Routledge
Taylor & Francis Group

Journal of Ethnic and Migration Studies

ISSN: 1369-183X (Print) 1469-9451 (Online) Journal homepage: www.tandfonline.com/journals/cjms20

Is there a right to family reunification for refugees in Latin America?

Patrícia Nabuco Martuscelli

To cite this article: Patrícia Nabuco Martuscelli (22 Jan 2026): Is there a right to family reunification for refugees in Latin America?, Journal of Ethnic and Migration Studies, DOI: 10.1080/1369183X.2025.2609036

To link to this article: https://doi.org/10.1080/1369183X.2025.2609036

JOURNAL OF ETHNIC AND MIGRATION STUDIES
https://doi.org/10.1080/1369183X.2025.2609036

Is there a right to family reunification for refugees in Latin America?*

Patrícia Nabuco Martuscelli

Migration Research Group, University of Sheffield, Sheffield, UK

ABSTRACT

Refugees often end up separated from their families when they cross international borders. While the right to family life and unity is enshrined in different international human rights documents, the right to family reunification is contested. This paper discusses the right to family reunification for refugees in Latin America by explaining family reunification as a human right in the region and the expanded definition of family based primarily on economic dependency. I conducted a thematic analysis of (a) regional documents on human rights and asylum in Latin America, (b) the Inter-American Court of Human Rights jurisprudence and (c) the national asylum legislation of Latin American countries. There has been a consolidation of the right to family reunification for refugees in Latin America as a region, as most countries have directly guaranteed a right to family reunification in their asylum legislation and indirectly by recognising the principle of family unity. Most countries in the region (except Colombia) tend to adopt an expanded definition of family in their asylum legislation. However, it is based on the idea of economic dependency, rather than emotional dependency, as defined by the Inter-American Court of Human Rights in its Advisory Opinion 21/2014.

KEYWORDS

Family; family reunification; refugees; Latin American; dependency

1. Introduction

States recognise the right to family unity and family life, the right to form a family and the right not to suffer arbitrary interference from the state in their family as human rights. For example, the right to family and family life is expressly defined in Article 16(3) of the Universal Declaration of Human Rights (1948), article 23(1) of the International Covenant on Civil and Political Rights (1966), article 10(1) of the International Covenant on Economic, Social and Cultural Rights (1966), and article 8 of the Convention on the Rights of the Child (1989). However, families separated by an international border do not have an explicit right to be reunited with their loved ones living abroad – that is, the right

CONTACT Patrícia Nabuco Martuscelli p.nabuco.martuscelli@sheffield.ac.uk

to family reunification is not expressly guaranteed as a human right. Lambert (2014) explains that the right to family reunification is not guaranteed because: (a) family reunification demands positive actions and obligations from States (allowing non-nationals to enter and stay in the national territory) that may clash with the state's sovereign power to decide who can do it and how and (b) there is no universal definition of family.

The assumption is that families will enjoy the right to family and family life in their countries of nationality or habitual residence. Implicitly, when a State recognises a person as a refugee, it accepts that this refugee cannot enjoy family unity and family life in their country of origin or habitual residence because of a well-founded fear of persecution due to their race, nationality, religion, political opinion or membership in a particular social group (Rohan 2014). Therefore, the denial of family reunification would be a violation of the right to family unity and family life for people who cannot return to their country, such as refugees.

Even though this is a plausible interpretation of the right to family unity and family life for refugees defended by the United Nations High Commissioner for Refugees (UNHCR) (Jastram and Newland 2003), the right to family reunification is not an explicit right in the UN Convention Relating to Refugee Status (1951) and its Protocol (1967). The Final Act of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (that adopted the 1951 Convention), in point B, mentions refugees' right to family unity: 'the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened'. Nevertheless, no direct recognition of a refugee's right to family reunification exists.

This article discusses whether refugees have a right to family reunification in Latin America and, if so, under which circumstances. Through an analysis of the region's approach to the issue, it argues that the right to family unity does not inherently guarantee a right to family reunification. It further contends that establishing a clear right to reunification and an expanded family concept, including emotional dependency definitions, is essential to ensuring that refugees can bring their families together.

Latin America was internationally praised as a region with positive developments in refugee law and protection (by the adoption of periodic documents that expanded the asylum definition as part of the Cartagena Declaration process), if we compare it with migration and asylum discussions in Europe for example (Freier and Gauci 2020; Jubilut, Espinoza, and Mezzanotti 2019). Additionally, most Latin American states adopted a liberal discourse towards migration and specific legislation on asylum that internalised the expanded asylum definition in the Cartagena Declaration (Acosta and Freier 2023).

The literature on family reunification in Global North countries shows that the principle of state sovereignty and migration control prevails over a more expansive interpretation of the right to family life as a right that implicitly entails a right to family reunification for refugees (Bonjour and Cleton 2021; Martuscelli 2019). In comparison, in Latin America, the recognition of the right of family reunification for refugees and migrants is explicit and, therefore, can be asserted above the sovereignty of states. This consolidation in the region is based on the regime created with the Cartagena Declaration and the jurisprudence of the Inter-American Court of Human Rights. The more progressive approach in Latin America can be explained by the fact that, unlike many

countries in the Global North, most states in Latin America maintain an extended definition of family not limited solely to the nuclear family (Martuscelli 2019). While a more restrictive definition of family has consequences for the well-being of refugee families by limiting who can enter and stay as a family, the normative framework in Latin America would offer more guarantees in this regard, especially for unaccompanied children. Understanding how the right to family reunification was consolidated in Latin America can contribute to interpreting family reunification as a human right for refugees and all migrants. Finally, while family migration and reunification studies have flourished in recent years, Bonjour and Cleton (2021) highlighted the need for more studies on family migration legislation and policy in the Global South, especially in Latin America.

This article is divided into four sections: the first section presents a literature review on the right to family reunification for refugees as a contested right. Section two provides a brief introduction to the existing literature on family reunification for refugees in Latin America, highlighting its key contributions. Section three discusses the materials and methods. The final section is divided into three subsections: the first contextualises the Latin American human rights and asylum regime; the second discusses the right to family reunification for refugees in Latin America; and the third problematises how Latin American countries define family for reunification purposes, especially the principle of dependency.

