



European Council  
Cabinet of the President

SGS18/07405

Brussels, 13 -09- 2018

Honourable Member,

Thank you for your letter of 19 June 2018 to President TUSK, who asked me to reply on his behalf.

Respect for family life was already addressed by the European legislator when it adopted, in 2008, Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country nationals. In line with the European Convention for the Protection of Human Rights and Fundamental Freedoms, respect of family life is one of the main considerations for Member States in implementing the Directive.

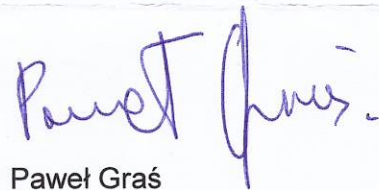
Moreover, Directive 2013/33/EU, which lays down standards for the reception of applicants for international protection, requires Member States to maintain family unity and to guarantee the protection of family life. In assessing the best interests of the child, the Directive states that one of the factors which Member States must take into account is family reunification.

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Against this legal background, in their conclusions of 8 June 2017 on the protection of children in migration, the Council and the Member States recalled the need to give full recognition to children as rights holders and ensure respect for the principle of the best interests of the child in all policies affecting children.

Therefore, separating children and minors from immigrant parents who have entered the borders of the European Union without documents would go against European values and the spirit of the EU law. The President believes that maintaining family unity is a moral imperative for all countries.

Yours sincerely,



Paweł Graś  
Senior political and  
Communication Advisor