



Ad-Hoc Query on Marriage – rights to entry and permanent residence

Requested by UK EMN NCP on 22nd November 2010

Compilation produced April 2011

Responses from Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Portugal, Slovak Republic, Spain, United Kingdom and Norway (19 in Total)

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1. Background Information

Persons who are British citizens or have been granted permanent residence in the UK can apply to bring to the UK spouses and other partners (husbands, wives, civil partners, fiancé/es, proposed civil partners, unmarried partners, same sex partners) who are Third Country Nationals (i.e. not British citizens or EU nationals). These spouses and partners may themselves at a later date apply for UK permanent residence or British citizenship.

The UK government is currently exploring what more can be done to reduce abuse of the marriage route as a means of gaining entry to and permanent residence in the UK and of ensuring that marital partners coming to the UK to stay are able to integrate in local communities. For this purpose we would be very grateful to know what arrangements EMN partners have in place with regards to the following:

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- 1) a) Can citizens or persons granted residence in your country bring non-EU spouses/proposed spouses and other partners to your country?**
 - b) If yes, which of the following citizens/residents are permitted to do so?**
 - people resident in your country who are citizens/nationals by birth;
 - people resident in your country who have acquired citizenship/ nationality;
 - people resident in your country who have acquired long-term permanent residence rights?
 - other people? If so, please give details.

- 2) For each of the above, please state whether the associated spouse or partner can apply for long-term permanent residence or citizenship in your country?**

- 3) What rules does your country have about the conditions under which i) the person normally resident in your country may apply to bring non-EU nationals into the country as a spouse/ for the purpose of marriage, and about ii) the person who is applying to enter the country as a spouse/ for the purpose of marriage to these citizens/ permanent residents?**



We would appreciate responses specifically regarding the following conditions:

 - a) What is the age requirement for both the person normally resident in your country and for their non-EU national spouse/ proposed spouse?**
 - b) What requirement is there for the non-EU national spouses/ proposed spouses to demonstrate that they speak the language of your country/ area in which they will reside?**
 - c) What requirement is there for the person normally resident in your country and for their non-EU national spouse/ proposed spouse to demonstrate that they have sufficient resources to meet their living costs?**
 - d) If you specify that the couple should have a minimum level of resources, what is this amount and how was this amount arrived at?**
 - e) What requirements are there for non-EU spouses to qualify for permanent residence or citizenship status (e.g. how long must they have been resident)?**
 - f) Are there any other relevant requirements? If so, please give details.**

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It would be very much appreciated if we could receive your answers by **21st December 2010**.


2. Responses¹

		Wider Dissemination? ²	
	Austria	No	Response provided to the requesting EMN NCP. However, they have requested it is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1) a) Yes, citizens or persons granted (permanent or temporary) residence in Belgium can bring non-EU spouses/partners to Belgium. Unregarding the residence status of the person in Belgium, the categories of the applicants stay the same: (proposed) spouses / (proposed) civil partners. 2) Spouses and partners will obtain a residence permit that is associated to the status of their relative in Belgium. E.g.: if the resident in Belgium has a permit for one year, the spouse will obtain a permit with the same duration. Spouses/partners joining a person with permanent stay in Belgium will obtain a temporary residence card during three years. This permit can be withdrawn in case of fake marriage, fraud, ... After this period of three years the person can apply for a permanent residence permit. 3) Distinction is made whether the person already in Belgium is Belgian/EU-citizen or non-EU. <ol style="list-style-type: none"> a) When joining a Belgian/EU citizen, no age requirement exists. In case of family reunification where the person already established in Belgium is a non-EU citizen, there is a minimum age requirement of 21 years. b) In Belgium there is no language requirement. c) In the case of spouses/partners, there is no special requirement concerning sufficient resources. Only non-Belgian EU citizens who obtained inscription in Belgium on the basis of their sufficient resources themselves have to prove that they can support their spouses/partners. d) in this last case, the amount of sufficient resources is based on the official minimum income. e) see also above. Persons with at least three years of legal stay can apply for Belgian citizenship, unregarding the period of marriage (this means that somebody with already two years of legal stay before the marriage, can apply for citizenship after one year of marriage). f) N/A



¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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	<p>Bulgaria</p>	<p>Yes</p>	<p>1 a) b) Yes, citizens or persons granted permanent residence in the Republic of Bulgaria can bring non-EU spouses. People resident in the Bulgaria who are Bulgarian citizens by birth or who have acquired citizenship are all permitted to bring the following family members to the Bulgaria:</p> <ol style="list-style-type: none"> 1. a spouse; 2. relatives of descending line, including in case they are descendents only of the person under item 1, who haven't turned twenty-one years of age and have not entered into a marriage; 3. relatives of descending line, including in case they are descendents only of the person under item 1, who have turned twenty-one years of age, but do not have income of their own for they are not in a condition to provide their maintenance or serious health reasons enforce the Bulgarian citizen to take personal care of them; 4. relatives of ascending line, including relative of ascending line relative of ascending line only of the person under item 1, to whom the Bulgarian citizen or the person under item 1 provides maintenance; 5. other members of his/her household, who have been at his/her support entirely in the state of their origin or in the state of their customary residence and serious health reasons enforce the Bulgarian citizen to take personal care of them. <p>People resident in the Bulgaria who have acquired long-term permanent residence are permitted to bring the following family members to the Bulgaria: spouse and their children under age if the latter have not entered in a marriage.</p> <p>2) All above mentioned family members associated with the citizens/residents have the possibility to apply for long-term permanent residence or citizenship in the republic of Bulgaria.</p> <p>3) a) In Bulgarian Law we don't have such age requirement.</p> <p>b) In Bulgarian Law we don't have such requirement.</p> <p>c) The Bulgarian citizen or permanent resident and their spouse/partner are required to show they have sufficient resources (and suitable accommodation) to support themselves.</p> <p>d) In Republic of Bulgaria for residence we do have a requirement of a minimum amount of income but it will be approved with a new Law for Foreigners in the Republic of Bulgaria which is envisaged in the early December 2010.</p>

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			<p>e) A non EU spouse who has completed a period of 5 years long residence (with permitted term up to one year) in the Bulgaria will be eligible for permanent residence (with permitted unlimited term).</p> <p>f) N/A.</p>
	Cyprus	Yes	<p>1. People residing in Cyprus who are nationals by birth, who have acquired nationality, who have acquired long-term residence permit according to the EU directive, who have acquired national permanent residence and those whose stay in the Republic is not on temporary grounds can bring their non-EU spouses.</p> <p>2. Spouses of nationals by birth or who have acquired nationality must obtain at the beginning temporary residence permit. They can also apply, if they wish, for the national permanent residence or for the long-term residence permit according to the EU directive if they have lived five years in the Republic. Spouses of persons who have acquired national permanent residence permit are considered as dependent persons on the permit of their husband or wife. Spouses of persons who have acquired long-term residence permit according to the EU directive or those whose stay in the Republic is not on temporary grounds must apply for family reunification according to the EU directive.</p> <p>3. a. For spouses of persons who have acquired long-term residence permit according to the EU directive or of those whose stay in the Republic is not on temporary grounds, there is a minimum age requirement of 21. For the other cases the minimum age requirement is 18. b. No language requirements c. All persons who are allowed to bring their non-EU spouses in the Republic are required to show they have sufficient economic resources to support themselves and their spouses, suitable accommodation and health insurance. d. There is no specific minimum amount of income. The examination of each application depends on the circumstances of the couple. e. Non-EU spouses who are married with nationals by birth or with those who have acquired nationality can apply for Cyprus nationality three years after their marriage, two of which must reside in Cyprus. All other cases on non-EU spouses, who are allowed to stay in Cyprus can apply for nationality when they have completed seven years of legal residency in the Republic. All cases of non-EU spouses, who are allowed to stay in Cyprus can apply immediately for the national permanent permit, or for the long-term residence permit according to the EU directive if they have lived five years in the Republic. f. N/A</p>
	Czech Republic	Yes	