2. Discussing the right to family reunification for refugees

The UNHCR reflected on the principle of family unity for refugees which recognised a right to family reunification for refugees by considering interpretations of international and regional documents (Nicholson 2018). General principles of law are considered one source of international law in Article 38, paragraph 1 (c), of the Statute of the International Court of Justice. The United Nations General Assembly members (2021) concluded that 'general principles of law played a subsidiary or supplementary role', that is, they are used to fill in the gaps and interpret international law. Palander et al. (2023), Bórquez and Peña (2021), and Soares (2012) also conducted a comprehensive review of international and regional documents that considered the right to family and family life of refugees. A right, different from a principle, creates an obligation for states regarding people mainly because there is a consensus that human rights are inalienable to all human beings. When a specific issue (in our case, the right to family and family life) is recognised as a right, states should protect and guarantee that right for everybody, including refugees. These studies reinforce an interpretation of the right to family reunification for refugees as necessary to enjoy their rights to family life and the principle of family unity. Nonetheless, while international law recognised a right to family for refugees and valued the principle of family unity, family reunification remains a contested right that is not universally recognised as a human right.

There is an interpretation that all children (including refugee children) should have a right to family reunification following a joint analysis of articles 9 (prohibition of arbitrary separation from children and their parents) and 10 in the Convention on the Rights of the Child (1989) (Bórquez and Peña 2021; Ioffe 2022). Article 10 states that '[Per] the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family

reunification shall be dealt with by States Parties in a positive, humane and expeditious manner'. However, this document does not explicitly state a right to family reunification. Whalen (2022) explains that this was the closest that states' consensus allowed when drafting this Convention. At the same time, the United Nations Committee on the Rights of the Child's jurisprudence expects states to recognise the right to family reunification for children (Whalen 2022). Different studies highlighted family reunification as a protection strategy for migrant and refugee children, especially when they are unaccompanied (migrating alone) or separated from their legal guardians (Dashab and Mokhtarzade 2021; Patel et al. 2021).

There is a growing literature on how the European Court of Human Rights (ECtHR) has decided cases involving article 8 on the right to family life in the European Convention of Human Rights (Friedery 2022; Motz 2017; Rohan 2014). The European human rights system is mentioned here because this court has decided more cases involving the right to family life. When analysing the European Court's jurisprudence, Motz (2017) concluded that the Court considers three factors in cases involving family reunification: the first is whether the separation of the family was voluntary or not; the second is whether family life could be enjoyed in other locations (with no significant obstacles to this); and the third is the priority of the child's best interests. Therefore, there is no direct interpretation that the right to family unity and family life would necessarily guarantee a right to family reunification.

Rohan (2014) argued that the Court recognised the right to family unity of refugees who were separated from their families during their asylum process, which could indirectly be a right to family reunification. Nonetheless, the Court's jurisprudence tended to perceive family reunification as necessary to guarantee the right to family unity and family life only when the family cannot live elsewhere (Motz 2017). That is, the European Court of Human Rights decided to prioritise States' sovereign power to control migration over an expansive interpretation of the right to family life as a right to family reunification for refugees (Friedery 2022; Staver 2013). Additionally, until 2017, no case involving the family reunification of non-nuclear family members had been successful in the ECtHR (Motz 2017).

The European Union (EU) was the first international organisation to recognise an explicit right to family reunification for nuclear families of third-country nationals (including refugees) in the European Council Directive 2003/86/EC of 22 September 2003, accepted by all EU members at the time except Ireland, the United Kingdom, and Denmark (EMN 2017). Still, it defines family as the nuclear family (spouses and minor children dependent on the migrant). Other relatives may be included following national migration law (Lambert 2014), which tends, in general, to be very restrictive (Bonjour and Cleton 2021; EMN 2017; Martuscelli 2019).

Most studies on family migration policies focus on countries in the so-called Global North: Europe, North America and Australia (Bonjour and Cleton 2021). Some scholars compared family reunification policies for refugees in countries beyond the Global North, such as Israel and Brazil (Palander et al. 2023), and South Africa (Kanamugire 2021). Freier and Gauci (2020) considered family reunification as one of the elements in their systematic comparison between the Latin American and the EU protection of refugees. While the authors concluded that many Latin American countries guarantee an explicit right to family reunification to refugees, their analysis focuses on the rights

of refugees in general and not specifically on the right to family reunification. In Latin America, Calegari (2014) and Martuscelli (2019, 2021) presented a comprehensive analysis of the Brazilian family reunification policy for refugees, and Senfet (2018) conducted a detailed reflection on the Argentinian policy for family reunification with specific attention to the situation of refugee children. More recently, Méndez (2023) discussed the possibility of family reunification for Venezuelan families living in Argentina, Peru, Colombia, and Panamá. Mazza (2024) analysed family reunification as a tool to guarantee the right to family unity in Latin America based on expanded definitions of family without presenting a detailed discussion of national cases. Bórquez and Peña (2021) explained the principle of family reunification in Chilean migration policy. More recently, Demétrio, Baeninger, and Domeniconi (2023) analysed the judicialisation of family reunification for Haitian families that were not recognised as refugees in Brazil.

This article complements these efforts by focusing on the right to family reunification in the region and how Latin American countries frame this. Latin America has developments in refugee policies and human rights, which guarantee special protection for people in need (Cantor and Barichello 2013). Most countries in the region (15 out of 19 analysed by Freier and Gauci 2020) have adopted national legislation that internalised the expanded definition of asylum in the Cartagena Declaration (1984). Considering the developments on asylum in the region, there is a need for further studies on how the region frames the right to family reunification for refugees. There is still a need for more systematic comparison of how this right was consolidated in the region, including in the national legislation of different Latin American countries. Studying the Latin American case can open new opportunities to interpret the right to family reunification in a less restrictive way and understand how different states conceptualise family for family reunification purposes.

3. Materials and methods

This article analysed Latin American documents on human rights and asylum documents in two phases. The first step was a content analysis of (1) regional documents of human rights and asylum in Latin America[1] and the relevant jurisprudence of the Inter-American Court of Human Rights (IACtHR) on migration and family topics to explain how the region collectively frames the right to family reunification for refugees. The assumption is that if this Court interprets (even in Advisory Opinions that are not binding) that states must guarantee a right to family reunification for refugees, states that do not guarantee this right may be prosecuted for violating this human right. The second step was a content analysis of the national asylum legislation of 20 Latin American[2] countries that have adopted specific national asylum laws. Table 1, available in the online supplementary materials, provides a detailed analysis of these documents. The assumption is that finding an explicit refugee's right to family reunification would be easier when countries adopted specific asylum legislation. This article also reviewed their national migration legislation to complement the analysis, as many countries only explicitly recognised a right to family reunification later in this legislations. The online supplementary materials contain a complete list of all analysed Latin American documents. For the content analysis, I used the method defined by Hall and Wright (2008, 64). I collected 'a set of documents, such as judicial opinions on a particular subject, and systematically read them,

recording consistent features of each and drawing inferences about their use and meaning'. The main themes that emerged were different definitions of family, family unity and family reunification. This methodology allows a consistent analysis of all the collected documents. Two research questions guided the analytical work: RQ1: Is the right to family reunification explicit in the documents? RQ2: Is family defined in the legislation, and how?

