



Barbara Lochbihler  
Mitglied des Europäischen Parlaments



Volker Beck  
Mitglied des Bundestages

c/o Volker Beck MdB - Platz der Republik 1 - 11011 Berlin

Committee on the Rights of the Child (CRC)  
Human Rights Treaties Division (HRTD)  
UN High Commissioner for Human Rights (OHCHR)  
CH - 1211 Genf (SCHWEIZ)

Berlin, 26.02.2016

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Dear Sir or Madam,

We would like to draw your attention to a general ban on family reunification for beneficiaries of subsidiary protection adopted today in the Federal Republic of Germany. This also applies to parents and other family members of unaccompanied minors and is therefore likely to contravene the following provisions of the Convention on the Rights of the Child:

- Article 2 (2) insofar as it distinguishes between beneficiaries of subsidiary protection and refugees in terms of the 1951 Refugee Convention and thus constitutes a discrimination on the basis of the status of the child;
- Article 3 (1) insofar as it prevents beneficiaries of subsidiary protection who are entitled to stay in Germany from living in safety with their parents and thus fails to take into primary consideration the best interests of the child;
- Article 3 (2) insofar as it prevents parents to exercise their rights and duties and thus fails to ensure the child such protection and care as is necessary for his or her well-being;
- Article 5 insofar as it prevents parents to exercise their rights and duties and thus fails to respect parental rights and obligations as set out in German family law and custom;
- Article 9 (1) insofar as it prevents the reunification of a family and is thus likely to perpetuate a situation in which a child is kept separated from his or her parents against their will;
- Article 9 (3) because it prevents a child from maintaining personal relations and direct contact with both parents on a regular basis;
- Article 10 (1) because a general ban on family reunification can by no means be considered as a positive, humane and expeditious manner to deal with applications to enter Germany for the purpose of family reunification;

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- Article 10 (2) because such a measure prevents a child to maintain personal relations and direct contact with his or her parents on a regular basis;
- Article 18 (1) insofar as it prevents parents from interacting directly with their children and thus prevents them from exercising their primary responsibility for the upbringing and development of the child;
- Article 22 (2) because it implies the right of a refugee child not only to trace his or parents but also to obtain assistance in the process of family reunification, and because its *ratio* indicates that it should not be solely applied to children who have been granted refugee status in terms of the 1951 Refugee Convention but to all children who are beneficiaries of international protection, including subsidiary protection.

We have called upon the government and the parliamentary majority of the Federal Republic of Germany not to bar parents of unaccompanied minors from family reunification – unfortunately, to no avail. We therefore call upon the Committee on the Rights of the Child to take the measures it deems appropriate to ensure that the Federal Republic of Germany lives up to its responsibilities under the Convention on the Rights of the Child.

For your reference, we have attached hereto a copy of the relevant provisions in the German Residence Act, as well as the government's reply to a parliamentary question on this matter.

Sincerely,