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	<p>Denmark</p>	<p>Yes</p>	<p>1) People resident permanently in Denmark who are citizens by birth or who have acquired citizenship can bring non-EU spouses, same sex registered partners and cohabiting unmarried partners to Denmark. The residence permit given will be a temporary one in the beginning. Fiancés with the purpose of marriage can be granted visas for a short term visit, but not a residence permit.</p> <p>Citizens of one of the other Nordic countries (Norway, Sweden, Finland and Iceland), persons holding a Danish residence permit granted on the grounds of asylum or Protected Status, and other persons who have held a permanent Danish residence permit for the past three years or more can also bring non-EU spouses, same sex registered partners and cohabiting unmarried partners to Denmark.</p> <p>Also people residing in Denmark with a temporary residence permit for a short term stay on the grounds of studies or work can bring spouses, same sex registered partners and cohabiting unmarried partners to Denmark. Please note, in those situations special rules apply.</p> <p>Citizens or persons granted residence can bring children under the age of 15 to Denmark. Other relatives, such as children who are 15 years old or older, parents and minor siblings may be granted residence permit in exceptional circumstances.</p> <p>2) All spouses and other partners associated with the above citizens/residents have the possibility to apply for a permanent residence or citizenship after a certain period of time.</p> <p>3) a) Denmark has a minimum age requirement of 24 for both the Danish citizen or permanent resident and their non-EU national spouse/partner. This requirement was introduced in 2002.</p> <p>b) From 15 November 2010 onwards, spouses/partners must pass an immigration test in order to be granted a residence permit on the grounds of family reunification. The immigration test is an oral test consisting of two parts: a language test testing Danish language skills and a knowledge test testing knowledge about Denmark and Danish society. The test must be taken in Denmark. The test contains 70 questions and the entire test takes approximately 30 minutes.</p> <p><i>In the language test the spouse/partner must understand and answer simple questions as well as understand everyday terms and a number of standard Danish expressions. The knowledge test contains questions about Danish norms, values and fundamental rights.</i></p> <p>The requirement is among other things intended to help support integration into Danish society.</p>
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		<p>c) The Danish citizen or permanent resident must be able to support him/herself and their spouse/partner. In most cases, this requirement is met if the Danish citizen or permanent resident has not received public assistance under the terms of the Active Social Policy Act (lov om aktiv socialpolitik) or the Integration Act (integrationsloven) for the past three years.</p> <p>The Danish citizen or permanent resident must also post DKK 63,413,39 (2011 level) in bank-backed collateral to cover any public assistance paid to the spouse/ partner after relocating to Denmark.</p> <p>d) Denmark does not specify a minimum amount of income.</p> <p>e) To qualify for permanent residence permit, the conditions for the original residence permit must still be met, and the spouse/partner must have resided legally in Denmark for at least 4 years.</p> <p>The spouse/partner must obtain at least 100 points, awarded by meeting certain conditions. The requirements includes the following: No committed serious crime, no overdue public debts, no public assistance for a period of three years, a submitted signed declaration about integration and active citizenship, a passed test in Danish language, working requirements, and requirements to active citizenship or passing an Active Citizenship Exam.</p> <p>Spouses and other partners may also acquire Danish nationality by naturalisation, that is, by statute. To be listed in a naturalisation bill certain conditions must be satisfied, e.g. the spouse/partner must have obtained a permanent residence permit, must have no overdue public debt, be self-supporting meaning no public assistance for four years and six months of the last five years, prove Danish skills by presenting af particular examination certificate and have passed a special citizenship test. Moreover the spouse/partner cannot be listed in a naturalisation bill until the expiration of a certain waiting period if the person has been sentenced for criminal offences – for certain sentences the person cannot be listed in a bill at all. As a general rule the person must also have lived in Denmark for a continuous period of at least 9 years. Requirements for shorter periods of residence are made of persons married to or registered to a Danish national.</p> <p>f) Besides the age requirement and the self supporting requirement for family reunification with a Danish citizen or permanent resident, the following conditions must usually be met:</p> <ul style="list-style-type: none"> • The marriage/partnership must be recognized by Danish law. • The marriage/partnership must have been entered into voluntarily. • The marriage/partnership must not be a marriage of convenience.
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			<ul style="list-style-type: none"> • The spouses/partners must live together. • The spouse/partners combined attachment to Denmark must be greater than the combined attachment to any other country. • The Danish citizen or permanent resident must have accommodation of adequate size at his/her disposal. • The Danish citizen or permanent resident must not have been convicted of violent acts against a former spouse/partner within a period of 10 years. <p>For further information please see the Danish Immigration Authorities website: www.nyidanmark.dk where the requirements for both residence permit and citizenship are described in detail in English.</p> <p>Please note that special rules apply if the person living in Denmark is a foreign national with a residence permit on the grounds of studies or work.</p> <p>Also please note that special rules apply to EU/EEA citizens and Swiss citizens residing in Denmark under the EU regulations on free movement as well as Danish citizens who are applying for family reunification under the EU regulations on free movement.</p> <p>Furthermore please note, that a bill on reform of family reunification rules was introduced in March, 2011. The reform of the family reunification rules will among other include a modernization of the minimum age requirement of 24, a stricter attachment requirement, and requirements to the person living in Denmark having a full time job for a certain period of time.</p>
	<p>Estonia</p>	<p>Yes</p>	<p>1) a) b) Yes, a temporary residence permit may be issued to an alien to settle with his or her spouse who resides in Estonia permanently and 1) who is an Estonian citizen, 2) who is an alien who has resided in Estonia for at least two years on the basis of a residence permit or 3) to settle with a spouse who holds a residence permit for business, for Doctor's degree studies or for employment on the following grounds:</p> <ul style="list-style-type: none"> - in order to work in a performing arts institution as a person engaged in creative activities, - in order to work as a teacher or a member of the academic staff; - for scientific research; - in order to carry out professional activities as a sportsman, coach, referee or sports official; - in order to perform managerial or supervisory functions as a member of the management body of a legal entity; - in order to work as an expert, advisor or counsel, if an alien has relevant professional training necessary for work in such area;

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			<p>- in order to work as a layer of devices or craftsman, if an alien has relevant professional training necessary for work in such area.</p> <p>2) Associated spouse can apply for long-term residence permit or citizenship.</p> <p>3) a) According to the Family Law Act only adults (over 18 years old) may get married. By way of derogation court may extend the active legal capacity of a person who has attained at least 15 years of age pursuant to the provisions concerning the extension of active legal capacity of minors for the performance of acts required for the contraction of marriage and for the exercise of the rights and performance of the obligations related to marriage.</p> <p>b) There isn't any requirement for an alien who applies temporary residence permit for settling with a spouse to demonstrate that he/she can speak Estonian language.</p> <p>c) In order to settle with a spouse in Estonia the spouses must have regular legal income during the six months preceding the submission of an application, which ensures that the family is maintained in Estonia, or the joint continuous legal income of the spouses must ensure maintenance of the family in Estonia. Lawfully earned remuneration for work, parental benefit, unemployment insurance benefit, income received from lawful business activities or property, pensions, scholarships, support, benefits paid by a foreign state and the maintenance ensured by family members earning legal income are deemed to be legal income.</p> <p>d) The amount of the legal income is calculated on the basis of the number of all family members. Upon application for a temporary residence permit for settling with a spouse the legal income of a family must meet at least the following rates:</p> <table border="1" data-bbox="604 997 2049 1244"> <thead> <tr> <th>Size of family</th> <th>family's legal income per month EEK (EUR)</th> <th>family's legal income during the past 6 months EEK (EUR)</th> </tr> </thead> <tbody> <tr> <td>1 member</td> <td>2000 (127.82)</td> <td>12 000 (766.93)</td> </tr> <tr> <td>2 member</td> <td>3 600 (230.08)</td> <td>21 600 (1380.49)</td> </tr> <tr> <td>3 member</td> <td>5 200 (332.34)</td> <td>31 200 (1994.04)</td> </tr> <tr> <td>4 member</td> <td>6 800 (434.59)</td> <td>40 800 (2607.59)</td> </tr> <tr> <td>5 member</td> <td>8 400 (536.85)</td> <td>50 400 (3221.14)</td> </tr> </tbody> </table> <p>e) Long-term residence permit may be issued to an alien, who:</p> <ul style="list-style-type: none"> - has stayed in Estonia permanently on the basis of temporary residence permit for at least five years directly prior submitting an application for long-term residence permit; - holds valid temporary residence permit; 	Size of family	family's legal income per month EEK (EUR)	family's legal income during the past 6 months EEK (EUR)	1 member	2000 (127.82)	12 000 (766.93)	2 member	3 600 (230.08)	21 600 (1380.49)	3 member	5 200 (332.34)	31 200 (1994.04)	4 member	6 800 (434.59)	40 800 (2607.59)	5 member	8 400 (536.85)	50 400 (3221.14)
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			<ul style="list-style-type: none"> - has registered residence in Estonia; - has permanent legal income for subsistence in Estonia; - is covered with health insurance; - complies with the integration requirement, i.e. has knowledge of the Estonian language at least at B1 level established by the language act or level corresponding to that. <p>Permanent stay in Estonia includes temporary absence from Estonia, if such absence does not exceed six consecutive months and a total of ten months during five years prior to the date on which the alien submits an application for long-term residence permit. If absence from Estonia during the last five years prior to the submission date of the application has exceeded six consecutive months and a total of ten months during the last five years and if the alien has previously registered his or her absence in the Police and Border Guard Board or if the Police and Border Guard Board has subsequently deemed his or her absence to be reasoned, then the period of permanent stay in Estonia, requested for long-term residence permit, will extend by the absence time.</p> <p>Estonian citizenship can be issued to an alien who:</p> <ul style="list-style-type: none"> - is at least 15 years old; - has a residence permit of a long-term resident or the right of permanent residence; - has lived in Estonia on the basis of a residence permit or the right of residence for at least eight years prior to the date on which he or she submits an application for Estonian citizenship and permanently at least the last five years; - has passed the examination of knowledge of the Estonian language (this exam is not required, if the basic, secondary or higher education have been acquired in the Estonian language); - has passed the examination of knowledge of the Constitution of the Republic of Estonia and the Citizenship Act - has a permanent legal income; - has a registered residence in Estonia; - is loyal to the Estonian state. <p>f) The application for a residence permit for settling with the spouse is justified if the spouses share close economic ties and a compatible relationship, the family is stable and the marriage is not fictitious. In addition to abovementioned an alien has to have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit and the spouse who resides in Estonia must have a registered place of residence and an actual dwelling in Estonia.</p>
+	Finland	Yes	1a) Yes.

