

Compilation Ad-Hoc Query on Family Reunification

Requested by SI EMN NCP on 28th April 2011

Responses from Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Italy, Latvia, Lithuania Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Sweden, United Kingdom, Norway (21 in Total)

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1. Background Information

For purpose of future planning of our policy in the field of family reunification for third country nationals (TCNs) The Republic of Slovenia would like to obtain information how the other MS transposed Directive 2003/86/EC on the right to family reunification. We are mainly interested in personal scope and conditions for admission (articles 4, 5, 7 and 8). Please provide only information for 'pure' TCN-TCN situations (no more favourable schemes for specific categories of sponsors e.g. researchers, highly-skilled...)

We would very much appreciate your responses by **28th May 2011!**

2. Responses¹

		Wider Dissemination? ²	

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

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			<p>1. Scope (art.4): Do you allow family reunification with the following persons: a) registered partners b) de-facto partner (duly attested stable long-term relationship)</p> <p>Is there a minimum age limit for spouses?</p> <p>2. Submission of applications (art. 5): Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))?</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled: a) accomodation b) sickness insurance c) means of subsistence d) integration measures e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health)</p> <p>4. Prior lawful residence (art. 8): a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? b) Duration of required prior residence c) Additional (pre)conditions (art. 3)</p>
	Austria	No	
	Belgium	Yes	1a: yes (minimum age: 21) 1b: No

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>2: Yes (only when legal stay)</p> <p>3a: Yes 3b: Yes 3c: No 3d: No (although once the person has obtained his residence permit, the Flemish region requires integration courses) 3e: Medical attestation that proves that the person applying does not have a contagious disease as listed in the annexe of the immigration law.</p> <p>4a: No 4b: No 4c: No</p>
	Bulgaria	Yes	
	Cyprus	Yes	<p>1. a. No b. No</p> <p>2. Only in cases where the sponsor is employed by International Business Companies</p> <p>3. a. Yes b. Yes c. Yes d. No e. Sponsor's and family members' passports must be valid at least for 2 years The duration of the marriage must be at least one year prior to the application The sponsor's spouse minimum age is 21 Children must be under 18 years old and not married</p> <p>4. a. Yes b. 2 years, except in cases where the sponsor is employed by International Business Companies c. The sponsor has to have a valid residence permit of at least 1 year validity and must have reasonable prospects of obtaining the right of permanent residence in the Republic</p>

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	Czech Republic	Yes	<p>1a) Yes. 1b) No. There is a minimum age limit for spouses (20 years).</p> <p>2) The application can be submitted at the Ministry of the Interior in case that the family member is already in the territory for other purpose.</p> <p>3a) Yes. 3b) Yes. 3c) Yes. 3d) No. 3e) Documents proving the family relationship.</p> <p>4a) Yes. 4b) 15 months. 4c) No.</p>
	Denmark	Yes	
	Estonia	Yes	<p>1. Do you allow family reunification with the following persons: a) registered partners – NO, only partners through marriage. b) de-facto partner (duly attested stable long-term relationship) – NO</p> <p>Is there a minimum age limit for spouses? NO</p> <p>2. Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))? Only when the family member is a child under the age of 1 or if the family member is a third-country national who is exempt from visa requirement.</p> <p>3. Do you request the following conditions to be fulfilled: a) accomodation? YES b) sickness insurance? YES c) means of subsistence? YES d) integration measures? NO, only when applying for a long-term resident's residence permit. e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health)?</p>

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			<p>4. a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? NO, the only precondition is that the spouse with whom the other family members are about to be united has to be in a possession of a valid legal basis for stay in Estonia.</p> <p>b) Duration of required prior residence: N/A</p> <p>c) Additional (pre)conditions (art. 3): If the spouses have been married for less than one year then the temporary residence permit issued on the grounds of family reunification shall not be issued for longer than one year and for the next three years the residence permit will be prolonged for no more than 1 year at a time. If the spouses have been married for at least 3 years then the temporary residence permit issued on the grounds of family reunification shall not be issued for longer than 3 years and it will not be prolonged for more than 3 years at a time. In any case, the validity of the residence permit issued for family reunification may not exceed the validity of the residence permit issued to his or her spouse.</p>
	Finland	Yes	<p>Scope (art.4):</p> <p>a) Yes</p> <p>b) Yes, 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 or the cohabitants have joint custody of a child, it is not required that the spouses have lived together for two years</p> <p>Is there a minimum age limit for spouses? Yes, according to Marriage Act a person less than 18 years of age shall not marry.</p> <p>2. Submission of applications (art. 5):</p> <p>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 <u>Finnish diplomatic mission</u> of the country of residence. Alternatively, the sponsor living in Finland can submit the application to the police in Finland. 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</p> <ul style="list-style-type: none"> • 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.

