



Press and Information

Court of Justice of the European Union  
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Judgment in Case C-153/14  
Minister van Buitenlandse Zaken v K and A

## **Member States may require third country nationals to pass a civic integration examination prior to family reunification**

*However, exercise of the right to reunification must not be made impossible or excessively difficult*

An EU directive establishes the conditions for the exercise of the right to family reunification by third country nationals residing lawfully in the territory of the Member States.<sup>1</sup>

In the Netherlands, the relevant legislation subjects the right to family reunification to the passing of a basic civic integration examination. That examination comprises a spoken Dutch test, a test of knowledge of Netherlands society and a reading comprehension test. The tests take place at an embassy or consulate general in the country of origin or permanent residence of the sponsor's family member and are taken using a telephone directly connected to a talking computer. Exemptions are provided for applicants who are permanently unable to take the examination due to a mental or physical disability or cases in which rejecting the application could lead to a manifestly and gravely unjust situation.

K, an Azerbaijani national and A, a Nigerian national, invoked health and psychological problems respectively which would prevent them from taking the civic integration examination. However, their applications for temporary residence permits were rejected by the Netherlands authorities.

Litigation on those rejections having been brought before the Raad van State (Council of State, Netherlands), that court decided to refer questions to the Court of Justice on the compatibility of the civic integration examination with the directive.

First of all, the Court of Justice notes that, in the context of family reunification other than that of refugees and their family members, the directive does not preclude Member States from subjecting the granting of authorisation of entry into the territory to the observance of certain integration measures prior to entry.

Nevertheless, in so far as the directive<sup>2</sup> concerns only measures of 'integration', the Court holds that those measures can be considered legitimate only if they are capable of facilitating the integration of the sponsor's family members.

Against that background, the Court notes the importance of acquiring knowledge of the language and society of the host Member State, especially in facilitating communication, interaction and the development of social relations as well as access to the labour market and vocational training.

Furthermore, the Court considers, in the light of the level of knowledge required, that the requirement at issue does not, in principle, undermine the aim of family reunification pursued by the directive.

However, integration measures must be aimed not at filtering those persons who will be able to exercise their right to family reunification, but at facilitating the integration of such persons within the Member States.

<sup>1</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12).

<sup>2</sup> First subparagraph of Article 7(2).

Moreover, specific individual circumstances, such as the age, level of education, economic situation or health, must be taken into consideration in order to dispense the family members concerned from the requirement to pass a civic integration examination when, due to those circumstances, they are unable to take or pass that examination. Were that not the case, in such circumstances, such a requirement could form a difficult obstacle to overcome in making the right to family reunification exercisable.

The Court finds that it is apparent from the order for reference that the Netherlands legislation is not capable of dispensing members of a sponsor's family from the requirement to pass the civic integration examination in all possible cases where maintaining that requirement would make family reunification impossible or excessively difficult.

The Court also notes that the cost of the examination preparation pack, charged as a single payment, is €110 and the course fees are €350. The Court finds that those sums are capable of making family reunification impossible or excessively difficult. It is *a fortiori* thus where the course fees must be paid every time the examination is taken and by each of the family members concerned and, in addition to those fees, there are those costs which the relevant family members of the sponsor must incur in order to travel to the closest Netherlands mission to take the examination.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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