

Luxembourg - Administrative Court, 39173C, 29 June 2017

Country of Decision:

Luxembourg

Date of Decision:

29-06-2017

Citation:

39173C

Court Name:

Administrative Court

Keywords:

Family member

Family reunification

Headnote:

Material dependency is a sign of the dependency of a family member on the applicant and it can be established in many different ways.

Facts:

The applicant requested family reunification on 16 February 2016 which was rejected on 09 November 2015.

The applicant appealed this decision but was once again rejected by the administrative tribunal on 07 March 2017.

Decision & Reasoning:

The court confirmed the interpretation made by the tribunal of the concept of dependency; the relationship should include material dependency, which can be established in many different ways.

In that sense, the amount of wire transfers that the daughter had sent to the mother showed that there is effectively a material dependency, as expressed within the CJEU case law.

Outcome:

The administrative court confirms this appeal and rejects the State.

Observations/Comments:

Thanks to this decision, the interpretation of the concept that a dependent person is now fixed in case law and is recognised by material dependency.

The original case summary was written by Passerell a.s.b.l.

Attachment(s):

 [39173C.pdf](#)[1]

National / Other Legislative Provisions:

[Luxembourg - Law of 29 August 2008 : article 12](#) [2]

Links:

[1] <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/39173C.pdf>

[2] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/luxembourg-law-29-august-2008-article-12>