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			<p>b) Yes, citizens and persons with permanent residence or continuing residence permit may bring spouses/proposed spouses to Finland.</p> <p>2) All spouses and other partners associated with the above citizens/residents have the possibility to apply for long-term permanent residence or citizenship in Finland.</p> <p>3) a) There are no provisions on age requirement in Aliens Act but the Marriage Act stipulates that the spouses should be over 18 years of age.</p> <p>b) There is no language requirement.</p> <p>c) The granting of a residence permit usually requires that the foreigner's income is secure. The objective of the income requirement is that foreigners living in Finland are able to support themselves economically by their own means.</p> <p>A foreigner's income is considered to be secure if his stay in the country is funded by remunerated employment, private enterprise, pensions, own capital or other sources of available income. The level of income is calculated from the applicant's income after tax, i.e. net income. For the granting of a first residence permit, an extension of residence permit, EC residence permit and a permanent residence permit the applicant must provide clarification of his income.</p> <p>Certain social benefits, such as child benefit, child care support, maintenance support, educational grants and housing subsidy can reduce the level of income demanded. Such benefits are described as expense offsetting social security benefits. Income support must not be the only source of livelihood of the applicant applying for a resident permit.</p> <p>A secure income is not required when granting a residence permit to, for example,</p> <ul style="list-style-type: none"> • a native Finn and his or her family member • Finnish family member, his or her underage unmarried child • other close relative of a Finnish citizen • a family member of a refugee or equivalent person, if the family has been formed before the sponsor arrived in Finland • other close relative of a refugee or equivalent person • An exception may be made to the income requirement if there is a very pressing reason or if the interests of the child demand it.
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If the applicant feels he or she should not be subject to the income requirement, the necessary reasons and clarifications should be attached to the residence permit application.

d) The below table gives a guide of the sums required for a secure income in Finland.


Person	€/month	€year
1. adult	900	10 800
2. adult belonging to the same household	630	7 560
underage family member	450	5 400
student	500	6 000
student's adult family member	630	7 560
student's underage family member	450	5 400
au-pair	250	

e) (1) A permanent residence permit is issued to aliens who, after being issued with a continuous residence permit, have resided legally in the country for a continuous period of four years if the requirements for issuing an alien with a continuous residence permit are still met and there are no obstacles to issuing a permanent resident permit under this Act. Residence is considered continuous if an alien has resided in Finland for at least half the validity period of the residence permit. Absence resulting from ordinary holiday or other travel or work at a work site abroad on secondment by a Finnish employer is not considered an interruption of continuous residence.


(2) An alien who has been issued with a fixed-term residence permit on the basis of family ties may be issued with a permanent residence permit even though the sponsor does not meet the requirements for the issuing of a permanent residence permit.

(3) The period of four years is calculated from the date of entry into the country if the alien held a residence permit for

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			<p>continuous residence upon entry. If the residence permit was applied for in Finland, the period of four years is calculated from the first day of the fixed-term residence permit issued for the first continuous residence in the country.</p> <p>f) The marriage should be registered in Finland and the spouses must present a valid marriage certificate. Persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple. The requirement is that they have lived together for at least two years. This is not required if the persons have a child in their joint custody or if there is some other weighty reason for it. Living in same household should be proven with rental agreement or similar.</p>
	<p>France</p>	<p>Yes</p>	<p>1,2,3. There two specific cases in France :</p> <p>a) marriage to a French national b) marriage to a foreigner. In that case, the family reunification procedure applies.</p> <p>a) Marriage to a French national</p> <p>- The non-EU spouse of a French national (by birth or acquired citizenship/nationality) obtains, upon marriage, a temporary residence permit for 1 year (private and family life) provided that:</p> <ul style="list-style-type: none"> - The community of life has not ceased since the wedding; - The spouse has kept his/her French nationality; - If the marriage was celebrated abroad, it needs to be previously transcribed in the French registry. <p>Before arriving in France, the foreign spouse must apply for a long stay visa. It is now (since the Act of 20th November 2007) submitted for evaluation of the degree of knowledge of the French language and values of the Republic. After the evaluation, he/she may be subjected to linguistic training courses of a maximum of 2 months. If this is the case, the visa is dependent on attendance at the training courses. Moreover, the threat to public order could lead to refusal of visa.</p> <p>The renewal of the residence permit is subject to the fact that the community of life (cohabitation) has not ceased. When the community of life was disrupted because of domestic violence, the renewal can not be granted to the person who suffered violence.</p> <p>In addition, the non-EU spouse who is married for at least three years with a French national can obtain a residence card (with a duration of 10 years) provided that:</p> <ul style="list-style-type: none"> - The community of life has not ceased since the wedding; - The spouse has kept his/her French nationality; - If the marriage was celebrated abroad, it needs to be previously transcribed in the French registry.



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			<p>- The non-EU child of a French national aged 18 (16 if access to work is required) to 21 years may, subject to the regularity of residence and public order, obtain a residence card ipso jure. If the child is dependent on his parents the same card can be given.</p> <p>- The ascendants of the French national or of his/her spouse may be issued a residence card if they are dependant and if they have been issued a long-stay visa.</p> <p>- The acquisition of French nationality by the spouse It is necessary to have lived 4 years together from the marriage and 5 years if the foreigner at the time of his statement does not justify having resided in France without interruption for at least three years from marriage. The foreign spouse must demonstrate a sufficient knowledge of French.</p> <p>b) Marriage to a foreign national</p> <p>The right to family reunification is given to the spouse who is at least 18 years old and his/her minor children. It is not open to concubines neither to people who have signed a Civil Pact of Solidarity (PACS).</p> <p>The conditions for filing an application for family reunification are:</p> <ul style="list-style-type: none"> - The applicant must have resided legally in France for at least 18 months under a residence permit of at least 1 year. - The applicant must provide proof of stable and sufficient resources, the amount takes into account family size and is assessed over a period of 12 months (average of monthly minimum wage for a family of 2 or 3 people, average of 10% for four or five people, average of 1/5th for a family of 6 people or more). - The applicant must be able to justify on arrival of his family that he/she has a housing considered as normal for a comparable family living in the same geographic area. <p>The spouse and children over 16 years applying for family reunification benefit in their country of residence from an assessment of their level of French and values of the Republic. This assessment, if needed, is to be followed by training courses in the country of origin. The issuance of the visa is subject to the obtention of the certificate of the training courses.</p>
	<p>Germany</p>	<p>Yes</p>	<p>1) a) Yes.</p> <p>b) The spouses/partners of all groups in question, along with all third-country nationals in possession of a residence permit, may be allowed to subsequently immigrate to the Federal Territory.</p> <p>2) Provided the stay is not from the outset of a temporary nature and thus the person in question would not be eligible for a permanent residence title (e.g. students and their spouses/partners move only for the duration of study), every third-country national may in principle apply for a permanent residence permit.</p>

