child reaches the age of 15, provided such legislation was in force in the Member State in question at the time of transposition of the Directive: see Article 4(1) and (6), read in conjunction with paragraphs 85 and 88 of the judgment in *Parliament* v *Council*. Those exceptions to the Family Reunification Directive's general rule that minor children are to be entitled to family reunification with their parents were included to reflect a wish by some Member States to ensure that children are reunited with

their families at a young age, so that they obtain the necessary education and language skills at school.

17 In the determination of the scope of the consideration of ensuring successful integration, the decisive factor is that the Family Reunification Directive introduced only a standstill clause which gives the Member States the possibility of maintaining legislation that imposes requirements for the submission of applications before the child reaches the age of 15, but does not include an age limit for minor children among the conditions for family reunification which the Member States are generally entitled to introduce after the entry into force of the Directive as well. The right to family reunification for minor children, as established by the Family Reunification Directive, may not be restricted subsequently by reference to a wish to have children reunited with their families at a young age so that they will find it easier to become integrated. In other words, such a wish may not be categorised as an overriding reason in the public interest. Similarly, nor can a wish to have children reunited with their families at a young age so that they will find it easier to become integrated justify a restriction on the right to family reunification which, as regards Denmark, is implicitly created by the standstill clause set out in Article 13 of Decision No 1/80.

18 The age requirement of 15 years is also contrary to the proportionality principle, irrespective of whether it is modified by Paragraph 9c(1) of the Law on foreign nationals since, in the assessment under Paragraph 9c(1), importance is to be attached to criteria aimed at determining whether the child has such a connection to their country of origin, including caregivers in the country of origin, that it would not be contrary to the consideration of the best interests of the child to reject the application for a residence permit in Denmark. Thus, no specific assessment is made of whether the minor-age child can be integrated in Denmark, even though the child has reached the age of 15.

19 Paragraph 9c(1) of the Law on foreign nationals is in itself completely compatible with the Association Agreement, since the provision merely provides that Denmark is obliged to observe fundamental rights. When Paragraph 9(1)(2) of the Law on foreign nationals and Paragraph 9c(1) thereof are viewed in context, it means that the right to family reunification for minor children who have reached the age of 15 is made conditional on an overall discretionary assessment, which is to be undertaken on the basis of those criteria which traditionally have formed part of the determination of whether consideration of family unity or consideration of the best interests of the child suggests that a residence permit in Denmark should be granted. Those criteria are not relevant for, and it cannot in any way be argued that they provide a yardstick for determining whether there are prospects of the child's achieving successful integration in Denmark. The introduction of an age limit which is modified by criteria which – when examined in relation to the consideration of ensuring successful integration – are meaningless, diffuse and/or imprecise, is thus also contrary to the principle of legal certainty: see paragraph 41 of the judgment in *A*.

20 **The Immigration Appeals Board** has submitted that Paragraph 9(1)(2) of the Law on foreign nationals cannot be read in isolation and that the requirement of 15 years of age is thus not absolute. It follows from the *travaux préparatoires* that the provision is to be applied together with Paragraph 9c(1) of the Law on foreign nationals. This means that in cases where an applicant does not meet the age requirement in Paragraph 9(1)(2) of the Law on foreign nationals, Paragraph 9c(1) of the Law on foreign nationals will be applicable. The application of that general balancing provision entails that the authorities must undertake a weighing-up exercise and determination of whether there are very specific grounds that support permission for family reunification nevertheless being granted to a child over the age of 15 years.

21 The restriction entailed by the combination of Paragraph 9(1)(2) of the Law on foreign nationals (the requirement of 15 years of age) and Paragraph 9c(1) of the Law on foreign nationals is justified by an overriding reason in the public interest and is proportionate, with the result that the requirement is not contrary to the standstill clause set out in Article 13 of Decision No 1/80.

22 Firstly, it is admittedly evident that, on the basis of the judgments in *Dogan*, *Genc* and *A*, it must be assumed that the requirement of 15 years of age is a restriction within the meaning of Decision No 1/80. The requirement of 15 years of age is, however, justified by an overriding reason in the public interest – namely, to ensure successful integration – which has been recognised in the judgments in *Dogan* and *Genc* as an overriding reason in the public interest.

23 Secondly, the requirement of 15 years of age is suitable for safeguarding the consideration of the child's successful integration. That the requirement of 15 years of age was lowered from 18 to 15 in 2004 must be viewed in the light of the conclusion in a 2001 report on foreign nationals' integration in Danish society, in which it is stated that the integration of immigrants from third countries generally was 'negative' because immigrants from third countries faced particularly weighty challenges in gaining a foothold in the education system and labour market, and in acquiring sufficient knowledge of Danish. This and other ministerial reports, together with statistics from Statistics Denmark, confirm that the child's age at the time of 'immigration' has a decisive influence on whether the child subsequently completes education in Denmark, which increases the chances of entering the labour market and is a parameter for the child's prospects of achieving successful integration in Denmark.

