



# **European Migration Network**

## **Ad-Hoc Query on Family Reunification for Minors**

**Requested by SE EMN NCP on 18<sup>th</sup> December 2009**

**Compilation produced on 24<sup>th</sup> February 2010**

**Responses from Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (18 in Total)**

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### **1. Background Information**

In the Swedish Alien's Act, a person who wants a residence permit in Sweden for reasons of family reunification has to lodge an application at the nearest Swedish Embassy or Consulate. In case the person who requests a family reunification is a minor, the application is lodged by his/her guardian. It is not possible for a relative living in Sweden to hand in an application for residence permit on behalf of a person living in a third country.





In a couple of recent cases concerning minors from Somalia, the Swedish Migration Court of Appeals has decided not to examine their appeals in substance, as it has not been possible to prove who was the minors' legal guardian(s). The Court stated that as a minor has no legal capacity in the eyes of the law, therefore he or she cannot start any legal proceedings concerning family reunification. The Court also stated that the law does not allow for a guardian to be appointed for a minor living in outside Sweden and who applies for a residence permit in Sweden. As regards documents issued by the Somalian Embassy in Djibouti the Court stated that such documents cannot be considered as valid. The Court's decision means that, in cases concerning minors living outside Sweden and where it cannot be proved who the minor's legal guardian is; the Swedish Migration Board cannot

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examine an application of family reunification. The Court's decisions are expected to have implications mainly for minors from Somalia, Afghanistan and Burundi.

It would be very much appreciated if we could receive our answers by the **15<sup>th</sup> of January 2009**.


## 2. Responses

		Wider Dissemination?	<ol style="list-style-type: none"> <li>1. What ways exist for a minor to lodge an application of family reunification with relatives other than a parent? Is the application to be lodged in the country where the minor lives, by the minor/a legal guardian, or can it be lodged by the relative in the country where they want to be reunited?</li> <li>2. Can a minor himself/herself lodge an application, or does a legal guardian have to confirm the application? Is it possible for a person who is a guardian by custom, and not by law, in the country of origin to confirm/lodge an application on behalf of the minor?</li> <li>3. What proof is needed to prove that a person is a legal guardian?</li> </ol>
	<b>Austria</b>	<b>NO</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	1.+2.+3. For the Immigration Department it is nor really important who, on behalf of the minor who wants to be reunited with his family in Belgium, files the application in the country of origin. It does not have to be a (legal or other) guardian. What really matters when submitting a visa application for family reunification at a Belgian embassy or consulate is: 1) are all the necessary documents available (passport, ...) 2) is the parental link established with 100% certainty, if not: DNA-testing is possible (not systematically though, only as a last resort)
	<b>Czech Republic</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. These categories of minors are entitled to apply for residence permit for the purpose of family reunification with relatives other than a parent: <ul style="list-style-type: none"> <li>• a minor child <u>of the spouse</u> a foreign national in possession of a residence permit;</li> <li>• a minor child <u>adopted</u> by / under <u>foster care</u> of / in <u>custody</u> of a foreign national in possession of a residence permit or his/her spouse in case that the minor child will be taken care of in the Czech Republic.</li> </ul> </li> <li>2. The application must be submitted by the minor or his/her legal representative or custodian if the minor is under 15 years. It is not allowed for a guardian (custodian) by custom to submit the application.</li> <li>3. The decision on custody must be taken by the competent authority. Unless there is an agreement between the Czech Republic and the foreign country on mutual recognition of public documents, legalization of the document on custody is required in order to be recognized.</li> </ol>
	<b>Denmark</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. A minor who wants a residence permit in Denmark for reasons of family reunification can lodge an application at a Danish Embassy or consulate in his/her country of origin or in a neighbouring country. If the family member living in Denmark is also the legal guardian of the child, he /she is permitted to fill out the application on behalf of the child and can submit the application in Denmark even though the child is not in Denmark. If the child is legally in Denmark an application can be</li> </ol>