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		<p>3) As with every third-country national, the spouse/partner subsequently immigrating must in principle meet all general requirements for a residence permit, along with special requirements in the event of the subsequent immigration of an entire family (see answers below). The spouse/partner whom to join the person in question is moving must be in possession of a residence permit.</p> <p>a. Both spouses/partners must generally be at least 18 years of age; exceptions can be made.</p> <p>b. The spouse/partner subsequently immigrating must demonstrate a basic knowledge of the German language (equivalent to Level A1 of the European Framework of Reference for Languages) prior to entry.</p> <p>c. A means of subsistence, including sufficient health insurance coverage, must be secured through private means or from family members and may not be secured through public funds. Public funds in this context do <u>not</u> include funds stemming from contribution payments (e.g. unemployment insurance) or funds disbursed to assist in parenting (e.g. family allowance). Sufficient living space must also be provided. These requirements must not be met if the spouse/partner is to join a German citizen, however not fulfilling these requirements can result in a denial of entry, especially if familial cohabitation is possible in the country in which the immigrating spouse/partner is residing. In general, these requirements must not be met if the spouse/partner is to join a foreign national who has been accorded refugee status.</p> <p>d. The Residence Act does not set forth a specific amount in order for a means of subsistence to be considered secured. For legal reasons, eligibility for public funds due to an inability to privately secure a means of subsistence shall be determined on a case-by-case basis. In terms of residence law, it is the eligibility for public funds that is crucial and not their actual use. A foreign national may therefore not meet the requirements for privately securing a means of subsistence by not applying for public funds for which he/she would be eligible.</p> <p>e. The spouse/partner of a German citizen is required to maintain lawful residence for a period of three years before being able to apply for a permanent settlement permit; in other cases this period is five years. The spouse/partner of a German citizen must likewise maintain lawful residence for a period of three years in order to be eligible for citizenship. In other instances, a foreign national becomes eligible for citizenship after a period of eight years of lawful residence; this period may be shortened to seven years following successful participation in an integration course, and to six years given the completion of other special integration measures. Other requirements must be fulfilled both for a settlement permit and citizenship.</p> <p>f. The subsequent immigration of a family shall expressly not be authorized if:</p> <p>i. it has been determined that the marriage or relationship in question was formed solely in order to facilitate immigration to and residence in the Federal Territory; or</p>
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			ii. factual evidence supports the assumption that one of the spouses/partners had been coerced into forming the familial relationship in question.
	Greece	Yes	
	Hungary	Yes	<p>1.) a) Yes, persons granted permanent residence in Hungary and persons who are Hungarian citizens by birth or those persons who acquired citizenship are permitted to bring ‘family member’ to Hungary.</p> <p><i>According to Act I. of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence Chapter I. Section 2:</i></p> <p>b) ‘family member’ shall mean:</p> <p>ba) the spouse of an EEA national;</p> <p>bb) the spouse of a Hungarian citizen and</p> <p>bc) the direct descendants of an EEA national and those of the spouse of an EEA national who are under the age of 21 or are dependants;</p> <p>bd) the direct descendants of a Hungarian citizen and those of the spouse of a Hungarian citizen who are under the age of 21 or are dependants;</p> <p>be) - unless otherwise prescribed in this Act - the dependent direct relatives in the ascending line of an EEA national and those of the spouse of an EEA national; and</p> <p>bf) the direct relatives in the ascending line of a Hungarian citizen and those of the spouse of a Hungarian citizen;</p> <p>bg) the person who has parental custody of a minor child who is a Hungarian citizen;</p> <p>bh) any person whose entry and residence has been authorized by the competent authority on grounds of family reunification.</p> <p><i>According to Act II. of 2007 on the Entry and Stay of Third-Country Nationals Chapter I.. Section 2.</i></p> <p>d) ‘family member’ shall mean:</p> <p>da) the spouse of a third-country national</p> <p>db) the minor child (including adopted children) of a third-country national and his/her spouse;</p> <p>dc) the minor child, including adopted and foster children, of a third-country national where this third-country national has parental custody and the children are dependent on him/her;</p> <p>dd) the minor child, including adopted and foster children, of the spouse of a third-country national where the spouse has parental custody and the children are dependent on him/her.</p> <p>1.) b)</p> <p><i>According to Act II. of 2007 on the Entry and Stay of Third-Country Nationals, Chapter III. Section 19.</i>a long-term visa or a residence permit may be issued on the grounds of family reunification to a third-country national who is relative of a third-country national who is in possession of a long-term visa, a residence permit, immigration permit, permanent residence</p>



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		<p>permit, interim permanent residence permit, a national or EC permanent residence permit, or - under specific other legislation - in possession of a residence card or permanent residence card (for the purposes of this Section hereinafter referred to as "sponsor").</p> <p>And according to <i>Act I. of 2007 Chapter II. Section 6. and 7.</i></p> <p>The family members of EEA nationals who satisfy the requirements (intend to engage in some form of gainful employment; b) have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the Republic of Hungary) shall have the right of residence.</p> <p>(3) The spouse and dependent children of any EEA national who satisfies the requirements (are enrolled at an educational institution governed by the act on public education or the act on higher education) shall have the right of residence.</p> <p>2.)</p> <p>All spouses associated with the citizens/residents mentioned in the question have the right to apply for long-term permanent residence or citizenship in Hungary – legal conditions of long-term residence are ruled in the following acts:</p> <p><i>According to Act I. of 2007 Chapter II. Section 16.</i></p> <p>(1) Permanent residence status shall be granted to:</p> <p>a) EEA nationals who have resided legally and continuously within the territory of the Republic of Hungary for five years;</p> <p>b) family members who have resided legally and continuously within the territory of the Republic of Hungary for five years;</p> <p>..... (.....).</p> <p>(2) Permanent residence status shall be granted to:</p> <p>a) the family members of Hungarian citizens - except the spouse - who have resided continuously within the territory of the Republic of Hungary in the household of a Hungarian citizen for a period of at least one year;</p> <p>b) the spouse of a Hungarian citizen if their marriage was contracted at least two years prior to the date when the application was submitted and they share the same household since.</p> <p><i>And</i></p> <p><i>According to Act II. of 2007 Chapter IV. Section 35.</i></p> <p>National permanent residence permits may be issued - with the exception set out in Subsection (4) - to third-country nationals holding a long-term visa, residence permit or an interim permanent residence permit for establishing residence in the territory of the Republic of Hungary, if:</p> <p>a) having lawfully resided in the territory of the Republic of Hungary continuously for at least the preceding three years</p>
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		<p>before the application was submitted;</p> <p>b) a family member of dependent direct relatives in the ascending line - other than the spouse - of a third-country national with immigrant or permanent resident status or who has been granted asylum, and living in the same household for at least the preceding one year before the application was submitted;</p> <p>c) the spouse of a third-country national with immigrant or permanent resident status or who has been granted asylum, provided that the marriage was contracted at least two years before the application was submitted;</p> <p>.....(.....)</p> <p>[(4) The third-country nationals recognized by the refugee authority as refugees may apply for a national permanent residence permit in the absence of a long-term visa or residence permit.]</p> <p><i>And according to Section 38.</i></p> <p>(1) EC permanent residence permits may be issued for long-term residence in the territory of the Republic of Hungary to third-country nationals having lawfully resided in the territory of the Republic of Hungary continuously for at least the preceding five years before the application was submitted.</p> <p>3.) a) Hungary has a minimum age requirement of 18 for both the ‘sponsor’ and his non-EU national spouse/partner.</p> <p>b) In the Hungarian legislation can not be found such a prescription of demonstrating the language-knowledge.</p> <p>c) The Hungarian citizen or permanent resident and heir spouse have to show they have enough resources to support themselves.</p> <p><i>According to Act I. of 2007 Chapter II. Section 7</i></p> <p>(2) The right of residence for a period of longer than three months shall extend to the family members of a Hungarian citizen if:</p> <p>a) they have sufficient resources for themselves or the Hungarian citizen has sufficient resources for such family members not to become a burden on the social assistance system of the Republic of Hungary during their period of residence.</p> <p><i>According to Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals Chapter III. Section 29.</i></p>
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			<p>(5) A third-country national shall be construed to have sufficient resources to cover his/her subsistence for residence for a period of longer than three months if his/her income or assets or his/her family member's income or assets is sufficient to cover their living expenses, including accommodation, return travel, and if necessary, health care.</p> <p>d) Hungary does not have any requirement for the minimum amount if income.</p> <p>e) A non EU spouse who has completed at least three years of legal residence at the territory of the Republic of Hungary is eligible for permanent residence (According to Act I. of 2007 Chapter II. Section 16 and According to Act II. of 2007 Chapter IV. Section 35. and 38.)</p> <p>To acquire for the Hungarian citizenship the spouse must have completed a period of three years legal stay in Hungary.</p> <p><i>According to Act LV. Of 1993 Section 4.</i></p> <p>(2) A non-Hungarian citizen who resided in Hungary continuously over at least a period of three years preceding the submission of the application, and if the conditions defined in subsection (1), paragraphs b) to e)* are satisfied may be naturalized on preferential terms, provided that a) the person has lived in a valid marriage with a Hungarian citizen for at least three years, or the marriage has been terminated through the spouse's death.</p> <p><i>* [b) according to Hungarian law, the person has a clean criminal record, and at the time of the assessment of the application, there are no criminal proceedings in progress against him before a Hungarian court; c) his livelihood and residence are assured in Hungary; d) his naturalization does not violate the interests of the Republic of Hungary; and e) provides proof that he has passed the examination in basic constitutional studies in the Hungarian language, or that of being exempted by virtue of this Act.]</i></p> <p>f) N/A</p>
	Ireland	Yes	
	Italy	Yes	<p>1 a) Italy recognizes the right to family reunification in favour of the spouses, but not of the persons who intend to enter Italy for the sole purpose of marriage.</p> <p>b) The request for reunification with their spouses may be submitted:</p> <ul style="list-style-type: none"> - by Italian citizens, whatever was the mode of recognition or granting of their citizenship; - by EU nationals; - by non-EU nationals holding an EC residence permit or a residence permit of not less than one year duration issued for

