

COMPLAINT TO THE EU COMMISSION AGAINST THE REPUBLIC OF AUSTRIA

15 September 2026

Since 07.08.2026, Austrian legislation has purported to mandate a quota system for family reunification with resident refugees. This constitutes a manifest and grave violation of the [Family Reunification Directive 2003/86/EC](#) (“the Directive”), particularly art. 12(2) thereof. That provision explicitly prohibits Member States from subjecting the Directive right of family reunification with refugees to the waiting periods that quotas necessarily mean for any family members whose applications are not granted before the quota is filled. In itself, this obvious violation of its EU law obligations towards refugees and their families places Austria in clear breach of its duty of sincere cooperation under [art. 4\(3\) TEU](#) and its fundamental obligations under [art. 2 TEU](#) to respect the rule of law, equality, and the rights of persons belonging to minorities: see e.g. [CJEU C-204/21](#) §§ 67–68. It also exacerbates the pre-existing violation of those same Treaty provisions engendered by the Austrian law which this new quota system replaces: i.e. the purported suspension of almost all family reunification with refugees which is already the subject of a separate complaint by several of the present complainants, CPLT (2026)01489.

The background to the new purported quota system is as follows. Before July 2025, the effect of Austrian law and practice was that in most cases, successful applications by third country nationals outside of Austria for family reunification with resident refugees did not merely trigger the authorization of entry and the grant of residence permits in Austria for the family members concerned, as envisaged by arts. 4 and 13 of the Directive. In most cases they also triggered the post-entry grant of derived refugee status in Austria for those family members, usually without any assessment of whether each family member individually fulfilled the criteria for refugee status under Austrian or EU law. By so doing, Austrian law went further than EU law required. At the time, Austrian law imposed no quotas on family reunification with refugees. By contrast, family reunification with most non-refugees was subject to quotas.

Between July 2025 and July 2026, Austria purported – on grounds alleged in complaint CPLT (2026)01489 to violate the EU Treaties – to derogate from its Directive obligations to refugees and their families on alleged grounds of internal security and public order under [art. 72 TFEU](#), and on that basis suspended all family reunification with refugees except in very limited cases satisfying certain urgency thresholds.

While that suspension was in force, the Austrian legislature brought forward legislation intended to end the grant of derived refugee status to third country nationals as the automatic consequence of successful applications, from abroad, for family reunification with resident refugees. The stated aim was to ensure that no one granted family reunification from abroad would receive refugee status in Austria without an individual assessment of whether they fulfil the criteria for that status under the new [EU Qualification Regulation 2024/1347](#) which was due to apply from 12.06.2026. The present complainants do not allege that that legislative change, as such, violates EU law.

New legislation to that effect was adopted. However, the legislature mandated at the same time that grants of reunification to family members of refugees must be subject to quotas, in line with the treatment of family members of most non-refugees under pre-existing Austrian law. This is

prohibited by art. 12(2) of the Directive. The Austrian *travaux préparatoires* make clear that this is not a case in which Austria has purported to justify legislation contrary to the Directive by reference to alleged internal security or public order concerns. Instead, it claims that art. 8 of the Directive permits Austria to impose a quota on family reunification with refugees. But while that provision does allow some waiting periods and thus arguably certain quotas in very limited conditions ([C-540/03](#) § 100), art. 12(2) unequivocally prohibits the application of art. 8 to families of refugees. Austria has refused to recognize this, despite warnings from civil society.

Complaint CPLT' (2026)01489 concluded by observing that failure to address Austria's purported unilateral suspension from July 2025 of family reunification with refugees could only embolden Member States to unilaterally disapply the EU laws they find inconvenient, posing a genuine threat to the rule of law on which the Union is predicated. That concern is amply borne out by the total disregard Austria has now shown for art. 12(2) of the Directive when purporting to replace the suspension with an unlawful quota system for family reunification with refugees.

As guardian of the Treaties, the Commission is urged to commence infringement proceedings against Austria for its adoption of a quota system for family reunification with refugees, and to do so without delay.

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For and on behalf of the following not-for-profit entities and legal academics established in the Union:

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Appendix: Details of co-signatories, relevant Austrian legislative material, other material