

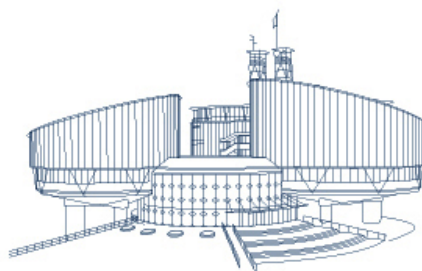
PRESS RELEASE

NO VIOLATION OF THE CONVENTION IN REFUSING RESIDENCE PERMITS FOR CHILDREN BORN FROM POLYGAMY

A.A. v. the Netherlands

ECHR 217 (2026) 08.09.2026

Issued by the Registrar of the Court



In today's **Chamber** judgment¹ in the case of [A.A. v. the Netherlands](#) (application no. 7481/23) the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned the Dutch authorities' refusal of the applicant's request for residence permits for five of his minor children, born of his polygamous marriages in Yemen.

The Court found in particular that the assessment of the Dutch authorities had struck a fair balance between the interests of the applicant and those of the State. It underlined the close connection between immigration policy and considerations of public order and reiterated that, in establishing an immigration policy taking into consideration family ties, a State cannot be required to give recognition to polygamous marriages which are in conflict with their own legal order.

PRINCIPAL FACTS AND COMPLAINTS

The applicant, A.A., is a Yemeni national who was born in 1970 and lives in the Netherlands. In Yemen, he contracted polygamous marriages with three women. He had eight children with his first wife, three children with his second wife, and two children with his third wife.

In October 2018 A.A. entered the Netherlands and applied for a temporary asylum residence permit, which was granted for five years. At that time, his family members were all in Türkiye. In November 2023, he obtained a permanent asylum residence permit.

In the meantime, in July 2019, he applied to the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst* – IND) for family reunification in respect of his first wife

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

and all of his children. The IND informed him that his polygamous marital situation with three women was contrary to public order in the Netherlands, and he was asked to choose which marriage he wished to have recognised as a legal marriage under Dutch law, and that only the wife and the children of that marriage would be eligible for family reunification. A.A. maintained his application as it stood. The authorities considered, therefore, that he had opted to have his first marriage recognised under Dutch law. In December 2019 the IND granted the application for family reunification in respect of A.A.'s first wife and their eight children and denied it in respect of the five children born of his marriages with his other wives, on the grounds that polygamy was contrary to public order in the Netherlands.

A.A. lodged an objection, contending that the specific circumstances of his case should be taken into consideration, namely that his children were living in disadvantaged circumstances in Türkiye because they only held temporary residence cards, which allowed them limited access to services, and that it was impossible for the children to return to Yemen because of a real risk of ill-treatment due to their parents' human rights activities.

When he was asked about the possibility of divorcing his two other wives, which would bring the polygamous situation to an end and make the children from those marriages eligible for family reunification, A.A. stated that it would not be possible for him to contact the Yemeni authorities and in any case divorce would entail adverse consequences for his second and third wives, such as social stigma, exclusion, and pressure to return to Yemen and remarry. His five children from those marriages were having difficulty integrating in Türkiye, but it was too dangerous for them to return to Yemen, their country of origin, because of the threats directed at him and his family as a result of their human rights activities and the political situation there.

In January 2021, the IND rejected his objection. A residence permit would be issued to his first wife and their children only as polygamy was contrary to public order in the Netherlands, and States enjoyed a certain amount of leeway ("margin of appreciation") when considering family reunification.

A.A. applied for judicial review in March 2021, arguing that the case did not concern facilitating a polygamous marriage because he had not submitted a request for family reunification with his second and third wives, but only with his children, with the consent of their mothers. In September 2021 the District Court of The Hague declared A.A.'s application for review of the decision unfounded. It considered that the relevant interests had been assessed correctly. The children lived in a stable social environment with their mothers in Türkiye; they had access to healthcare and education; and they benefited from international protection provided by the Turkish authorities. Therefore, there were no compelling reasons for the application to be granted.

A.A. lodged an appeal against that decision, reiterating his previous arguments and highlighting the changing social views on family structures in the Netherlands. In October 2022, the Administrative Jurisdiction Division upheld the lower court's judgment, and the rejection of A.A.'s application for family reunification with his children born of his second and third marriages became final.

The applicant complained that the refusal to grant family reunifications with five of his children had violated his right to respect for family life under Article 8 of the European Convention.

OUTCOME

REASONING OF THE COURT

The Court acknowledged that there was family life between A.A. and his five children born of his second and third marriages. It also noted that A.A.'s second wife had in the meantime come to the Netherlands together with her children and had been granted asylum, although

her application for her children was still pending. However, that did not alter the fact that A.A.'s request for family reunification with his children born from his polygamous marriages had been refused when the children had still been in Türkiye.

The Court noted that the crux of the case was that the Dutch authorities had refused A.A.'s request for family reunification with his children born to his second and third wives specifically on account of the ban on polygamy in the Netherlands. Had he complied with the invitation of the Dutch authorities to divorce his second and third wives, he would have been in a different position, under Dutch law, as regards his right to family life with his five children born of those marriages. The decision to maintain all three marriages must have been taken by A.A. and his family in the knowledge that his children from his second and third marriages would face immigration difficulties as a result. The fact that polygamy was outlawed in all member States of the Council of Europe showed the strong European consensus on the matter. In that light, the Court found that the member States had wide leeway in deciding whether to allow family reunification between fathers and children born of polygamous marriages.

In their assessment, the Dutch authorities had weighed up A.A.'s interests and public interests. The Court underlined the close connection between immigration policy and considerations of public order and reiterated that, in establishing an immigration policy which took family ties into consideration, a State could not be required to give full recognition to polygamous marriages which are in conflict with their own legal order.

As to A.A.'s allegations that his family members were at risk of ill-treatment in Yemen, the Court noted that they were not in Yemen, but in Türkiye, where they lived with their respective mothers and were in possession of temporary residence cards and had access to schooling and health services. There was no evidence that they had been exposed to any violence there, or that the Turkish authorities would not be able to protect them if need be.

The children had never been to the Netherlands and had no ties to the country other than that their father lived there. Moreover, nothing indicated that A.A. was unable to maintain contact with the children, and he had not presented any objective grounds as to why he would not be able to visit them in Türkiye or elsewhere. He had not illustrated how his children were dependent on him, save for financially; nor had he pointed out any difficulties that had arisen from their living apart.

The Court considered that the assessment of the Dutch authorities had struck a fair balance between the interests of A.A. and those of the State as regards A.A.'s right to respect for his family life. In conclusion, the Court found that there were insufficient elements concerning respect for family life to outweigh the considerations relating to the proper enforcement of immigration controls and upholding public order.

Therefore, there had been no violation of Article 8 of the Convention.

PROCEDURE AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 9 February 2023.

Judgment was given by a Chamber of seven judges, composed as follows:

Lado Chanturia (Georgia), *President*,
Faris Vehabović (Bosnia and Herzegovina),
Anja Seibert-Fohr (Germany),
Ana Maria Guerra Martins (Portugal),
Anne Louise Bormann (Denmark),
Sebastian Rădulețu (Romania),
András Jakab (Austria),

and also Hasan Bakırcı, *Section Registrar*.

The judgment is available only in English.

The Court's judgments finding a violation are binding on the State concerned. The [Committee of Ministers](#) of the Council of Europe, the executive body of the Council of Europe, supported by the [Department for the Execution of Judgments of the European Court of Human Rights](#), is responsible for supervising their implementation.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.