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			<p>dependent employment or self-employment, as well as for asylum, study, religious or family reasons.</p> <p>2) An application for long-term permanent resident status may be submitted after five years of regular residence in Italy. The spouse of an Italian citizen may apply for citizenship after two years of regular residence from the date of the marriage, or after one year if a child was born of the marriage (or was adopted).</p> <p>3) a) Italy will not allow entry for family reunification if the spouses have not completed 18 years of age. b) Neither the spouse nor the family members of a foreign national seeking to enter Italy for family reunification need to demonstrate knowledge of the Italian language. However, as of December 9, 2010, all foreign nationals applying for long-term permanent resident status, including the spouses of non-EU citizens, have to demonstrate knowledge of the Italian language. c) In order to apply for family reunification with their spouse, foreign citizens need to demonstrate the ownership of a house meeting the sanitary requirements and a minimum annual income which cannot be less than the amount of the annual welfare cheque. d) In 2010 the minimum amount per year corresponds to €5,349.89, which is increased in case of dependent children of the couple. e) See answer to No. 2.</p>
	<p>Latvia</p>	<p>Yes</p>	<p>1. Yes, citizens of Latvia (regardless of the way of acquiring a citizenship), non-citizens of Latvia and third-country nationals with permanent residence permits in Latvia are entitled to invite their family members (spouses and minor children). Latvian citizens have a right to invite their adult children as well. Latvian citizens and Latvian non-citizens are entitled for the family reunification with their retired parents. Other third-country nationals with temporary residence permits are allowed to join with their family members (spouses and minor children) in accordance with Directive 2003/86/EC.</p> <p>2. Spouses can apply for a temporary residence permit for one year, then – for four years, then – for a permanent residence permit. During those first five years checks are carried out in order to establish if this relationship is not a marriage of convenience. After five years of residing in Latvia with a <u>permanent</u> residence permit a person can apply for a citizenship. If there are children born in this marriage, they are issued a permanent residence permit after the first application. If one of the spouses has a child from previous relationship, this child is issued 1+4 years temporary residence permits and after 5 years – a permanent residence permit.</p> <p>3. a) age requirement – 18 years. In some exceptional cases our Civil Law allows the marriage to be registered in the age of 16.</p>

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			<p>b) language requirement – there is no language requirement for those applying for a temporary residence permit. However, if the person applies for the permanent residence permit, s/he should prove her/his knowledge of Latvian language in the level 2A. There are exceptions for people suffering from certain illnesses.</p> <p>c), d) sufficient resources – there is a requirement to prove sufficient financial means in amount of one minimal salary per month if the person who is applying for a residence permit can prove that s/he herself/himself has a bank account or job guaranty. If inviter (Latvian resident) is guarantying financial means, the necessary amount is the minimal salary for each adult person in the family + 60% of minimal salary – for every minor. It means that family that consists of 2 adults and 1 child would have to prove that they have at least appr. 650 EUR per month. Family has to prove that they have an accommodation but there are no any quality requirements set in Latvian legislation for this.</p> <p>e) to qualify for a permanent residence, the person should have stayed in the country at least 5 years with temporary residence permit, to prove the knowledge of state language and should have sufficient financial means. Usually insufficient knowledge of the state language is the most serious obstacle for acquiring permanent residence. The marriage and co-habitation should still exist as well. After 5 years with the permanent residence permit the person can qualify for citizenship.</p> <p>f) n/a</p>
	<p>Lithuania</p>	<p>Yes</p>	<p>1. Lithuanian citizens (regardless of the way of acquisition of the citizenship) can bring their spouses, registered partners and the following family members:</p> <ul style="list-style-type: none"> - children; - dependent parents (both of the Lithuanian citizen and of the spouse or registered partner); and - guardians/ custodians or wards. <p>Aliens who have residence permits of Lithuania can also bring their family members. Family members are:</p> <ul style="list-style-type: none"> - the spouse or the person with whom a registered partnership has been contracted, - children (adopted children) under the age of 18, on condition that they are not married and are dependent, - direct relatives in the ascending line who have been dependent for at least one year and are unable to use the support of other family members resident in a foreign country. <p>If the aliens have temporary residence permits, according to the general rule, they can bring their family members only if they have resided in 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 Lithuania. This rule is not applied to the following aliens:</p> <ol style="list-style-type: none"> 1) who have been granted the refugee status in Lithuania; 2) who are researchers according to the directive 2005/71;

UK EMN Ad-Hoc Query: Marriage – rights to entry and permanent residence



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			<p>3) who perform a job requiring high professional skills for which, during the period of validity of the temporary residence permit, a monthly salary received is not less than three most recently announced monthly average salaries of the national economy;</p> <p>4) who have arrived to teach or take part in internship programmes at institutions of education and science in Lithuania under international treaties of Lithuania or under the European Union academic exchange programmes with third countries;</p> <p>5) who, being directly involved in projects of importance to the State, have invested in Lithuania any property owned, borrowed or managed and used by the right of trust.</p> <p>2. Yes, according to the general rules. Having resided in Lithuania for a continuous period of 5 years (while holding a temporary residence permit), spouses or registered partners can apply for a permanent residence permit. After 10 years of continuous residence in Lithuania, aliens can obtain citizenship of Lithuania (if they have permanent residence permits). Spouses of citizens of Lithuania can obtain citizenship after 7 years of continuous residence in Lithuania (if they have permanent residence permits).</p> <p>3. Only married spouses or partners who have concluded a registered partnership can enter under the ground of the family reunification. Future spouses (fiancés) cannot use such possibility. a) Both spouses and registered partners must be at least of the age of 21. b) No language requirement is applied for obtaining temporary residence permits. c) Either the sponsor or the family member must prove that they will have at least an amount of 1 minimal monthly salary (MMS) per month for each adult and 0,5 MMS per month for each child under the age of 18. At the moment the MMS is 800 litas (232 €). d) The MMS is established by a regulation of the Government of Lithuania following a proposal of the Tripartite Council. The Tripartite Council is composed of representatives of central (national) trade unions, employers' organisations and the Government. e) For the permanent residence they must have been resident for 5 years, for citizenship – 10 or 7 years (see answer No 2). In addition, they must pass exams in Lithuanian language and basics of the Constitution of Lithuania. f) in addition, spouses and registered partners must meet two other general requirements: they must possess health insurance and a place to live in Lithuania.</p>
	Luxembourg	Yes	
	Malta	Yes	
	Netherlands	Yes	1a) Yes, all of the under b) mentioned citizens/residents are permitted to bring non-EU spouses and other partners to the