This methodology has limitations, as it only considers written policies and not their implementation (see Jorgensen and Martuscelli 2026). Acosta and Freier (2023) explain an implementation gap in Latin American migration policies where the written documents tend to be more liberal. Still, many of the rights and policies remain unimplemented in practice. Martuscelli (2019) also showed how the Brazilian family reunification policy for refugees was facilitated on paper. However, refugees faced many challenges in bringing their loved ones to Brazil, which also illustrates the implementation gap in Latin American migration and asylum policies. Jorgensen (2026) and Herrera and Bonilla (2026) in this special issue show how different migrant families may end up together or separated when navigating migration policies. Latin American countries may have more expansive protections for refugees in the law than in practice. However, having a clear right to family reunification guaranteed in the regional documents, jurisprudence, and national legislation can grant refugees more protection to bring their families and juridically complain when the countries are not implementing the rights stated in the binding documents. Therefore, finding an explicit right to family reunification and how it is framed in Latin America is already a contribution to the literature on family migration and refugee studies since it may show a mechanism and a language that refugees can use to have their right to family reunification recognised and guaranteed.

4. The right of family reunification for refugees in Latin America

4.1. The Latin American human rights and asylum regime

Latin America is a region with robust human rights and asylum systems (Cantor and Barichello 2013). The American Declaration of the Rights and Duties of Man from 1948 constructed the inter-American human rights system. In 1959, the Organisation of American States (OAS 1999) created the Inter-American Commission of Human Rights (IACHR) that monitors human rights situations in the member states, conducts field visits, receives and investigates individual complaints, and devotes attention to thematic areas. In 1969, the organisation adopted the Inter-American Convention on Human Rights (1969), a binding document that recognises, guarantees, and protects human rights in the region. Finally, in 1979, the OAS established the Inter-American Court of Human Rights, which receives cases initially submitted to the IACHR regarding human rights violations and provides Advisory Opinions to state members on human rights topics. The Americas have a robust human rights protection system where states can be held accountable for individual and collective human rights violations.

The Latin American asylum regime began in 1984 with the Cartagena Declaration on Refugees, adopted during the Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama. This Colloquium was called to address the

situation of refugees fleeing civil wars in Central America, especially in El Salvador and Honduras. Every 10 years, states in the region negotiate a new asylum document. Although these documents are not binding (unlike the EU documents mentioned before), they show how states in the region perceive displacement issues. Many of its elements influence the national legislation of Latin American countries. The Cartagena Declaration was also important in connecting the human rights agenda with the asylum agenda in the region (Jubilut, Espinoza, and Mezzanotti 2019). The Cartagena Declaration (1984) expanded the definition of refugees in the region by:

> In addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

Ten years later, states adopted the San José Declaration on Refugees and Displaced Persons (1994), which focuses on protecting internally displaced persons (IDPs) in the region. At the time, Colombia was the country with the largest IDP population. Twenty years after the Cartagena Declaration, countries adopted the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (2004). These documents focus on the principle of solidarity and present the programmes of solidary cities to foster local integration, solidary borders to support border dynamics in the region, and solidary resettlement where Latin American countries created an intra-regional programme to resettle refugees to other Latin American states. This initiative was created to support Ecuador, which hosted most Colombian refugees then. In 2010, outside the framework of the Cartagena Declaration but following the Cartagena Spirit (Jubilut, Espinoza, and Mezzanotti 2019), countries came together and adopted the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas (2010). This document was the first to focus more on protecting stateless persons in the region. In 2014, as part of the Cartagena+30 process, 28 countries and three territories in Latin America adopted the Brazil Declaration and Plan of Action (2014) "A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean" which presents a roadmap to deal with new displacement trends including the situation of forced displacement in El Salvador, Honduras and Guatemala, the protection of unaccompanied children (children who cross an international border without an adult) and a proposal to end statelessness in Latin America by 2024. In 2024, states were negotiating the Cartagena+40 Declaration to be hosted in Chile.

4.2. The right to family as a family reunification right in Latin America

The right to family is a guaranteed right in Latin America. Article 11(2) of the Inter-American Convention on Human Rights (1969) recognises the right of non-arbitrary or abusive interference in a person's family life. Article 17(1) guarantees the protection of the family ('as the natural and fundamental group unity of society') and the right to form a family, and Article 19 stresses the rights of the child to the protection of their family. The treaty further recognises that people have duties to their family, community and society (article 32). The right to the formation and the protection of families is also

present in Article 15 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights 'Protocol of San Salvador' (1988). These rights, together with the Inter-American Convention against all forms of Discrimination and Intolerance (2013), demonstrate that the Inter-American human rights system guarantees the right to family life and family unity to all persons, including refugees, without discrimination.

A refugee who is separated from their family will not be able to exercise their right to family nor fulfil these duties with the family without a specific procedure to have family reunification in their asylum country. Therefore, positive actions from the States are necessary to guarantee their rights to family life. Hence, any failure to secure refugees' family reunification could be understood as an arbitrary interference in their families' lives and a violation of the American Convention of Human Rights, which could be brought to the Inter-American Court of Human Rights. Nevertheless, these documents have no explicit right to family reunification. Again, the right to family life and unity presupposes the interpretation that this entails an indirect right to family reunification. One cannot assume that a right to family unity will necessarily translate into a right to family reunification. As previously discussed, the ECtHR interpreted Article 8 on family unity as not necessarily entailing a right to family reunification when families can live together outside of Europe.

