

Partner at NJORD Law Firm Thomas Ryhl wins a principal case before the European Court of Justice

Does greater attachment to another country automatically prevent successful integration in Denmark? The European Court of Justice addressed this question in a preliminary ruling over the summer and found the Danish attachment requirement disproportionate.



In 2017, the Eastern High Court requested that the European Court of Justice assess whether the Danish attachment requirement was legal. More specifically, whether the Association Agreement between the EU and Turkey precludes the Danish requirement, namely that spouses may live together in Denmark only if the couple's strongest combined attachment is to Denmark. In practice, the rule has made it impossible for married couples from the same country of origin to obtain residence permits and family reunification in Denmark, even if one of the spouses has lived and worked in Denmark for many years.

The case leading up to the ruling from the European Court of Justice involved a Turkish woman who was denied family reunification with her husband because she had a stronger attachment to Turkey than to Denmark because her husband is also born and raised in Turkey.

The Turkish woman was married to and later divorced, her Turkish husband. The man later married a German woman, with whom he moved to Denmark a few years later, where they both had jobs and obtained residence permits. After ten years they divorced, and the man remarried his first wife, who is also the mother of his now grown-up children. The children live in Denmark with the man, and the woman, therefore, applied for family reunification, so that she could live with her husband in Denmark. The application was denied this because of the attachment requirement.

Between 2003 and 2018, around 18,000 applications for family reunification were denied because of the attachment requirement. Thousands of Turks who have steady jobs and have lived in Denmark for many years have been affected. The judgement from the European Court of Justice ensures that many Turkish families who for years have had to live separated because of the Danish rule, will now have the possibility of getting their cases reopened, with the hope of living together in Denmark, should they still wish to do so.



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