



THE PROTECTION OF THE RIGHT TO FAMILY UNITY OF MIGRANT CHILDREN BETWEEN THE COMMON EUROPEAN ASYLUM SYSTEM AND THE DIRECTIVE ON FAMILY REUNIFICATION: AN ANALYSIS IN THE LIGHT OF THE CASE LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

Since the *A, S* judgment of 2018, the Court of Justice has issued several decisions on the protection of the right to family unity of migrant minors, which bring into question the correct application of both Art. 10 of the 1989 New York Convention on the Rights of the Child and Art. 24(2) of the EU Charter of Fundamental Rights, which require the best interests of the child to be taken into account in all decisions affecting them. Similarly, the European Parliament emphasized that measures to improve the situation of migrant children and to protect their interests at every stage of asylum procedures should be included in the Union's strategy and called on the Commission and Member States to ensure the implementation of procedural guarantees and rights for them in the Common European Asylum System, paying particular attention to rapid family reunification processes.

In this context, the preliminary rulings of the Court of Justice represent important tools that allow, where minors are involved, to strengthen the protection of family members separated due to different and fragmented migration paths. In particular, the paper is intended to analyze those decisions that interpreted the Family Reunification. Qualifications and Procedures Directives, as well as the Dublin Regulation, focusing on the provisions that can play an important role in the protection of migrant children.

Even though, under the present rules, the interpretation of the Court is aimed at guaranteeing these vulnerable subjects the highest degree of protection possible, some criticism arise regarding the need to bring some considerable changes into the Common European Asylum System, especially as far as the recognition of refugee status is concerned, in order to create a truly «uniform status of asylum for nationals of third countries, valid throughout the Union», as envisaged in Art. 78 TFEU.