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			<p>3. Conditions for admission (art. 7):</p> <p>a) No b) No c) Yes d) No e) None</p> <p>4. Prior lawful residence (art. 8):</p> <p>a) Yes and No. The main principle is that the sponsor should have residence permit in Finland in order to apply for family reunification. In some cases the family members may lodge applications for residence permit together with the sponsor. This e.g. when the other parent has gained a job in Finland and the rest of the family will join him or her at the same time. b) None c) None</p>
	France	Yes	
	Germany	Yes	<p>1. a) Yes. b) No. In principle, both spouses must be not less than 18 years of age.</p> <p>2. Yes.</p> <p>3. a) Yes. b) Yes. c) Yes. d) Yes (the spouse wanting to join must prove basic knowledge of the German language). e) Family reunification is not admitted if it is established that the marriage or the family relationship was entered or concluded for the sole purpose of facilitating entry into the Federal territory for the person wanting to join or if there is genuine evidence that one of the spouses has been forced into marriage. The requirements a) to d) may be waived in specific cases, e.g. for persons wanting to join a foreigner who has been granted refugee status.</p>

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			<p>4. a) Yes. b) There are no requirements regarding the duration of stay of the foreigner to be joined. c) The foreigner to be joined must be in possession of a residence permit (generally issued for at least one year) or of an unlimited residence title.</p>
	Greece	Yes	<p>1. Scope (art.4): Do you allow family reunification with the following persons: a) registered partners (GR: no) b) de-facto partner (duly attested stable long-term relationship) (GR: no)</p> <p>Is there a minimum age limit for spouses? (GR: no)</p> <p>2. Submission of applications (art. 5): Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))? (GR: no, except in cases of marriage of third country nationals already residing lawfully in Greece and children born in Greece. In these cases there is no need to have a visa for family reunification or to fulfill the required prior residence)</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled: a) accommodation (GR: yes) b) sickness insurance (GR: yes) c) means of subsistence (GR: yes) d) integration measures (GR: no) e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health) (GR: none)</p> <p>4. Prior lawful residence (art. 8): a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? (GR: yes) b) Duration of required prior residence: (GR: 2 years) c) Additional (pre)conditions (art. 3): (GR:none)</p>
	Hungary	Yes	

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	Ireland	Yes	
	Italy	Yes	<ol style="list-style-type: none"> 1. A) No B) No Yes (18 years, with some really specific exceptions) 2. No 3. A) Yes B) Yes (in specific cases) C) Yes D) No E) None 4. A) Yes B) Yes (One year) <p>C) The sponsor has to have a valid resident permit for work, asylum, study, religious or family reasons or an EC residence permit for long-term residents.</p>
	Latvia	Yes	<p>1. Scope (art.4): Latvia does not allow family reunification with registered partners and de-facto partners (unless they are family members of Union citizens). Minimum age limit has not been set in Immigration Law, however partners should be of age, stipulated in the Civil Law – at least 18 years old.</p> <p>2. Submission of applications (art. 5): A general rule stipulates that an application should be submitted while the family member resides outside of the territory of Latvia. However there are some exceptions of this rule when the family member is allowed to submit an application when s/he is already present in territory of Latvia: - if s/he is a minor child; - if s/he is a citizen of visa-free country; - if sponsor – third-country citizen has been allowed to submit an application in territory of Latvia (for example, scientists, teachers, sportsmen, persons with a Latvian ethnic origin, retired parents of citizen of Latvia etc.)</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled: a) accommodation – yes, but there are no any conditions or requirements for this accommodation. b) sickness insurance - yes c) means of subsistence - yes</p>

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			<p>d) integration measures – no (only when person is entitled to apply for a permanent residence permit – then s/he should prove a knowledge of state language, level A2)</p> <p>e) other – document certifying that person is not suffering from tuberculosis.</p> <p>4. Prior lawful residence (art. 8):</p> <p>a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? – no.</p> <p>b) Duration of required prior residence: not applicable</p> <p>c) Additional (pre)conditions (art. 3): not applicable.</p>
	Lithuania	Yes	<p>1. a) yes; b) no. Yes, both spouses and partners must be at least 21 years old.</p> <p>2. Yes, if the family member is legally present.</p> <p>3. a) yes; b) yes; c) yes; d) no; e) if needed, a list of travels to and residing in foreign states; it also has to be verified/established that the marriage or the registered partnership is not fictitious.</p> <p>4. A) yes, except for several cases; b) 2 years; c) the sponsor has to have a valid residence permit of at least one year validity and reasonable prospects to obtain the right of permanent residence.</p>
	Luxembourg	Yes	<p>1. Scope (art.4):</p> <p>Art.70 of the law on the free movement of persons and immigration defines the scope of application for family reunification. The following third country nationals are eligible for family reunification:</p> <p>a) the sponsor's spouse</p> <p>b) the partner of the sponsor (registered partnership in accordance with the basic terms of Art. 4 of the law of 9th July 2004 on the legal effects of certain partnerships). Art 4(4) sets legal residence of both parties (only for third country nationals) prior to the partnership registration as a pre- condition.</p>