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			<p>Netherlands.</p> <p>1b) In addition it is possible to bring children under the age of 18 and, in exceptional circumstances, children of age, parents and other relatives.</p> <p>2) It is possible to apply for long-term permanent residence or citizenship for all spouses and other partners of abovementioned categories.</p> <p>3a) The Netherlands have a minimum age requirement of 21 for both Dutch citizens, long term permanent residents and their spouse or partner. An exception to this rule is the situation in which the resident or the spouse has reached the age of fifteen and the marriage already existed in the country of origin, before the person residing in the Netherlands was granted lawful residence.</p> <p>3b) Since March 2006 spouses and partners have to pass the Dutch Civic Integration Examination Abroad, by which they demonstrate to have a basic knowledge of Dutch society and language. For provisional residence permit, spoken Dutch at level A minus of the Common European Framework of Reference (CEFR) is required. As from April 2011 this will be raised to level A. Furthermore a reading and comprehension skills test will be added to the examination. To apply for a long term permanent residence permit one has to pass an examination at level A2 of the CEFR.</p> <p>3c and 3d) The Dutch citizen or permanent resident and his spouse or partner are required to show they have sufficient resources to support themselves. The Netherlands demand an income that is derived of the minimum of existence, which is determined at a 100 percent of the gross compulsory minimum wage plus minimum holiday allowance for couples (currently €1.538,35).</p> <p>3e) A non-EU spouse or partner who has completed a period of five years of legal residence in the Netherlands can apply for permanent residence. To qualify for permanent residence the relationship must still be subsisting and the couple should continue to have sufficient resources. After a period of five years of legal residence the spouse or partner can also apply for Dutch citizenship.</p>
	Poland	Yes	
	Portugal	Yes	<p>1 a) Yes.</p> <p>b)TCN residents in Portugal (holders of a residence permit) can bring family members under the family reunification legal framework. In order to benefit from the right to family reunion the applicant must have secured lodgings and subsistence means. The application must include : a) Documents that prove the existence of relevant family ties or of the <i>de facto</i> union; b) Documents that prove the fulfilment of all conditions to obtain family reunion; c) Notarised copies of travelling documents which belong to the family members or to the <i>de facto</i> partner. A residence visa for family reunification is granted.</p> <p>To national citizens spouses a residence visa is granted, issued in accelerated manner and free. Once in national territory, is</p>

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			<p>applicable EU citizens and their families legal framework (under EU Directive n.º 2004/38/EC of 29 April), extensible to family members of Portuguese nationals.</p> <p>3) TCN residents – After 5 years of residence Citizenship- 3 years of marriage or cohabitation recognized by judicial decision.</p> <p>3) a) 16 years old (Legal marriage age). b) There are no language texts in this framework. c) Any means of proof valid for demonstrative sufficient resources are accepted. d) The basic criteria is the National minimum wages. e) LTR - 5 years of residence in Portugal; Citizenship status - 3 years marriage or common law marriage duly acknowledged by a court decision. f) “Proposed spouses” is not a legal concept neither a autonomous ground for granting entry visas and or Residence permits</p>
	Romania	Yes	
	Slovak Republic	Yes	<p>This issue is regulated by the Act on Stay of Aliens – Article 23, paragraph 1, letter a) – temporary residence for the purpose of family reunification for the spouse of the foreigner with the residence permit in the SR. Further these issues are regulated in the Article 24 - 26 – conditions for granting the residence permit. In the Article 38, paragraph 1, letter b), point 4 the conditions for granting further permit are regulated. Attached is the relevant Act.</p> <p>1 a) b) Refers to Article 23, para 1, letter a) as below.</p> <p>Family reunification (1) A police unit shall issue a temporary residence permit for the purpose of family reunification to an alien who is</p> <p>a) a spouse of an alien with a temporary residence permit or with a permanent residence permit, provided that the spouses are at least 18-years old,</p> <p>Refers to Article 38, para 1, letter (b), point 4 Subsequent permit</p> <p>(1) A police unit shall issue a subsequent permit to an alien,</p>