The Latin American asylum regime has explicitly reinforced the principle of family reunification and refugees' right to family unity. The 13th conclusion of the Cartagena Declaration (1984) states that 'the reunification of families constitutes a fundamental principle in regard to refugees and one which should be the basis for the regime of humanitarian treatment in the country of asylum […]'. Here, it is important to distinguish between a right and a principle. Hilson (2008), analysing European law, concluded that states respect rights and observe principles, which means that the rights' language creates obligations to states while principles are only implemented through executive and legislative acts. Unlike rights, principles 'do not, however, give rise to direct claims for positive action' by states (Hilson 2008, 198). This distinction also applies to the case of Latin America. While it does not explicitly recognise family reunification as a right, the Cartagena Declaration makes the extra step of discussing the reunification of families and not family unity per se. Reunification of families presupposes positive actions by the states in the region. Although the document does not define family or provide further information on how states should reunite these families, the Cartagena Declaration elevates family reunification as a principle of the Latin American asylum regime – something that states should observe and use in their interpretation of their obligations towards refugees – which is an advance compared with no mention of family reunification in the 1951 Convention for example.

The San José Declaration (1994) and the Brasilia Declaration (2010) do not mention family, family unity, or family reunification. The Mexico Declaration and Plan of Action (2004) recognises the unity of the family as a fundamental human right of refugees and recommends the adoption of mechanisms to ensure its respect. Unlike the Cartagena Declaration, the Mexico Declaration does not use the reunification of families. However, it explicitly mentions that states should adopt mechanisms to guarantee refugees' right to family unity. The document does not define family and which mechanisms states should adopt. Still, the refugees' right to family unity demands action from states.

The language of this document is relatively weak as it uses the verb 'recommends' and not stronger verbs.

Family reunification also appears in the Brazil Declaration and Plan of Action (2014), which recommends: 'Strengthen[ing] the differentiated approach to age, gender and diversity, both in refugee status determination procedures and in decisions regarding applications for family reunification, as appropriate' and seeking to ensure family unity primarily in dealing with unaccompanied or separated children. This document does not explicitly highlight a right to family reunification for refugees nor define the term 'family' for family reunification purposes. Nevertheless, states need to consider gender, age and diversity in their family reunification applications.

The Inter-American Court of Human Rights has developed essential jurisprudence through cases and Advisory Opinions, advocating for the right to family unity and family reunification for individuals in the context of migration. The Court's Advisory Opinion on the Juridical Condition of Undocumented Migrants (2003) recognises that this population has the right to private and family life (comprising family unity) and that (among others) the principle of the unity of the family and the principle of the prohibition of extradition (especially when it presents risks of violation of human rights) apply to them. Although the Court does not make the explicit case that migrants have a right to family reunification, this Advisory Opinion may reinforce the interpretation that the right to family and family life presupposes an implicit right to family reunification for all migrants.

The Court's Advisory Opinion Oc-21/14 of 19 August 2014, on the Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection is another important document because it considers children and family reunification. The Court affirms that 'children migrate internationally for a wide variety of reasons: [including] to seek family reunification to reunite with family members who had previously migrated' (14). Although the Advisory Opinion does not explicitly say that immigrant children have a right to family reunification, the Court interprets states' obligations towards immigrant children as involving family reunification. The Court understands that the States have '(iii) to grant international protection when children qualify for this and to grant the benefit of this recognition to other members of the family, based on the principle of family unity' (33). In cases of unaccompanied and separated children, 'States are obliged to adopt the necessary measures to determine the identity and composition of the family of the child in this situation (supra para. 84); to trace the family and to promote family reunification, taking into account the child's views and best interest' (64). Therefore, family reunification is necessary to protect child migrants' rights and is part of states' obligations towards them.

The Court continues, 'if refugee status is granted, proceed to carry out family reunification procedures' (100). Besides that, in this Advisory Opinion, the Court highlights its understanding of article 17 of the Inter-American Convention on Human Rights:

> The Court has already indicated that this right means not only ordering and directly implementing measures of protection for children, but also promoting, as broadly as possible, the development and strengthening of the family unity because the mutual enjoyment of the cohabitation of parents and children is a fundamental element of family life. (103)

The Court Advisory Opinion Oc-17/2002 of August 28, 2002 on the Juridical Condition and Human Rights of the Child defines the principle of respect to family unity: 'To respect the unity of the family, the State must not only abstain from acts that involve separation of the members of the family, but must also take steps to keep the family united or to reunite them, if that were the case (36)'.

This interpretation reinforces the discussion that these rights entail an implicit right to family reunification for refugees. An analysis of the Inter-American Court Jurisprudence demonstrates that while the Court does not explicitly mention a right to family reunification to refugees, the Court interprets articles 17 and 11(2) together, reaffirming that all migrants and refugees, independent of their status, have the right to family life, the respect for the principle of family unity and the guarantee of non-arbitrary interference in their family lives, which presupposes positive obligations of states to reunite families. In the case of children, the Court explicitly recognises states' obligations to reunite families, which would indirectly acknowledge that migrant children have a right to family reunification in the region.

A combined analysis of the Latin American human rights and asylum documents shows that states in the region collectively did not explicitly acknowledge a right to family reunification for refugees. Nonetheless, all refugees have the right to family unity and family life, as stipulated in human rights documents. The Inter-American Court of Human Rights jurisprudence demonstrates that interpreting these rights implies an indirect right to family reunification. Additionally, Latin American asylum documents consider family reunification as a principle in the asylum regime and basis for their humanitarian treatment; refugees have a right to family unity, states should adopt mechanisms to protect it, and family reunification applications should consider a gender, age and diversity approach. Besides that, the regional documents and jurisprudence reinforce the importance of preserving family unity in cases involving children (especially separated and unaccompanied ones) and states obligation to adopt positive actions to guarantee that.

4.2.1. How do Latin American countries recognise the right to family and family reunification in their national legislation?

Countries like Brazil adopted their Asylum Law (1997) following the Inter-American Convention on Human Rights and the Cartagena Declaration (Mazza, 2024). Therefore, most Latin American countries that adopted national asylum legislation may be influenced by these documents that recognised the right to family unity and the principle of family reunification for refugees. Table 1 shows that most countries have family unity as a right or principle, or family reunification as a right in their asylum legislation. From all 20 analysed countries, only Cuba, the Dominican Republic, and Belize do not mention this topic.

While five countries recognise the right to family unity and 10 have family unity as a principle, 12 out of 20 countries have an explicit right to family reunification in their legislation. Having family unity as a principle means that ten countries will consider the family unity of refugees in their interpretation of their obligations towards refugees. Additionally, five countries recognise refugees' right to family unity, which means that refugees do not have a direct right to family reunification since this process depends on the state's interpretation that the right to family presupposes family reunification

Table 1. Family unity and family reunification in Latin American Asylum Legislation.