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			<p>c) the sponsor's or the partner's/spouse minor children/child under the condition of holding custody, and in the case of shared custody under the condition that the other holder of the rights of custody has given his consent.</p> <p>The minister may authorise the entry and residence of the following family members:</p> <p>d) first-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin</p> <p>e) adult children (non-minors) of the sponsor or his or her spouse where they are objectively unable to provide for their own needs on account of their state of health.</p> <p>b) The actual legislation does not foresee the possibility of de-facto partner.</p> <p>The partner/spouse needs to be 18 years old (Art.70 (2) of the law on the free movement of persons and immigration).</p> <p>2. Submission of applications (art. 5): The general rule is that the application must be submitted by the family member in his country of origin (Art 73(4)). Nevertheless, the ministry can accept the application in exceptionnels conditions that are duly reasoned when the family members are already in the country (Art. 73(5)).</p> <p>3. Conditions for admission (art. 7): a) Adequate accomodation: Yes. b) Sickness insurance: Yes, the applicant must prove that he has an insurance that covers his family and himself. c) Means of subsistence: Yes. The sponsor has to prove that he has a regular income to support his family and himself, without recurring to social aid. d) Integration measures: No. e) Other: The applicant must has a valid resident permit of at least one year and he has to prove that he has resided in the country for the last 12 months. The only exceptions to these rules are for beneficiaries of international protection (subsidiary protection) (Art. 69(2) of the law on the free movement of persons and immigration and Art. 68 of the law on the right to asylum and complemetary forms of protection).</p> <p>4. Prior lawful residence (art. 8): a) Yes. b) Duration of required prior residence: One year (12 months).</p>
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			c) Additional (pre)conditions: Yes. He has to have a valid residence permit of more than one year validity.
	Malta	Yes	<p>1. Scope (art.4): Do you allow family reunification with the following persons: a) registered partners (SI: no) b) de-facto partner (duly attested stable long-term relationship) (SI: no)</p> <p>Is there a minimum age limit for spouses? (SI: no)</p> <p>2. Submission of applications (art. 5): Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))? (SI: no)</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled: a) accomodation (SI: no) b) sickness insurance (SI: yes) c) means of subsistence (SI: yes) d) integration measures (SI: no) e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health) (SI: none)</p> <p>4. Prior lawful residence (art. 8): a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? (SI: yes) b) Duration of required prior residence: (SI: 1 year) c) Additional (pre)conditions (art. 3): (SI: the sponsor has to have a valid residence permit of at least one year validity)</p>
	Netherlands	Yes	<p>1. Scope Do you allow family reunification with the following persons: a) registered partners b) de-facto partners (duly attested stable long-term relationship)</p> <p>Is there a minimum age limit for spouses?</p>

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			<p>a) Yes b) Yes</p> <p><i>The Netherlands have a minimum age requirement of 21. An exception to this rule is the situation in which the age of fifteen has been reached and the marriage already existed in the country of origin, before the person residing in the Netherlands was granted lawful residence.</i></p> <p>2. Submission of applications Can application be submitted when the family member is already in your territory?</p> <p><i>In general applications should be submitted when the family members are residing outside the territory. This does not apply to nationalities that do not need a provisional residence permit. Furthermore exceptions can be made under exceptional circumstances.</i></p> <p>3. Conditions for admission Do you request the following conditions to be fulfilled:</p> <p>a) accomodation b) sickness insurance c) means of subsistence d) integration messures e) other (except travel documents and evidence of not posing threat to public policy/security/health)</p> <p>a) no b) yes c) yes d) yes e)- <i>The sponsor and his/her partner must (intend to) live together and must (intend to) have a joint household.</i> - <i>The partner (in case of a non marital or non registered partners) must stand surety for the costs that may arise from the stay of his/her partner.</i> - <i>Polygamy is not accepted.</i> - <i>Non marital and non registered partners have to prove not to be married.</i> - <i>The (non) marital status has to be demonstrated with official legalized documents.</i></p>
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			<p>4. Prior lawful residence</p> <p>a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his/her family members to join him/her?</p> <p>b) Duration of required prior residence</p> <p>c) Additional (pre)conditions</p> <p>a) Yes</p> <p>b) No minimum duration of prior residence is required.</p> <p>c) The sponsor must have non temporal lawful stay.</p>
	Poland	Yes	<p>Ad.1. a,b –spouses only No minimum age limit.</p> <p>Ad. 2. YES</p> <p>Ad. 3. a) YES b) YES c) NO (however, stable and regular source of income is required; this condition is fulfilled also if met by the sponsor (family member already residing in Poland) d) NO e) NONE (except lack of general obstacles like false testimony or documents, presence of personal data in SIS or national register, illegal stay in Poland etc.)</p> <p>Ad. 4. a) YES. b) and c) A foreigner has a right to family reunification if he/she resides on the territory of the Republic of Poland on a basis of :</p> <ul style="list-style-type: none"> • permit to settle – granted after long (depending on circumstances) period of residence in Poland. • long-term resident's EC residence permit – granted after at least 5-year stay • refugee status or subsidiary protection; • at least for two years on the basis of residence permit for a fixed period (current permit granted for at least one year);
	Portugal	Yes	<p>1. Scope (art.4):</p> <p>a) Yes.</p> <p>b) Yes.</p> <p>Is there a minimum age limit for spouses? No.</p> <p>2. Submission of applications (art. 5):</p> <p>Yes.</p>