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			<p>a) who was issued the first permit,</p> <p>b) who</p> <p>1. is a spouse of an alien with a permanent residence permit and who was issued temporary residence permit for at least five years immediately before the application's filing, or</p> <p>2 – 3 (a-f) Refers to articles 24-26</p> <p>(1) An alien shall file an application for a temporary residence permit in person, at a diplomatic representation accredited for the State which issued his/her travel document or at a diplomatic representation accredited for the State of his/her residence unless otherwise stipulated by this Act; provided that such diplomatic representation does not exist, or in cases worth a special attention, the Ministry of Foreign Affairs shall determine, upon previous agreement with the Ministry of Interior, a diplomatic representation, at which the alien shall file the application for a temporary residence permit. The authority which received the application shall issue the applicant with a certificate of receipt of the application on the day of its filing.</p> <p>(2) In the case of alien who is not required to have visa, or in the case of alien's temporary residence for the purpose of employment for which a permit is issued regardless of a situation on the labour market, 11b) or in the case of alien's stay under Articles 21 and 22 and Article 23(1)(b),(d) and (f), or in the case of stay of a spouse of an asylum holder, 1) or in the case of alien's stay under Article 23a, or in the case of alien with a long-term residence, or if so stipulated by an international treaty, the alien may file, in person, an application for a temporary residence permit also at a police unit. The police unit shall issue the applicant with a certificate of receipt of the application on the day of its filing.</p> <p>(3) An application for a temporary residence permit may be filed by an alien's family member with whom an alien under Article 23 requests the family reunification, provided that this alien cannot file the application in person due to his/her immobility.</p> <p>(4) An alien who was issued temporary residence permit may file an application for a change of the purpose of his/her stay also at a police unit; this shall not apply to an alien with a temporary residence permit</p> <p>a) under Article 20(2),</p> <p>b) under Article 21, except for an alien who had completed his/her studies and applied for a temporary residence permit for the purpose of employment or undertaking business,</p>
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		<p>c) for the purpose of the family reunification with an alien, who has been issued or had been issued a temporary residence permit for the purpose of undertaking business or employment.</p> <p>(5) An alien under paragraph 4(c) who became a widower/widow or whose marriage was divorced, and whose continuous temporary residence in the territory of the Slovak Republic has lasted for at least three years, or who became adult, may file an application for change of the purpose of his/her stay also at a police unit within 30 days from issuance of a certificate of death, divorce, or from the day when he/she became adult; Article 29(1)(a) shall not apply until issuance of a decision on such application.</p> <p>(6) An alien who represents or works for a foreign investor in the Slovak Republic and is at the same time a citizen of a Member State of the Organisation for Economic Co-operation and Development, as well as an alien representing or working for an important foreign investor 10bc) in the Slovak Republic, and a spouse or a child under 18 years of age of such alien may also file an application for a temporary residence permit in person at a police unit.</p> <p>(7) An alien with a long-term residence shall file an application for a temporary residence permit at a police unit within three months from the day of his/her entry.</p> <p>Article 25</p> <p>(1) An alien shall file an application for a temporary residence permit on an official form. At filing an application for a temporary residence permit, an alien shall be obliged to submit his/her travel document. Should the alien not submit his/her travel document, a diplomatic representation or police unit shall not accept the application for a temporary residence permit. The diplomatic representation shall not accept the application for a temporary residence permit if the application was not supported by a document certifying the purpose of stay or a document confirming his/her integrity from the country of origin, if required.</p> <p>(2) An alien shall be obliged to support the application for a temporary residence permit by two current photographs sized 3 x 3.5 cm made of the same negative.</p> <p>(3) An alien shall support the application for a temporary residence permit by documents not older than 90 days confirming</p> <p>a) the purpose of stay,</p> <p>b) integrity; this shall not apply in the case of alien under Article 23a, a change of the purpose of stay if the person concerned</p>
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			<p>is an alien with a long-term residence, an alien under 14 years of age, or an alien working for or representing an important foreign investor 10bc) in the Slovak Republic, his/her spouse and child – these persons shall not be obliged to submit any document from the Slovak Republic confirming their integrity;</p> <p>c) means of subsistence for stay; this shall not apply in the case of alien under Article 23a,</p> <p>d) accommodation arrangements during the temporary residence; this shall not apply in the case of alien who regularly crosses the State border in order to come to work or education institution from the neighbouring State, an alien issued temporary residence permit under Article 21 and studies at a university and an alien issued temporary residence permit under Article 22(2),</p> <p>e) the alien’s long-term residence,</p> <p>f) the consent under Article 23(2).</p> <p>(4) The alien shall prove the purpose of stay by</p> <p>a) a document confirming authorisation for undertaking business in the case of alien who applied for a temporary residence permit under Article 19,</p> <p>b) a work permit 10a) or employer’s certificate that the alien is to perform activities for which no work permit is required 10b), or by an international treaty in the case of alien who applied for a temporary residence permit under Article 20,</p> <p>c) a certificate issued by the respective government authority, school or other educational institution on the alien’s admission for study in the case of alien who applied for a temporary residence permit under Article 21,</p> <p>d) a certificate issued by a school or other educational institution on execution of lecturing activities in the case of alien who applied for a temporary residence permit under Article 22(1)(a),</p> <p>e) a certificate issued by a government authority or an art agency in the case of alien who applied for a temporary residence permit under Article 22(1)(b)</p> <p>f) a certificate issued by a sports organisation or the respective government authority in the case of alien who applied for a temporary residence permit under Article 22(1)(c),</p> <p>g) a certificate of an internship in the case of alien who applied for a temporary residence permit under Article 22(1)(d),</p> <p>h) a certificate issued by a government authority, which supervises performance of activities according to the programmes of the Government of the Slovak Republic or programmes of the European Economic Area in the case of alien who applied for a temporary residence permit under Article 22(1)(e),</p>
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		<p>i) an international treaty in the case of alien who applied for a temporary residence permit under Article 22(1)(f),</p> <p>j) a certificate from a healthcare institution regarding a treatment, or a document justifying the need to be accompanied, in the case of alien applying for a temporary residence permit under Article 22(1)(g),</p> <p>k) a certificate from an NGO on carrying out voluntary activities in the case of alien applying for a temporary residence permit under Article 22(1)(h),</p> <p>l) an agreement on engagement at a research institute or scientific institute in the case of alien who applied for a temporary residence permit under Article 22(2),</p> <p>m) a document issued by the Birth Registry in the case of alien who applied for a temporary residence permit under Article 23; in the case of single child under 18 years of age, a child under 18 years of age in custody of an alien, dependent child, a single parent dependent on care of an alien or a dependent person pursuant to an international treaty also by a document confirming this fact,</p> <p>n) an individual order or a collective order for transfer of the armed forces in the case of alien who applied for a temporary residence permit under Article 23a, or</p> <p>o) any other reliable document</p> <p>(5) Within 30 days from his/her entry or from issuing a temporary residence permit, an alien shall submit to a police unit a document confirming his/her health insurance for the time period of his/her stay in the territory of the Slovak Republic and a document confirming that he/she does not suffer from a contagious disease which endangers the public health; this shall not apply in the case of alien under Article 23a. The latter document shall not be older than 30 days; it does not have to be presented by an alien with a long-term residence.</p> <p>(6) Fulfilment of the requirements under paragraph 3(c),(d) and (f) must be proven by an alien with whom the alien under Article 23(1) requests a family reunification.</p> <p>(7) A diplomatic representation or police unit may request an alien to submit a document not older than 30 days confirming that he/she will not constitute a burden to the social security system of the Slovak Republic. A diplomatic representation or police unit may request an alien under Article 23a and an alien with a long-term residence to submit a document not older than 90 days confirming his/her integrity.</p> <p>(8) Should an alien file an application for a temporary residence permit for the purpose of family reunification with an asylum holder 1) within three months from issuing the asylum, 1) he/she shall submit, together with the application, only a travel</p>
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		<p>document and a document confirming their relationship or other proof of such relationship.</p> <p>(9) An alien shall prove means of subsistence for his/her stay in the amount of the subsistence minimum 3) per each month of the stay. An alien who applies for a temporary residence permit under Article 19 shall prove means of subsistence for his/her stay in the amount of at least five times the minimum wage per each month of the stay.</p> <p>Article 26 Decision-making on application for temporary residence permit</p> <p>(1) In decision-making on an application for a temporary residence permit, a police unit shall take into account</p> <p>a) the public interest, in particular all security aspects, economic needs of the Slovak Republic, in particular the level of contribution of the alien’s business activities to the economy of the Slovak Republic and the public health,</p> <p>b) interests of the alien’s minor child, the alien’s personal and family situation, his/her financial situation and the length of his/her previous stays and of intended stay.</p> <p>(2) A police unit shall refuse an application for a temporary residence permit if</p> <p>a) the alien is an undesirable person,</p> <p>b) there are reasonable grounds to suspect that during his/her stay the alien would endanger security of the State, the public policy, health or rights and freedoms of others and, in the determined territories, also nature,</p> <p>c) it can be assumed that the alien would constitute a burden to the social security system and to the healthcare system of the Slovak Republic,</p> <p>d) there are reasonable grounds to suspect that the alien entered into marriage with the aim to obtain a temporary residence permit,</p> <p>e) it concerns another spouse of an alien who was issued temporary residence permit in the case of polygamous marriage,</p> <p>f) an alien stated false, incomplete or misleading data or submitted counterfeit or forged documents, or a document belonging to another person,</p> <p>g) data in a travel document do not correspond with reality,</p> <p>h) an alien does not fulfil the requirements for being issued temporary residence permit,</p>
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			<p>i) issuing temporary residence permit is not in the public interest.</p> <p>(3) A police unit shall decide on the application for temporary residence permit within 90 days; in particularly complicated cases the time limit may be extended by a maximum of 90 days. In case of alien under Articles 21 and 22 and Article 24(6) the police unit shall make decision within 30 days from delivery of the complete application.</p> <p>(4) Should a temporary residence permit was issued, the decision shall not be issued.</p> <p>(5) A police unit shall inform the State of the European Economic Area, in which the alien has had a long-term residence, on issuing a temporary residence permit.</p> <p>(6) There is no claim to have issued temporary residence permit to an alien, unless otherwise stipulated by this Act.</p>
	Slovenia	Yes	
	Spain	Yes	<p>1. Yes. In accordance with Spanish legislation on alien affairs and immigration, a foreign resident (non-EU citizen or from the European Economic Area) is entitled to reunite the following family members³ with him/her in Spain:</p> <p>a) One's spouse, as long as he/she has not been separated de facto or de jure and that the marriage has not been held in abuse of the law. In no case may more than one spouse be reunited, even when the law in the foreign country permits this type of marriage. A resident alien separated from his/her spouse and subsequently remarried once or several times, may only be reunited with the most recent spouse if said alien certifies that the separation(s) from previous marriage(s) has been effectuated per a judicial process setting forth the situation for the ex-spouse(s) and the children born of the union(s) as to shared housing, financial provisions for the ex-spouse(s) and palimony for either minors or legal adults dependent on him/her. When the marriage has been annulled, the economic rights of the spouse and children born of the union, as well as any compensation, must have been settled in good faith.</p> <p>b) Children of the resident and his/her spouse, including adopted children, as long as these are minors under eighteen years of age or persons with a disability who are objectively unable to independently provide for their own needs, due to their health conditions. 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. In the case of adopted children, one must prove that the resolution of agreement as to the adoption fulfils the</p>

³ Article 17.4 of Organic Law 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration (henceforth **Organic Law 4/2000 of 11 January**)

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			<p>necessary elements to be effective in Spain.</p> <p>c) Minors under eighteen years of age or adults with a disability who due to their health conditions are objectively unable to independently provide for their own needs, when the resident alien is their legal representative and the legal arrangement from which representative powers arise does not contravene the principles of Spanish law.</p> <p>d) Family ascendants to the first degree of the reuniting family member when one is responsible for their support, they are over the age of sixty-five, and reasons exist to justify the need for authorizing their residency in Spain. Regulations will set forth the conditions for reunification of ascendants of long-term residents of another European Union Member State, workers who hold the EU blue card, and beneficiaries of the special scheme for researchers. Due to exceptional circumstances of a humanitarian nature, ascendants under the age of sixty-five may be entitled to reunification if the remaining conditions established by this Law are fulfilled.</p> <p>A foreigner may exert the right to family reunification upon the renewal of his/her initial residence permit, excepting the reunification of ascendants, whom may only be reunited as of the moment when the foreign resident obtains long-term residence.</p> <p>2. Yes, the spouse or unmarried partner of the foreign resident may apply for Spanish nationality or a long- term residence permit if that person meets the requirements set forth in Spanish legislation.</p> <p>3. a) Spanish law does not establish a minimum age requirement neither for the foreigner who wishes to reunite nor for the spouse/unmarried partner, though the foreign resident must have lived in Spain for at least one year and have applied to renew of his/her permit in order to be entitled to exert the right to family reunification. Likewise, the fulfilment of certain requirements must be certified, like having adequate housing and sufficient economic resources to meet one’s own needs as well as those of the family.</p> <p>b) Spanish legislation does not contemplate the need for demonstrating that the foreign spouse/unmarried partner whom is to be reunited knows the language in order to be apt for residence in Spain. However, legislation does set forth that “the Public Administrations will promote the participation of the reunited family members in socio-cultural insertion and language-related programmes”⁴.</p> <p>c) Spanish legislation⁵ sets forth that the foreign resident in Spain who is to reunite certain family members must certify,</p>
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⁴ Article 18.2 of Organic Law 4/2000 of 11 January.