Typology	Countries
Family unity as a principle	Argentina, Chile, Colombia, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru (legislation mentions family reunification as well), Venezuela
Family Unity as a right	Argentina, Bolivia, Costa Rica, Ecuador, Mexico, Panama
Family Reunification as an explicit right	Argentina (Ley de Migraciones), Bolivia (Ley de Migraciones), Brazil (Lei de Migração as right and principle), Chile (Ley de Refugiados), Ecuador (Ley Orgánica De Movilidad Humana), El Salvador (Decreto N° 918 – as right and principle), Guatemala (Acuerdo Gubernativo No 383), Honduras (Ley de Migración y Extranjería), Mexico (Ley Sobre Refugiados – right to apply for family reunification), Nicaragua (Ley No 655), Panama (Decreto Ejecutivo No 5), Uruguay (Ley N° 18076)
No mention	Belize (state obligation to allow the entry of family members), Cuba, the Dominican Republic

Source: Elaborated by the author.

for refugees. Finally, twelve Latin American countries recognise that their states have the obligation to guarantee that refugees will be reunited with their loved ones, which means states have to adopt positive actions since family reunification is an explicit right of these refugees. This shows that there was not only an internalisation of the idea that family is critical for refugees, but states in the region adopted the next step of not only interpreting the right to family unity as a right, but recognising family reunification as a right.

Among the countries that have recognised the right to family reunification in their legislation, Argentina, Brazil, Bolivia, and Ecuador acknowledge that all migrants have a right to family reunification. Therefore, the right to family reunification as a human right did not appear initially in their asylum legislation but in more recently adopted migration laws. Brazil and El Salvador also acknowledge family reunification as a principle. Mexico adopts a different logic by recognising refugees' right to apply for family reunification.

There is a trend for Latin American countries to recognise an explicit right to family reunification not only for refugees but for all migrants. It is a step towards protecting refugees and migrants because, unlike the right to family or family unity, the right to family reunification provides less space for interpretations that may privilege the state's sovereignty in deciding where this family unity should happen. Having an explicit right to family reunification (rather than a principle) in the national legislation provides more support for refugees (and migrants) to claim this right and juridically complain when states violate it in their family reunification procedures, for example.

4.3. Latin American definitions of family and dependency

Family reunification is a principle in the Latin American asylum regime. The Inter-American Court of Human Rights jurisprudence is inclined towards interpreting the right to family unity as an indirect right to family reunification, and most countries in the region recognise an explicit right to family reunification in their national legislation. However, it is necessary to discuss how Latin American countries define family since states control who is entitled to family reunification based on how they define family.

There are no definitions of family in the regional human rights and asylum documents analysed, which illustrates the problem of a lack of a consensual definition of this concept at the regional level (see different discussions on 'doing family', such as Herrera and Bonilla 2026). Nonetheless, the Inter-American Court jurisprudence expanded the

definition of family to include relatives outside marriage and the nuclear family. In its Case Atala Riffo and Daughters v. Chile (2012), the Court decided that

> the American Convention does not define a limited concept of family, nor does it only protect a 'traditional' model of the family. In this regard, the Court reiterates that the concept of family life is not limited only to marriage and must encompass other de facto family ties in which the parties live together outside of marriage. (47–48)

This definition is important because many refugees come from backgrounds that do not align with Western legal definitions of marriage or families (Martuscelli 2019; Nicholson 2018). It opens spaces to broaden interpretations of the family involving refugees.

Another significant advance is that the Court applies the broad definition of family in the context of child migration. In its Advisory Opinion 21/2024,

> The Court recalls that there is no single model for a family. Accordingly, the definition of family should not be restricted by the traditional notion of a couple and their children, **because other relatives may also be entitled to the right to family life, such as uncles and aunts, cousins, and grandparents, to name but a few of the possible members of the extended family**, provided they have close personal ties. In addition, in many families, the person or persons in charge of the legal or habitual maintenance, care and development of a child are not the biological parents. **Furthermore, in the migratory context, 'family ties' may have been established between individuals who are not necessarily family members in a legal sense**, especially when, as regards children, they have not been accompanied by their parents in these processes (105–106)

While non-binding to states, this Advisory Opinion may influence how the Court will decide future cases involving children and family reunification. This interpretation is also helpful for refugees in the region because it considers family ties beyond biological and legal relations, which opens space to define family based on personal ties and emotional relationships. The migration context demands this recognition of family beyond biological and legal definitions.

Table 2 shows that, unlike the EU case, most Latin American countries, except Colombia, adopt expanded definitions of family beyond the nuclear family, including bonds of consanguinity and affinity. Nonetheless, Colombia is one of the 13 countries that recognise partners who are not formally married. Cuba and the Dominican Republic do not define family in their legislation, which allows these states to define family according to their migration interests. Most countries recognise ascendants (especially parents) and descendants as the central family group in this broad family conceptualisation.

The idea of expanded family in Latin American asylum laws is based on the concept of dependency. Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua mention dependency but do not specify which type. Nicaragua (any dependent member of the family group), Honduras and Guatemala (based on 'consanguinity, affinity or dependence') have broad definitions that fit different family configurations that are not only based on blood or marriage. Eight countries define the extended family (especially siblings) based on a relation of economic dependency. These include Belize, Brazil, and Peru, countries with broad family definitions that do not limit family degrees, allowing for the reunification of any relatives who are economically dependent on the refugee. Countries that restrict the age of children (Colombia, Costa Rica, and Panama) also use the criterion of economic dependency to analyse whether children above 18 and under 25 can be part of the family.

Table 2. Family definitions in Asylum National Legislation.