24 The requirement of 15 years of age also has a preventive effect in terms of deterring resident foreign nationals from deliberately letting their children remain in the country of origin – either together with one of their biological parents or with other family members – until the child is almost an adult, even though the child could have obtained a residence permit in Denmark at an earlier stage.

25 That the requirement is, in principle, suitable for safeguarding the consideration of the child's successful integration also finds support in EU law: see Article 4(1)

and (6) of the Family Reunification Directive and the case-law of the EU Court of Justice and the European Court of Human Rights: see, inter alia, the judgment of 27 June 2006 of the Court of Justice in *Parliament* v *Council*, C-540/03 (EU:C:2006:429), and the judgment of the European Court of Human Rights of 1 December 2005 in *Tuquabo-Tekle and Others v. Netherlands* (CE:ECHR:2005:1201JUD006066500).

26 Thirdly, the requirement of 15 years of age, read in conjunction with Paragraph 9 c(1), does not go beyond what is necessary to safeguard the aforementioned consideration of the child's successful integration. That requirement is not absolute, since there is precisely the possibility of granting a residence permit under Paragraph 9c(1) of the Law if very specific grounds, including considerations of family unity and the best interests of the child, support that.

27 Paragraph 9(1)(2) of the Law on foreign nationals, when that provision is read in conjunction with Paragraph 9c(1) thereof, does not entail a 'requirement that the child must not have too strong a connection to their country of origin if a residence permit in Denmark is sought', as B has argued.

28 Lastly, Paragraph 9(1)(2) of the Law on foreign nationals, read in conjunction with Paragraph 9c(1) thereof, does not contain such diffuse and imprecise criteria that, on that ground alone, they are disproportionate and contrary to an EU principle of legal certainty.

Brief summary of the reasons for the referral

29 In the judgment in *Genc* (see also the judgment in *Dogan*), the Court of Justice held that the standstill clauses on the free movement of workers in Article 13 of Decision No 1/80 and on freedom of establishment in Article 41(1) of the Additional Protocol are to be interpreted as precluding a Member State from introducing new restrictions on access to family reunification with children or a spouse from Turkey.

30 The Court of Justice has further held that, in addition to the reasons set out in Article 14 of Decision No 1/80, new restrictions may be justified for overriding reasons in the public interest, including the consideration of successful integration. However, the new requirement(s) must be suitable for achieving that objective and must not go beyond what is necessary in order to attain it. In *Genc*, the Court of Justice considered that a rule such as the two-year rule which at that time was provided for in the Law on foreign nationals in relation to family reunification with children was unsuitable for achieving the integration objective pursued. The Court did not go into further detail, however, as to which criteria should serve to determine whether requirements with the stated objective of achieving successful integration are suitable for achieving that objective and do not go beyond what is necessary in order to attain it.

31 Lastly, in *A*, the Court of Justice held that Article 13 of Decision No 1/80 must be interpreted as meaning that a national measure which makes family reunification between a Turkish worker lawfully resident in the Member State concerned and his spouse conditional upon their attachment to that Member State being greater than their overall attachment to a third country, constitutes a 'new restriction', within the meaning of that provision and that such a restriction is not justified.

32 It must be assumed as a starting point that the consideration of successful integration in Denmark will be favoured if a child comes to Denmark at as young an age as possible and thus experiences as much as possible of their upbringing in Denmark, including schooling and education, and that an age limit can help to further that purpose.

33 The age limit of 15 years introduced by Denmark with Paragraph 9(1)(2) of the Law on foreign nationals is not absolute since, under the first sentence of Paragraph 9 c(1) of the Law, a residence permit may be granted to a child under the age of 18 if [very] specific grounds, including consideration of family unity and consideration of the best interests of the child, support that.

34 In that connection, the *travaux préparatoires* for Paragraph 9(1)(2) of the Law on foreign nationals on the application of Paragraph 9c(1) are silent on the point of successful integration, although it is stated that Paragraph 9c(1) may be applied where Denmark's international obligations – including in particular Article 8 of the European Convention on Human Rights – make it necessary to allow family reunification.

35 It is thus not clear whether Article 13 of Decision No 1/80 of 19 September 1980 on the development of the Association precludes a rule such as Paragraph 9(1)(2) of the Danish Law on foreign nationals, read in conjunction with the first sentence of Paragraph 9c(1) of the Law on foreign nationals, under which family reunification between an economically-active Turkish national lawfully resident in the Member State in question and that person's child who has reached the age of 15 years is subject to the condition that very specific grounds, including consideration of family unity and consideration of the best interests of the child, support such reunification.

36 In the light of the foregoing, the Østre Landsret (Eastern High Court, Denmark) finds it necessary to refer the question set out above to the EU Court of Justice for a preliminary ruling.