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			<p>submitted and the child will in most cases have the right to stay and await the decision in Denmark.</p> <p>2. If the child is older than 15 years, the signature of an adult guardian, as well as the child, is normally required on the application form. If the child is younger than 15, only the signature of an adult guardian is required. The adult signing on behalf of the child is requested to state his / her relation to the child. In absence of a legal guardian it is possible for a person who is a guardian by custom to lodge an application, also if the adult is a close relative living in Denmark.</p> <p>3. Documentation proving that the adult is the legal guardian of the child is usually required. Such documentation can include legal proof of separation or divorce. If the child is applying for a residence permit in conjunction with being adopted by a family member, foster care or in order to live with close relatives, usually additional documents are required such as: documentation that the adoption is approved by authorities in the home country, a statement from Danish authorities that they expect to approve the adoption, or recommendation of foster care from the local council.</p>
	<b>Estonia</b>	<b>Yes</b>	<p>1.-2. According to the Act on Granting International Protection to Aliens in asylum proceedings, an unaccompanied applicant will be represented by a guardian, guardianship authority, the head of the reception centre or a person authorised by him, unless otherwise provided by law. An unaccompanied minor may perform the acts provided by law independently, if he is likely to become of age before the Police- and Border Guard Board makes a decision on the application for asylum or if the unaccompanied minor is or has been married. If the parent or guardian of an applicant is staying in Estonia, he shall represent the applicant in asylum proceedings, unless this is contrary to the rights and interests of the applicant. The unaccompanied minor refugee or unaccompanied minor's family members are:</p> <p>1)his parent;</p> <p>2)his guardian or other family member if he has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor.</p> <p>The application for family reunification may be lodged only in Estonia.</p> <p>3. Section 92 of the Family Act provides a legal basis for appointing a guardian for children separated from parents who are applying for asylum. The court establishes the guardianship on the basis of the application of the guardianship authority, i.e. the asylum seeker's reception centre. In practice, the reception centre may be the representative of a child who is older (who is about to become 18). If the case involves a younger child then in placing the child in social welfare institution, the child's guardian should be the local government. The court issues the decision what proves the guardianship.</p> <p>In practice we have not had such cases were unaccompanied minor applies for an family reunification.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. An unaccompanied minor may lodge an application for family reunification with his or her legal guardian appointed by a district court. The application is then signed by the legal guardian or equivalent. The application for family reunification is mainly lodged in Finland – where the minor resides. Minor's family members (incl. guardian) abroad may also lodge applications for family reunification. Family members of an alien living in Finland must apply for a residence permit while abroad, prior to coming to Finland. The permit application should be submitted to the Finnish diplomatic mission of the country of residence. Alternatively, the sponsor living in Finland can submit the application to the police in Finland. The applicant must remain abroad while waiting for the decision on the permit application.</p>

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			<p>However, a family member may come to Finland without having acquired a residence permit in advance and apply for the permit when in Finland if the family members intend to continue their family life previously begun abroad.</p> <p>The permit is granted in Finland if the applicant could also have received the permit if applying for it abroad, and prior to arriving in Finland, has lived abroad for at least two years with the spouse or cohabitant now residing in Finland, or rejecting the application is clearly unreasonable.</p> <p>The applicant can reside in Finland during the entire application processing period even if his or her visa expires during this period.</p> <p>2. Legal guardian appointed to the minor in Finland must confirm the application by his or her signature. Minor's guardian residing abroad may also lodge an application for family reunification. Application is submitted to the Finnish diplomatic mission. Application may be lodged without a court decision on custody. The issues on minor's custody are then examined while establishing the requirements for a residence permit. <u>Actual custody</u> of the child is regarded more relevant than the traditional organisation of family relations.</p> <p>3. If documentation of family ties based on biological kinship is insufficient, the kinship of the applicant and sponsor can be established by means of a DNA test. A requirement is that it is possible to provide significant proof of the kinship by means of a DNA test. Social (actual) custody is established by oral interviews (both minor and family member). If the guardian is able to present documentary evidence on his or her custody, it must be legalised by the Finnish diplomatic mission. The authenticity of the documents may be reviewed in the criminal laboratory of the Central Bureau of Investigation.</p>
	France	Yes	<p><b>Q1.</b></p> <ul style="list-style-type: none"> <li>The term of 'minor' refers to a legal incapacity and the need for legal representation to ensure child protection. Consequently, <b>a minor can not lodge an application of family reunification him/herself.</b> It is his/her <b>legal guardian who must lodge this application.</b> The legal guardian can only bring his/her <b>spouse and children</b> (who must be under 18 years old at the time of lodging the application of family reunification and not upon their arrival in France.) The age limit is extended to 21 years old for children who are nationals of Cyprus, Malta and Turkey, provided that they actually fall under the responsibility of their parents. According to Article L 314-11 of the Entry and Residence in France and Right of Asylum Code (CESEDA), <b>a child or minor</b> who can benefit from family reunification is defined as follows: 'a legitimate or natural child with a legally established filiation, including an adopted child, in virtue of an adoption decision, and subject to verification by the public prosecutor when it was granted abroad'.</li> <li>In France, a foreigner can lodge an application of family reunification provided he/she lives in France legally and brings his/her family from abroad. <b>The application for family reunification is conditioned by a residence out of France</b> (except for family members of EU and EEA nationals): this excludes from family reunification foreigners living in France (except cases of family reunification <i>sur place</i>).</li> </ul>