Concept of Family	Countries
Expanded family definition	Argentina (ascendant and descendants), Belize (any other person who is related to the refugee by blood or marriage and who is dependent upon the refugee), Bolivia (ascendants descendants), Brazil (ascendants and descendants), Chile (ancestors descendants), Costa Rica (minor and unmarried economically dependent siblings until 25 and their natural and in-law parents who are over 60 years of age with a dependency relationship), Ecuador (up to fourth degree of consanguinity and second of affinity), El Salvador (children under eighteen years of age and dependent older adult parents), Guatemala (people who not having a relationship are dependent on the applicant) Honduras (relatives based on consanguinity affinity or dependence) Mexico (blood relatives up to the fourth degree), Nicaragua (other members of the family group who depend on the refugee), Panama (relatives within the first degree of consanguinity), Paraguay (descendants and ascendants in the first degree), Peru (other persons economically dependent) Uruguay (any other relative by consanguinity up to the fourth degree or affinity up to the second degree), Venezuela (their parents and the situation of other relatives will be assessed individually)
Non-married partners	Argentina (affectivity and coexistence), Bolivia (partner), Chile (coexistence), Colombia (permanent companion), Ecuador (partner forming a de facto union in terms of the Ecuadorian law), El Salvador (life partner), Mexico (concubinage), Nicaragua (partner in a stable de facto union), Panama (de facto union), Paraguay (the person with whom they were united in fact), Peru (stable de facto union), Uruguay (partner), Venezuela (stable de facto union)
Economic Dependency	Argentina (collateral in the first degree that depend on him economically), Bolivia (sisters and brothers who depend economically on the refugee), Brazil (other members of the family group who are economically dependent of the refugee), Colombia (children until 25 economically dependent), Costa Rica (children up to 25 years economically dependent and continue studying), Ecuador (other family members or members of the household economically dependent on the refugee), Panama (older unmarried children up to twenty-five (25) years of age who demonstrate that they continue to be economically dependent in addition to continuing to study), Peru (other persons economically dependent on him/her)
Nuclear Family	Colombia (children until legal age or economically dependent)
No family definition in the legislation	Cuba, the Dominican Republic

Source: Elaborated by the author.

The idea of dependency has been discussed in the family migration literature. Eggebø (2010) shows that there is an explicit idea of dependency between the person applying for family reunification (sponsor) and the family member coming (dependent), even in countries with nuclear family definitions. Welfens and Bonjour (2021) explain the criteria that INGOs and states use to calculate how dependent a family is on resettling refugees to Germany. Besides that, there is an expectation, especially that women in heteronormative families will be dependent on their families (Welfens and Bonjour 2021). The economic dependency criterion was also used to avoid families depending on state welfare, especially in Europe, which justified the need for families to prove that they could survive without the help of state policies (Eggebø 2010; Kofman, 2018).

In the Latin American context, dependency, especially economic dependency, is used to show that a family group exists. However, these national laws do not define dependency or economic dependency, which grants space to the discretion of interpretation of states and national commissions. Therefore, by not defining (economic) dependency, Latin American countries can restrict family reunification according to their interests by deciding what will be considered economic dependency and how a refugee can prove that. While the countries that mention dependency, in general, could potentially consider

the issue of emotional dependency as reinforced in the Advisory Opinion 21/2024, they focus on economic dependency which understand the family as an economic unity that members rely on and limits the possibilities of considering emotional dependency to define families for family reunification purposes.

Two national cases exemplified the emotional dependency discussion surrounding family reunification in Latin America. Chile's Asylum Law (Ley Núm. 20.430. Establece Disposiciones Sobre Protección De Refugiados 2010), in its Article 9, says that 'The Deputy Secretary of the Interior will resolve, in each case, the requests for family reunification, considering the existence of a genuine dependency bond, as well as the social and cultural customs and values of their countries of origin'. This interpretation may allow for the recognition of emotional dependency involving refugee families. In Brazil, the Brazilian Migration Law (2017) had one paragraph vetoed by President Temer that considered emotional dependency: 'The granting of a visa or residence permit for family reunion purposes may be extended, through a substantiated act, to other hypotheses of kinship, emotional dependency and sociability factors' (art. 37). In the Brazilian case, the President considered emotional dependency as too broad to classify family for family reunification purposes which motivated this veto (Martuscelli, 2019).

5. Conclusion

This paper discussed that a right to family unity does not necessarily mean a right to family reunification. In Latin America, as in the case of the European asylum and human rights systems, states and courts may use this right to privilege states' sovereignty at the expense of bringing families together. Therefore, having an explicit right to family reunification for refugees reinforces family reunification as a human right that should be prioritised to the detriment of other states' interests.

There is a need for further studies on family migration and family reunification outside of the Global North (see Jorgensen and Martuscelli 2026). This article contributed to the literature on family migration by bringing the case of Latin America. In Latin America, there is a tendency to recognise the right to family reunification and a broader family definition, which contributes to recognising the importance of family reunification for refugees and could inspire other countries in the Global North. Family reunification is a principle, family unity is a right and family reunification procedures should adopt an age, gender and diversity approach in the Latin American asylum regime. The Inter-American Court of Human Rights jurisprudence is inclined towards interpreting the right to family unity as an indirect right to family reunification, and most countries in the region recognise an explicit right to family reunification in their national legislation. Therefore, in general, refugees in Latin America have a right to family reunification.

Additionally, although there is no consensual definition of family in Latin American asylum and human rights documents, the Inter-American Court jurisprudence provides a broad definition of family, encompassing non-married partners and emotional ties in cases involving children. Except for Cuba and the Dominican Republic, all analysed Latin American countries propose a definition of family for family reunification purposes, which shows that they understand that refugees can apply for family reunification and the states have an obligation to assess these requests. Having a family definition for

family reunification purposes, per se, is a strong sign that overall Latin American countries recognise a right to family reunification for refugees in their national legislation.

Unlike most Global North countries, including the EU, Latin American countries (except Colombia) have a broad definition of family beyond the nuclear family. While this is another sign of an expanded right to family reunification in the region that allows different refugee families to be recognised as family, most countries based their expanded family concept on economic dependency, not emotional dependency, as defended by the Inter-American Court. Moreover, the analysed legislation does not define economic dependency or dependency (when countries do not specify which type of dependency). This lack of definition allows states to restrain the right to family reunification for refugees according to states' migration control interests by deciding what will count as dependency and how refugees will prove it.