⁵ Article 18.2 of Organic Law 4/2000 of 11 January.

UK EMN Ad-Hoc Query: Marriage – rights to entry and permanent residence

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			<p>under the terms laid down in regulations, that he/she has adequate housing and sufficient economic resources to meet one's own needs as well as those of the family after reunification.</p> <p>When evaluating income for the purposes of reunification, those obtained of social assistance schemes are not considered, but other income obtained by the spouse resident in Spain and who lives with the reuniting family member is taken into account.</p> <p>d) The certification of sufficient economic means is pending specification in the Regulations of Organic Law 4/2000, which the Spanish government is currently developing.</p> <p>In order to obtain a long-term residence permit, one must have resided in Spain during five continuous years, a term which may be shortened under special circumstances of the foreigner's ties with Spain.</p> <p>The acquisition of Spanish nationality through residency depends on the foreigner's nationality (this may be 2, 5 or 10 years) or one's personal circumstances (for example, having been born in Spain or being married to a Spaniard, amongst others).</p>
	Sweden	Yes	
	United Kingdom	Yes	<p>1) a) b) Yes, citizens or persons granted permanent residence in the UK can bring non-EU spouses/proposed spouses and other partners to the UK. People resident in the UK who are British citizens by birth or who have acquired citizenship or who have acquired long-term permanent residence are all permitted to bring the following family members to the UK: spouse, civil partner, fiancé, proposed civil partner, unmarried partner or same sex partner.</p> <p>The UK treats all citizens and permanent residents equally in allowing them to bring family members to the UK. Family members who are already in the UK can apply to become temporary residents</p> <p>British citizens and long term permanent residents are also permitted to bring children under the age of 18 and other dependent relatives, such as parents and grandparents over the age of 65 in exceptional, compassionate circumstances.</p> <p>2) All spouses and other partners associated with the above citizens/residents have the possibility to apply for long-term permanent residence or citizenship in the UK.</p> <p>3) a) The UK has a minimum age requirement of 21 for both the British citizen or long term permanent resident and their non-EU national spouse/partner. This requirement was introduced on 27 November 2008.</p>

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			<p>b) From 29 November 2010, spouses/partners intending to come to the UK (or applying from within the UK) will need to have passed an English language test. This will be a speaking and listening test in English to level A1 of the Common European Framework of Reference (CEFR). The test should be administered by an approved test provider. This requirement is intended to help support integration into British society and minimise impacts on public service provision.</p> <p>A spouse/partner is required to show that they have sufficient knowledge of language and life in the UK to qualify for permanent residence. They can meet this requirement by passing the ‘Knowledge of Life’ test which assesses English language at level B1 of the CEFR. A spouse/partner whose level of English is below B1 can meet the requirement by attending an English for Speakers of Other Languages course.</p> <p>c) The British citizen or permanent resident and their spouse/partner are required to show they have sufficient resources (and suitable accommodation) to support themselves.</p> <p>d) The UK does not specify a minimum amount of income but will assess each application individually and make a decision depending on the circumstances of the couple.</p> <p>e) A non EU spouse who has completed a period of 2 years temporary residence in the UK will be eligible for permanent residence. To qualify for permanent residence the relationship must still be subsisting and the couple should continue to have sufficient resources.</p> <p>To qualify for British citizenship a spouse must have completed a period of 3 years legal residence in the UK</p> <p>f) N/A.</p>
	<p>Norway</p>	<p>Yes</p>	<p>1. a) Yes, citizens or persons granted residence can bring non-EU citizens spouses/proposed spouses or other partners to Norway.</p> <p>b) The following citizens/residents are permitted to bring non-EU citizens spouses/proposed spouses or other partners to Norway:</p> <ul style="list-style-type: none"> - people resident in Norway who are citizens/nationals either by birth or acquired citizenship at a later date - people resident in Norway with a residence permit - people resident in Norway with a citizenship from another Nordic country (Finland, Sweden, Denmark or Island) <p>There are, however, a few types of resident permits that do not give the rights to bring family members to Norway.</p>

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		<p>2. Associated spouse or partner can apply for long-term permanent residence.</p> <p>3. a) According to the Norwegian Marriage Act, the age requirement for both the person resident in Norway and for their non-EU national spouse/proposed spouse is 18 years.</p> <p>b) When the first residence permit is granted, the foreigner is obligated to fulfil 250 hours Norwegian language courses and 50 hours general civics. There are no conditions for pre-skills in language. However, to be granted a permanent residence permit one has to document that the courses is accomplished, or the applicant has to pass a test in his Norwegian skills.</p> <p>c) Norwegian residents have to document that he/she has sufficient resources to meet the family’s living costs.</p> <p>d) The amount of minimum level of income/resources and how it is earned, is regulated in Immigration Regulations §§ 10-8, 10-9, 10-10 and 10-11. The Norwegian resident has to have an income that is equivalent to state salary step 8, which per today are 225.400 Norwegian crowns. It is also regulated that the income has to be either salary, or if it’s a permanent payment after the National Insurance Act. The students need to prove that they are fulltime students and are following their study plan to get an exemption from the requirement. In addition, the Norwegian residents have to document that he/she has had sufficient income over a certain period. This is done through tax reports from previous year. The Norwegian residence has to document that he has not received any social benefits the last 12 months.</p> <p>The Norwegian residence also has to document that he/ she has either worked or studied four years in Norway before the spouse can get a permit. Also a combination of work and studies are accepted. The purpose for this condition is to avoid forced marriages. This condition applies only for family establishment (the family relationship has been established after the Norwegian residence has moved to Norway) and not for family reunion. This is not a requirement for Norwegian citizens per today.</p> <p>e) Associated spouse or partner can apply for long-term permanent residence after three years with a permit on the basis of family immigration in Norway. Non-EU citizens can apply citizenship in Norway after seven years stay with a permit. Non-EU citizens with Norwegian spouses can apply citizenship after three years if the combination of length of marriage and time in Norway is summed up as seven years (for example, staying in Norway with permit three years and married for four).</p> <p>f) To be granted a permit on the basis of family immigration, there are several other conditions in Norwegian Immigration Act that needs to be met. The conditions are required in order to control that the claimed relationship is real and to avoid</p>
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			<p>misuse of the system.</p> <p>The Norwegian Immigration Act requires that the applicant documents one’s identity. The applicant has to submit a national passport. In addition, it can be required other documentation to support information in passport. Other documentation can be a birth certificate or a certificate of residence in home country.</p> <p>Norwegian Immigration Act denies the permit if the marriage is fake (“sham marriage”); if the marriage was entered in order to gain a residence permit in Norway. To clarify that the relationship is “real”, we use different methods. Both the Norwegian residence and the spouse are usually interviewed before granting the permit. Elements that we’re especially concerned about are listed in Circular GI-2010-001 by the Ministry of Justice and are as follows:</p> <ul style="list-style-type: none"> • contact between the partners; how long they have known each other, how often they have contact and in which form • how well partners know each other • if they give similar answers to questions regarding their relationship • if they have a common language • age difference between the partners • if the marriage is untypical compared to marriages in the region they come from • if the marriage is entered by force or abuse • if the close family members of one of the partner has entered a fake marriage previously • if the marriage has been entered shortly after applying a residence permit with another ground, for instance first applied asylum in Norway • if previous spouses are living together with the partners <p>The Immigration Act allows residential checks to find out whether the couple is living together as claimed. These residential checks are performed by the police.</p> <p>When it’s uncertain that the claimed relationship is “real” and the applicant comes from the country with low notoriety of official documents, the Norwegian Directorate of Immigration can offer a DNA-test. This is voluntarily for the applicant and the Norwegian residence.</p>
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