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			<p><b>Q2.</b></p> <ul style="list-style-type: none"> <li>In France, there is a particular case of <b>guardianship that derives from customary law</b> as it exists in Algeria and Morocco: the Kafala (legal collection). It is a judgement that is similar to a transfer of parental authority and represents the commitment to take charge voluntarily of the support, education, and protection of a minor as a father would do with his/her own child.</li> <li><b>Guardians, whoever they are, can not lodge an application of family reunification in the country of origin</b> on behalf of the minor since, as we mentioned before, the guardian must already be in France at the time of applying for family reunification.</li> </ul> <p><b>Q3.</b> In order to prove that a person is a legal guardian, he/she must produce the <b>document of the decision of a court</b> that designates him as the legal guardian.</p>
	Germany	Yes	<ol style="list-style-type: none"> <li>To allow a minor to join other family members and not his/her parents can only be permitted in order to avoid cases of extraordinary hardship. (§ 36, Paragraph 2, Aufenthaltsgesetz<sup>1</sup>). Any visa must always be applied for before entering the country at the offices of a German representation. (§ 6, Paragraph 4, Aufenthaltsgesetz<sup>1</sup>).</li> <li>If the minor has completed his/her 16th year of life, he/she shall have legal competence within the terms of the right of residence and can apply himself/herself. The same also applies if he/she has not yet completed his/her 16<sup>th</sup> year of life, but he/she is to be considered to be of full age in accordance with the law of his/her country of origin. (§ 80 Paragraph 1 and 3 AufenthG<sup>1</sup>). If, in accordance with the aforementioned, the minor does not yet have legal competence, the application must be filed by his/her legal representative. As with legal age, the law of the country of origin prescribes which requirements the legal representative must fulfil. It is therefore possible that the person empowered to make the application is identical to the person who is actually caring for the minor without having custody of the minor or without having received power of attorney from the legal representative of the minor (cf. § 80 Paragraph 4 Aufenthaltsgesetz<sup>1</sup>).</li> <li>At the discretion of the German representation abroad, a request for the submission of official documents will be made by the representation. Where appropriate, the representation may also call upon a counsel of trust for the clarification of the power of attorney and/or for the clarification of the issue of the actual care of the minor.</li> </ol>
	Hungary	Yes	<p>1. A minor (including adopted and foster children) can only be reunited to <b>his/her parents or a parent having parental custody or to somebody whose spouse has parental custody of the minor concerned.</b></p> <p><u>As a general rule</u> applications for residence permits may be submitted at any <u>consulate officer of Hungary, or any other agency authorized to accept such applications for residence permit in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.</u> For detailed rules see Article 47 of the Government Decree 114/2007. The competent consulate officer shall forward applications for residence permit to the regional directorate of jurisdiction by reference to the future residence in Hungary of the third-country national affected upon receipt without delay.</p> <p><u>As a special rule</u>, third-country nationals residing in the territory of the Republic of Hungary may lodge their applications for a residence permit at the <u>regional directorate of jurisdiction</u> by reference to their place of accommodation if there are special circumstances to justify submission of the application in Hungary, <u>such as on the grounds of family reunification or medical treatment; etc.</u></p>