Finally, this paper demonstrates that there is an overall right to family reunification for refugees in Latin America, based on an analysis of regional asylum and human rights documents, regional jurisprudence, and national legislation on asylum and migration. However, this analysis does not explain how these obligations are implemented. As shown by different scholars (Acosta and Freier, 2023; Martuscelli, 2019), Latin America is a region with an implementation gap between liberal migration discourses and laws and restrictive migration practices. For example, different legislations have a more (i.e. Panama) or less (i.e. Brazil) defined family reunification procedure. Most of them present a clear responsible authority to decide family reunification cases of refugees (mostly national Commissions). Not having a straightforward family reunification procedure with the possibility to appeal or ask for revisions in case of denials may effectively deny refugees the right to family reunification (Martuscelli, 2019). Another example of this tendency is that while migration laws in Brazil and Bolivia recognised the right to family reunification for all migrants, they limit the definition of family (compared to the one in the asylum legislation), which shows more restrictive approaches of Latin American states in recognising different family configurations. Argentina's Decree 646/2025 which regulates its asylum regime, changes the family reunification procedure in a securitarian way that actually restricts refugees' right to family reunification. Therefore, further studies should continue to analyse the implementation of the right to family reunification for refugees and migrants in the region, especially considering the granting of visas. It is also important to empower migrant organisations and migrant families with these frameworks to better defend their rights.

Notes

1. This article was finished before the publication of the Declaration and Plan of Action of Chile adopted in 12 December 2024.
2. The countries are: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

Disclosure statement

No potential conflict of interest was reported by the author.

ORCID

Patrícia Nabuco Martuscelli http://orcid.org/0000-0003-2611-2513

References

Acosta, D., and L. F. Freier. 2023. "Expanding the Reflexive Turn in Migration Studies: Refugee Protection, Regularization, and Naturalization in Latin America." *Journal of Immigrant & Refugee Studies* 21 (4): 597–610. https://doi.org/10.1080/15562948.2022.2146246.

Advisory Opinion OC-17/2002. "Juridical Condition and Human Rights of the Child", OC-17/2002, Inter-American Court of Human Rights (IACrtHR), 28 August 2002, https://www.refworld.org/jurisprudence/caselaw/iacrthr/2002/en/85434.

Advisory Opinion OC-18/03. "Juridical Condition and Rights of Undocumented Migrants", OC-18/03, Inter-American Court of Human Rights (IACrtHR), 17 September 2003, https://www.refworld.org/jurisprudence/caselaw/iacrthr/2003/en/90831

Advisory Opinion OC-21/14., "Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection", OC-21/14, Inter-American Court of Human Rights (IACrtHR), 19 August 2014, https://www.refworld.org/jurisprudence/caselaw/iacrthr/2014/en/101499.

Bonjour, S., and L. Cleton. 2021. "Co-constructions of Family and Belonging in the Politics of Family Migration." In *Handbook on the Governance and Politics of Migration*, edited by E. Carmel, K. Lenner, and R. Paul, 161–172. Cheltenham: Edward Elgar Publishing.

Bórquez, J. C. F., and K. U. Peña. 2021. "La "reagrupación familiar" como concepto y límite a los poderes del Estado de Chile en materia migratoria." *Revista de derecho (Valdivia)* 34 (2): 225–246. https://doi.org/10.4067/S0718-09502021000200225.

Calegari, M. 2014. "'Felicidade Clandestina': Refúgio e família no Brasil." Master's thesis, Universidade Estadual de Campinas, Brazil. Repositório da Produção Científca e Intelectual da Unicamp. http://www.repositorio.unicamp.br/handle/REPOSIP/279754.

Cantor, D. J., and S. E. Barichello. 2013. "The Inter-American Human Rights System: A new Model for Integrating Refugee and Complementary Protection?" *The International Journal of Human Rights* 17 (5-6): 689–706. https://doi.org/10.1080/13642987.2013.825077.

Convención Interamericana Contra Toda Forma De Discriminación e Intolerancia (A-69). 2013. http://www.oas.org/es/sla/ddi/tratados_multilaterales_interamericanos_A-69_discriminacion_intolerancia.asp

Council of the European Union, Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification, OJ L. 251/12-251/18; 3.10.2003, 2003/86/EC, October 3, 2003. Accessed March 12, 2024. https://www.refworld.org/legal/reglegislation/council/2003/en/36566

Dashab, M., and S. Mokhtarzade. 2021. "The Necessity to Protect Unaccompanied Refugee Children Focusing on the Right to Family Reunification." *Public Law Studies Quarterly* 51 (3): 1224–1248.

Demétrio, N. B., R. Baeninger, and J. D. O. S. Domeniconi. 2023. "Imigração haitiana no Brasil: questão humanitária e reunião familiar." *REMHU: Revista Interdisciplinar da Mobilidade Humana* 31:177–195.

Eggebø, H. 2010. "The Problem of Dependency: Immigration, Gender, and the Welfare State." *Social Politics: International Studies in Gender, State & Society* 17 (3): 295–322. https://doi.org/10.1093/sp/jxq013.

European Migration Network (EMN). 2017. "EMN Synthesis Report for the EMN Focussed Study 2016 Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices." Migrapol EMN [Doc 382], April 2017.

Freier, L. F., and J. P. Gauci. 2020. "Refugee Rights Across Regions: A Comparative Overview of Legislative Good Practices in Latin America and the EU." *Refugee Survey Quarterly* 39 (3): 321–362. https://doi.org/10.1093/rsq/hdaa011.

Friedery, R. 2022. "The Interpretation of Migration in the Family Reunification Jurisdiction of the European Court of Human Rights." *Journal of Identity and Migration Studies* 16 (1): 56–66.

