

[Home](#) > ECtHR- Tuquabo-Tekle And Others v The Netherlands, Application no. 60665/00, 1 March 2006

---

## **ECtHR- Tuquabo-Tekle And Others v The Netherlands, Application no. 60665/00, 1 March 2006**

**Country of Applicant:**

Ethiopia

**Date of Decision:**

01-03-2006

**Citation:**

Tuquabo-Tekle And Others v. The Netherlands, Application no. 60665/00, 1 March 2006

**Court Name:**

European Court of Human Rights Third Chamber

**Keywords:**

[Dependant \(Dependent person\)](#) [1]

[Best interest of the child](#) [2]

[Family member](#) [3]

[Family reunification](#) [4]

[Family unity \(right to\)](#) [5]

[Refugee Status](#) [6]

---

**Relevant Legislative Provisions:**

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [7] > [Article 1](#) [8]

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [7] > [Article 8](#) [9]

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [7] > [Article 31](#) [10]

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [7] > [Article 34](#) [11]

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [7] > [Article 41](#) [12]

---

**Headnote:**

The European Court of Human Rights found that the authorities in the Netherlands had violated

the right to family life of five Ethiopian nationals by not allowing them to be reunited in the Netherlands.

**Facts:**

The first applicant fled from Ethiopia to Norway during the civil war and applied unsuccessfully for asylum. Subsequently, she was given a residence permit on humanitarian grounds. After permission was granted by the Norwegian authorities for the applicant's children to reside with her, her son (the second applicant) entered Norway.

After marrying the third applicant, a recognised refugee living in the Netherlands, the first applicant was granted a residence permit in the Netherlands and moved there with her son. Some years later, the first applicant filed a request for a provisional residence permit for her daughter still residing in Eritrea (the fifth applicant). Her request was rejected by the Minister of Foreign Affairs and on appeal by the Regional Court.

Invoking Article 8 of the Convention, the applicants complained that the Netherlands' authorities had violated their right to family life, by not allowing the fifth applicant to reside in the Netherlands with the rest of her family.

---

**Decision & Reasoning:**

In its ruling, the Court assessed the question whether Article 8 of the Convention imposed on the respondent State a positive obligation to allow the fifth applicant to reside in the Netherlands with the rest of her family.

In examining whether the Government's had correctly balanced the applicants' interests and its own interests in controlling immigration, the Court took into consideration the applicant's age, her situation in her country of origin and the level of dependency on her parents.

Taking cue from its jurisprudence, the Court noted that the fact that parents leave their children in their country of origin while they settle abroad is not to be perceived as meaning that they abandon the idea of a future family reunion. Turning to the case at hand, it acknowledged the first applicant's intention to unify with the daughter who was still living in Eritrea (fifth applicant) [45]. What is more, it accepted that the delays occurred derived from the lack of understanding on the requirements for applying for family reunification in the Netherlands [46].

With regards to the question of whether settlement in the Netherlands would be the most adequate means for the ensuring the applicants' family unity, the Court took note of the lack of ties between the two youngest children and their parents' country of origin [ 47]. In addition, the Court observed that the fifth applicant was at the time of the application and still , a minor. It further observed that the first applicant did whatever possible to be reunited with her daughter. Therefore, it concluded that the respondent State had violated Article 8 of the Convention with regards to the applicants' right to family life.

---

**Outcome:**

Violation of Article 8.

---

**Subsequent Proceedings :**

In September 2010, the CoE Committee of Ministers adopted a final resolution ([CM/ResDH \(2010\)108](#) [13]) wherein it found that adequate execution measures had been taken by the Netherlands. Indeed, on the individual level, the daughter of Mrs Tuquabo-Tekle was firstly issued from the embassy a laissez-passer and an entry visa for the Netherlands, and subsequently she was issued a residence permit. On the general level, the Ministry of Justice adopted a new policy according to which it is now assumed that a child has factual family ties with the parent concerned if family life within the meaning of Article 8 of the ECHR exists.

**Case Law Cited:**

ECtHR - N.C. v. Italy [GC], no. 24952/94

ECtHR - Issa and Others v. Turkey, no. 31821/96

ECtHR - Chandra and Others v. the Netherlands (dec.), no. 53102/99

ECtHR - I.M. v. the Netherlands (dec.), no. 41266/98

ECtHR - Benamar v. the Netherlands (dec.), no. 43786/04

ECtHR - Gül v. Switzerland, no. 23218/94

ECtHR - Sen v.the Netherlands, no. 31465/96

ECtHR - Ahmut v. the Netherlands, Application 21702/93, 28 November 1996

ECtHR - Abdulaziz, Cabales and Balkandali v. the United Kingdom, Application Nos. 9214/80, 9473/81 and 9474/81

ECtHR - K. and T. v Finland [GC], Application No. 25702/94

ECtHR - Bankovic and Others v Belgium and 16 other Contracting States [GC], Application No. 52207/99

**Attachment(s):**



[CASE OF TUQUABO-TEKLE AND OTHERS v. THE NETHERLANDS.pdf](#)[14]

---

**Authentic Language:**

English

**State Party:**

Netherlands

**National / Other Legislative Provisions:**

Netherlands - Aliens Act 1994 (Vreemdelingenwet)

---

**Links:**

[1] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A2480](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A2480)

[2] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A17](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A17)

[3] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A2481](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A2481)

- [4] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A2482](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A2482)
- [5] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A196](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A196)
- [6] [https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field\\_keywords%3A192](https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A192)
- [7] <http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr>
- [8] [https://www.asylumlawdatabase.eu/node/195#toc\\_1](https://www.asylumlawdatabase.eu/node/195#toc_1)
- [9] [https://www.asylumlawdatabase.eu/node/195#toc\\_46](https://www.asylumlawdatabase.eu/node/195#toc_46)
- [10] [https://www.asylumlawdatabase.eu/node/195#toc\\_122](https://www.asylumlawdatabase.eu/node/195#toc_122)
- [11] [https://www.asylumlawdatabase.eu/node/195#toc\\_132](https://www.asylumlawdatabase.eu/node/195#toc_132)
- [12] [https://www.asylumlawdatabase.eu/node/195#toc\\_165](https://www.asylumlawdatabase.eu/node/195#toc_165)
- [13] [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805b05e2#\\_Toc299439524](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805b05e2#_Toc299439524)
- [14] <https://www.asylumlawdatabase.eu/sites/default/files/alddfiles/CASE%20OF%20TUQUABO-TEKLE%20AND%20OTHERS%20v.%20THE%20NETHERLANDS.pdf>