<sup>1</sup> German Residence Act




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			<p>Also see the answer to the next question.</p> <p>2. <u>Persons who have not yet reached the age of 18 years shall be deemed <b>minors</b>, unless they are married. A minor shall be of limited capacity if he or she has reached the age of 14 years and is not incompetent.</u> Unless otherwise provided by law, the legal statement of a minor with limited capacity shall not be deemed valid without the consent or subsequent approval of that person's legal representative. If and when minors of limited capacity become competent, they shall be entitled to make their own decisions concerning the validity of their pending legal statements. <u>A minor is incompetent if has not reached the age of 14 years.</u> Legal statements of incompetent minors are invalid. Only legal representative can act in the name of an incompetent minor.</p> <p>According to the Act IV. of 1952 on marriage, family and guardianship, it is <b>the obligation of the parent having parental custody of the minor concerned to represent his/her minor child in his/her personal and financial affairs. If the parents are died or unknown, unable or hindered to practise their parental custody, then a guardian should has the obligation to advocate the child's interest.</b></p> <p>According to the Article 87 of the Act II of 2007 on the entry and residence of third-country nationals, in visa proceedings the competent authority may hear the applicant if he/she is a minor with limited legal capacity or if incompetent. Such hearing shall be attended by the minor's legal representative or by a person of legal age with legal capacity who has been duly authorized by the legal representative.</p> <p>3. If the application is lodged by the minor at the consulate, the practice is the following: If a minor is represented by her/his parent(s), birth certificate, if by a legal guardian, the decision on the appointment for guardianship is needed.</p>
	<b>Ireland</b>	<b>Yes</b>	<p>For the purposes of this answer, we have assumed that the question refers to refugees and other beneficiaries of international protection. Family reunification is also possible for other categories of migrants e.g. family members of EU citizens exercising free movement under the provisions of Directive 2004/38/EC; employment permit holders; and other cases in specific circumstances.</p> <p><b>Recognised Refugees</b></p> <p>Under section 18 of the Refugee Act 1996, recognised refugees in Ireland may make an application for family reunification on behalf of family members. The refugee makes the application to the Irish Naturalisation and Immigration Service. A recognised refugee may make an application for family reunification on behalf of a spouse, unmarried children under 18 years, and, if the refugee is an unmarried minor, with his/her parents. The Minister for Justice, Equality and Law Reform also has discretion to grant permission for other dependent family members to be reunified with a Refugee (grandparent, parent, brother, sister, child, grandchild, ward or guardian of the Refugee). In all such cases, the person in respect of whom such permission is sought must show clear evidence of dependency.</p> <p>If an application is successful, a visa application must be made for the travel of the family members to Ireland.</p> <p><b>Question 1</b></p> <p>A minor who is a recognised refugee may apply to be reunified with a parent, if unmarried, or his/her spouse, if married. In addition, if clear evidence of dependency is shown, the Minister for Justice, Equality and Law Reform may, <u>at his discretion</u>, grant reunification with other <u>dependent family members</u> - grandparent, parent, brother, sister, child, ward or guardian of the Refugee.</p> <p><b>Question 2</b></p> <p>The application is lodged by the recognised refugee in Ireland and submitted to the Irish Naturalisation and Immigration Service. Section</p>



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			<p>8(5) of the Refugee Act 1996 provides that the provisions of the Child Care Act 1991 apply to an unaccompanied minor, and the child is referred to the Health Service Executive (HSE). The HSE may assist a child in making an asylum claim. The minor also may have assistance in making any subsequent family reunification application.</p> <p><b>Question 3</b> If the refugee is applying for dependent family members, which can include a guardian, the following documents are required in support of the application:</p> <ul style="list-style-type: none"> <li>• Original Birth Certificate/National ID/Passport</li> <li>• Current passport sized photos stating name of child, date of birth of child and the date the photo was taken (if applicable)</li> <li>• Marriage Certificates (if applicable)</li> <li>• Death/Divorce Certificates (if applicable)</li> <li>• Court certified documentary evidence of custodial rights over family member i.e. adopted/fostered child.</li> <li>• Evidence of financial dependency - that the Refugee has been supporting his/her family i.e., money transfer receipts, bank statements, postal orders etc.</li> <li>• Evidence of physical and/or mental dependency, i.e. detailed current medical reports containing detailed prognosis</li> <li>• Evidence of current financial and domestic circumstances.</li> </ul> <p><b>Subsidiary Protection</b> The European Communities (Eligibility for Protection) Regulations 2006 transpose the Qualification Directive (2004/83/EC) into Irish law. A person who has been granted subsidiary protection may apply for family reunification under Regulation 16. The person granted subsidiary protection may apply for the same categories of family member as a recognised Refugee.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1. and 2. A Minor himself cannot lodge an application of family reunification. His parent or legal guardian is the only ones who can lodge an application of family reunification at a Latvian Embassy or consulate in country of origin, in a neighbouring country or any country outside Schengen. The relative himself cannot lodge the application of family reunification in the country he wants to be reunited. Only the guardian by law can lodge the application. If a minor is already in Latvia, then his legal guardian may lodge an application of family reunification in Latvia.</p> <p>3. A judgement of court is needed as a proof that person is a legal guardian.</p>
	<b>Lithuania</b>	<b>Yes</b>	<p>1. A minor can come to Lithuania and receive a residence permit if:</p> <ol style="list-style-type: none"> <li>a) her or his parent(s) (step-parents) reside in Lithuania, or</li> <li>b) her or his guardian (custodian) is a citizen of Lithuania.</li> </ol> <p>In case of (a) the parent(s) (if they are not citizens of Lithuania) must have resided in the Republic of Lithuania for the last two years, hold a temporary residence permit valid for at least one year and have reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania.</p>