Hall, M. A., and R. F. Wright. 2008. "Systematic Content Analysis of Judicial Opinions." *California Law Review* 96: 63–122.
Herrera, G., and T. B. Mena. 2026. "Doing Family on the Move: Venezuelan Migration in Ecuador." *Journal of Ethnic and Migration Studies*. doi:10.1080/1369183X.2025.2609029.
Hilson, C. 2008. "Rights and Principles in EU Law: A Distinction Without Foundation?" *Maastricht Journal of European and Comparative Law* 15 (2): 193–215. https://doi.org/10.1177/1023263X0801500203.
Inter-American Commission on Human Rights (IACHR), American Declaration of the Rights and Duties of Man, 2 May 1948, https://www.refworld.org/legal/resolution/iachr/1948/en/46669.
Inter-American Court of Human Rights Case of Atala Riffo And Daughters V. Chile Judgment of February 24, 2012". (Merits, Reparations and Costs). http://www.corteidh.or.cr/docs/casos/articulos/seriec_239_ing.pdf.
Ioffe, Y. 2022. "The Right to Family Reunification of Children Seeking International Protection Under the Convention on the Rights of the Child: Misplaced Reliance on *Travaux*?" *International Journal of Refugee Law* 34 (2): 215–240. https://doi.org/10.1093/ijrl/eeac034.
Jastram, K., and K. Newland. 2003. *Family Unity and Refugee Protection*. Cambridge: Cambridge University Press. Accessed January 5, 2026. https://www.refworld.org/reference/research/cup/2003/en/49731.
Jorgensen, N. 2026. "Beyond Separation and Reunification: The Ever-Shifting Trajectories of Venezuelan Transnational Families in South America." *Journal of Ethnic and Migration Studies*. doi:10.1080/1369183X.2025.2609030.
Jorgensen, N., and P. N. Martuscelli. 2026. "Families on the Move - Latin American Perspectives." *Journal of Ethnic and Migration Studies*. doi:10.1080/1369183X.2025.2609027.
Jubilut, L. L., M. V. Espinoza, and G. Mezzanotti. 2019. "The Cartagena Declaration at 35 and Refugee Protection in Latin America." *E-international Relations* 22:1–7.
Kanamugire, J. C. 2021. "Family Reunification for Refugees: A Comparative Study." *Perspectives of Law and Public Administration* 10 (2): 50–56.
Kofman, E. 2018. "Family Migration as a Class Matter." *International Migration* 56 (4): 33–46. https://doi.org/10.1111/imig.12433.
Lambert, H. 2014. "Family Unity in Migration Law: The Evolution of a More Unified Approach in Europe." In *Research Handbook on International Law and Migration*, 194–215. Cheltenham: Edward Elgar Publishing.
Martuscelli, P. N. 2019. "Refúgio signifca Saudades': a política brasileira de reunião familiar de refugiados em perspectiva comparada (1997–2018)." Doctoral thesis, Universidade de São Paulo. Digital Library of Theses and Dissertations of USP. https://doi.org/10.11606/T.8.2019.
Martuscelli, P. N. 2021. "Fighting for Family Reunification: The Congolese Experience in São Paulo, Brazil." *Journal of Refugee Studies* 34 (3): 3399–3422.
Mazza, R. 2024. "Right to Family Reunification of Migrants and Refugees in the Latin American System." In *International Migration and the Law*, edited by A. Di Stasi, I. Caracciolo, G. Cellamare, and P. Gargiulo, 171–189. Abingdon: Routledge.
Méndez, R. O. A. 2023. La familia venezolana en el mundo, desde la unidad familiar en el Derecho comparado. Casos: Colombia, Argentina, Perú y Panamá. *Anuario de la Maestría en Derecho Internacional Privado y Comparado*, (5).
Motz, S. 2017. *Family Reunification for Refugees in Switzerland: Legal Framework and Strategic Considerations*, UNHCR and Centre Suisse pour la Défense des Droits des Migrants, October 2017.
Nicholson, F. 2018. The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied, 2nd edition, UN High Commissioner for Refugees (UNHCR), January 2018, https://www.refworld.org/reference/research/unhcr/2018/en/120412.
Organisation of American States (OAS). *American Convention on Human Rights, "Pact of San Jose", Costa Rica*. 22 November 1969, https://www.refworld.org/legal/agreements/oas/1969/en/20081 .

Organisation of American States (OAS). *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador")*, A-52, 16 November 1999, https://www.refworld.org/legal/agreements/oas/1999/en/17768

Palander, J., U. Baraka, H. Gustafsson, A. M. Kvalvaag, M. Lokot, P. N. Martuscelli, H. Y. Mesgena, I. Tuzi, and H. Wray. 2023. "International Human Rights Frameworks in Relation to National Family Reunification Policy and Administrative Practice." In *Forced Migration and Separated Families: Everyday Insecurities and Transnational Strategies*, edited by M Tiilikainen, J. Hiitola, A. A. Ismail, and J. Palander, 15–40. Cham: Springer International Publishing.

Patel, S. G., V. Bouche, W. Martinez, K. Barajas, A. Garcia, M. Sztainer, and K. Hawkins. 2021. ""Se extraña todo:" Family Separation and Reunification Experiences among Unaccompanied Adolescent Migrants from Central America." *New Directions for Child and Adolescent Development* 2021 (176): 227–244.

Regional Refugee Instruments & Related, Brazil Declaration and Plan of Action, December 3, 2014. http://www.refworld.org/docid/5487065b4.html.

Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, November 22, 1984, https://www.refworld.org/legal/resolution/rri/1984/en/64184

Regional Refugee Instruments & Related, *Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America*, November 16, 2004. Accessed November 14, 2014. http://www.refworld.org/docid/424bf6914.html

Rohan, M. 2014. "Refugee Family Reunification Rights: A Basis in the European Court of Human Rights' Family Reunification Jurisprudence." *Chicago Journal of International Law* 15 (1): 347–375.

Senfet, S. M. P. 2018. El principio de reunificación familiar en el derecho internacional de los refugiados. El caso de los menores No acompañados o separados en Argentina. El derecho, N° 14.557 • AÑO LVI • ED 280.

Soares, C. O. 2012. "Análise do princípio da unidade familiar no direito internacional dos refugiados." *Universitas: Relações Internacionais* 10 (1): 123–137. https://doi.org/10.5102/uri.v10i1.1624.

Staver, A. 2013. "Free Movement and the Fragmentation of Family Reunification Rights." *European Journal of Migration and Law* 15 (1): 69–89. https://doi.org/10.1163/15718166-12342024

UN General Assembly. *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, A/CONF.2/108/Rev.1, UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 25 July 1951, https://www.refworld.org/legal/leghist/cpsrsp/1951/en/89635.

UN General Assembly. *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, 3, 20 November 1989, https://www.refworld.org/legal/agreements/unga/1989/en/18815.

UN General Assembly. Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, 137, 28 July 1951, https://www.refworld.org/legal/agreements/unga/1951/en/39821.

UN General Assembly. Chapter VIII: General principles of law. In Report of the International Law Commission Seventy-second session (26 April – 4 June and 5 July – 6 August 2021) A/76/10 150 GE.21-11083 https://legal.un.org/ilc/reports/2021/english/chp8.pdf.

Welfens, N., and S. Bonjour. 2021. "Families First? The Mobilization of Family Norms in Refugee Resettlement." *International Political Sociology* 15 (2): 212–231. https://doi.org/10.1093/ips/olaa022.

Whalen, C. 2022. "Article 10: The Right to Family Reunification." In *Monitoring State Compliance with the UN Convention on the Rights of the Child*, 135.