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			<p>If the minor is less than 16 years old, the application must be lodged by the parents or guardians (custodians). If the minor is 16 years old and older, s/he lodges the application by himself/herself. The application can be lodged either abroad, or in Lithuania, if the alien is legally staying in it.</p> <p>2. If the application is lodged by the minor himself/herself, it doesn't have to be additionally confirmed by a guardian. A guardian by custom (someone who was not officially appointed to be a guardian) cannot lodge the application.</p> <p>In order to prove the guardianship/custodianship, the person must provide an official document by which the person was appointed to be a guardian/custodian. Usually those are courts' decisions, sometimes – decrees of mayors or other official institutions (it depends on the laws of the country of origin, where the minor lives). Lithuanian migration services usually deal with documents issued by Russian or Belarusian, or other neighbouring countries, so we don't have experience in recognising documents from more exotic countries (such as Somalia).</p>
	<b>Poland</b>	<b>Yes</b>	<p>According to Polish legislation an application for a residence permit on the basis of family reunification may be lodged only by a sponsor residing in the territory of Poland. The application is lodged to the local governmental authority in Poland competent with respect to the place of stay of the sponsor.</p> <p>In order to grant such permit to the minor referred to in Article 4 (1) point (c) and (d) of the Directive 2003/86/EC, it is necessary to present a consent of the persons who exercise parental control over him/her which has to be attached to the application as a formal precondition of examining the application.</p> <p>In case a sponsor is an unaccompanied minor who is granted the refugee status in Poland who wants to bring his/her first-degree relative in the direct ascending line to Poland, the legal guardian appointed by a Polish family court has to act on behalf of a minor.</p> <p>The legal guardian of permanent character is appointed according to the law of the country of origin of the minor. When the legal guardian of permanent character has not yet been appointed the legal guardian for the purpose of applying on behalf of a minor sponsor for a family reunification (and for the purpose of representing the minor during the proceedings) is appointed according to the Polish law. However bilateral international agreements may provide different regulations.</p>
	<b>Portugal</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. According to the Portuguese Immigration Law (Act, n.º 23/2007, 4<sup>th</sup> July), a citizen with valid residence permit has the right to family reunion with the family members that are out of national territory, and who lived with him / her in a another Country, or that dependent from him / her, or that live in cohabitation, independently from the family ties having been created before or after the resident entered in Portugal. The application for family reunion with family members who are abroad is to be delivered by the citizen who is entitled to that right. Whenever the family members are in national territory, the application for family reunion may be delivered either by the family members or by the citizen who is entitled to that right.</li> <li>2. No, a minor cannot by himself lodge an application. No the application only can be lodge by the parents or by whom is the legal guardian of the minor.</li> <li>3. A document given by the legal entities that declares who is the legal guardian of the minor.</li> </ol>
	<b>Slovak Republic</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Following the Act an Aliens Article 24, paragraph 1 the application for the temporary residence permit for reasons of family reunification is lodged by the foreigner (minor) in person abroad at the Embassy of the Slovak Republic in the country where the foreigner (minor) has his/her residence or in the country which issued his/her travel document, while the application is submitted by</li> </ol>

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			<p>his/her legal representative or guardian. The application can be lodged also at the Aliens Police Unit in the Slovak Republic in the place of the expected residence of the minor if this concerns a minor according to the Article 23, paragraph 1, letter b, d, f of the Act on Aliens (i.e. b) a single child younger than 18 years of aliens with a temporary residence permit or of an alien with a temporary residence permit or his/her spouse or of a person granted asylum, or of a spouse of a person granted asylum, who takes care of the child based on law or based on a decision of the competent authority, d) a direct relative of a person granted asylum younger than 18 years, f) a dependent person pursuant to an international treaty). As part of the application the minor has to submit declaration of his/her legal representative, his/her birth certificate, documents proving his/her relation with the person with whom he/she is to be reunited. The application has to be always lodged by minor's legal representative or guardian or by the minor with the consent of his/her legal representative (see also answer to the question number 2)</p> <ol style="list-style-type: none"> <li>The minor lodges the application in person together with his/her legal representative or a person who proves that the minor is in his/her care following the decision of the competent authority. (Act on Stay of Aliens, Act on Asylum)</li> <li>As the document proving that the person is a legal representative of the minor is a decision of the competent authority that the minor is in his/her care.</li> </ol>
	<b>Spain</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>In accordance with Spanish legislation on alien affairs, the application for family reunification of a minor must be presented or processed by either the biological or adoptive foreign parents. When these minors are children of only one of the spouses, furthermore, an additional requirement is that said spouse exercises, solely, parental authority or has been awarded custody and is, in fact, responsible for these children. Likewise, a foreign resident who is the minor's legal representative may also apply for family reunification. In this way (despite being "members of the same family"), relatives of the minor are not, "per se", authorised to reunite the minor. Nevertheless, in practice, the minor's legal representative may be a relative as long as specific conditions are fulfilled (the competent authority in accordance with domestic legislation of the country of origin must certify that the biological or adoptive parents are unidentified, that the minor is an orphan or that the minor has been declared abandoned). The application for authorization for family reunification must be presented in the country in which the sponsor resident lives (this is, in Spain). Subsequently (in the event that authorisation is granted), the minor (or his/her legal representative) must apply for a visa at the Spanish Diplomatic Mission or Consular Office at his/her place of residence.</li> <li>The application for the visa should be applied for by the minor in the country of origin, though its presentation on behalf of a duly accredited representative is also allowed.</li> <li>The legal representative of the foreign minor is designated in accordance with legislation of the country where the minor holds residence. However, the legal arrangement from which representative powers arise must not contravene the principles of Spanish law.</li> </ol>
	<b>Sweden</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>A minor who wants a residence permit in Sweden for reasons of family reunification can lodge an application at a Swedish Embassy or consulate in his/her country of origin or in a neighbouring country. The family member living in Sweden cannot submit the application in Sweden. In most cases, an application will not be approved if it is submitted during a stay in Sweden. It is not possible to travel to Sweden and await the decision.</li> </ol>

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			<ol style="list-style-type: none"> <li>2. In cases where a minor applies for residence permit on its own, in order to seek family reunification with a relative other than a parent who lives in Sweden it must be clarified who is the minor's guardian before the application is examined in substance. The Swedish Migration Court of Appeals has recently come to the conclusion that only a person who can prove that, by the law in the country where the minors live, he/she is considered as their legal guardian, can represent the minor in a case concerning a residence permit.</li> <li>3. In recent decisions from the Migration Court of Appeals, it has been stated that who is to be considered as a minor's guardian is to be determined according to the law in the country where the minor lives. The Court has not accepted as proof documents issued by different Somalian bodies and agencies. The Court therefore came to the conclusion that as it had not been proved who the minors' legal guardians were, their appeals could not be examined in substance. Consequently, their appeals were rejected.</li> </ol>
	<b>United Kingdom</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. A minor who wishes to join someone in the UK under the family reunion provisions can lodge an application at the visa application centre in the country where they live. This will then be forwarded to the nearest British Diplomatic Mission for consideration. The family member in the UK cannot submit the application in the UK, nor can the minor travel to the UK to await the decision.</li> <li>2. The minor can themselves lodge an application or someone can do so on their behalf.</li> <li>3. None required to show that the person currently responsible for the minor is a legally appointed guardian. However the minor would need to demonstrate the relationship between themselves and the person that they were intending to be reunited with.</li> </ol>

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