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			<p>3. Conditions for admission (art. 7): a) Yes. b) No. c) Yes. d) No. Integration measures (like language courses) are done in a voluntary basis. e) Nothing to refer.</p> <p>4. Prior lawful residence (art. 8): a) Yes. b) There are no formal minimum lawfully stay. c) The sponsor has to have a valid residence status.</p>
	Romania	Yes	<p>1. Scope (art.4): Do you allow family reunification with the following persons: a) registered partners (SI: no) No b) de-facto partner (duly attested stable long-term relationship) (SI: no) No</p> <p>Is there a minimum age limit for spouses? (SI: no) 18 years old (set by the Family Code)</p> <p>2. Submission of applications (art. 5): Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))? (SI: no) Yes</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled: a) accommodation (SI: no) Yes b) sickness insurance (SI: yes) Yes c) means of subsistence (SI: yes) Yes d) integration measures (SI: no)</p>

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			<p>No</p> <p>e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health) (SI: none)- No</p> <p>4. Prior lawful residence (art. 8):</p> <p>a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? (SI: yes) Minumun 1 year residence permit</p> <p>b) Duration of required prior residence: (SI: 1 year) No</p> <p>c) Additional (pre)conditions (art. 3): (SI: the sponsor has to have a valid residence permit of at least one year validity) Yes. The same</p>
	Slovak Republic	Yes	<p>1. Scope (art.4):</p> <p>a) NO</p> <p>b) NO</p> <p>Is there a minimum age limit for spouses? Yes, the spouses must be at least 18-years old.</p> <p>2. Submission of applications (art. 5):</p> <p>NO (however, there are certain exceptions pursuant to the Article 24 (b) of the Act No. 48/2002 Coll. on the Stay of Aliens as amended)</p> <p>3. Conditions for admission (art. 7):</p> <p>a) YES</p> <p>b) YES</p> <p>c) YES</p> <p>d) NO</p> <p>e) NO</p>

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			<p>4. Prior lawful residence (art. 8):</p> <p>a) YES b) NO c) NO</p>
	Slovenia	Yes	<p>1. a) NO b) NO</p> <p>2. NO</p> <p>3. a) NO b) YES c) YES d) NO e) None</p> <p>4. a) YES b) One year c) The sponsor has to have a valid residence permit of at least one year validity</p>
	Spain	Yes	
	Sweden	Yes	<p>1. a) YES b) YES</p> <p>Yes, there is a minimum age limit for spouses.</p> <p>2. Yes, but further conditions must be fulfilled if RP is to be granted.</p> <p>3. Sweden has a support/housing requirement which, basically, aims at the sponsor. There are, however, exceptions from this. If, in a specific case, no exception is applicable, the answers to the questions will be as follows.</p>

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			<p>a) YES b) NO c) YES d) NO e) None</p> <p>4. a) Lawful stay will suffice, as will even RP. b) – c) The sponsor must hold a residence permit valid for one year or more and have reasonable prospects of obtaining right of permanent residence, all in accordance with art. 3.1.</p>
	United Kingdom	Yes	<p>The UK has not opted into the family reunification directive.</p> <p>The responses below set out the UK's current immigration requirements. The UK will be publishing a consultation this year setting out proposals for changes to the family route to tackle abuse, improve integration and reduce burdens on the taxpayer. It is likely that changes to the family route will be made following this consultation.</p> <p>1. Scope (art.4): Do you allow family reunification with the following persons: a) registered partners - b) de-facto partner (duly attested stable long-term relationship)</p> <p>Is there a minimum age limit for spouses?</p> <p>A spouse or civil partner can apply to come to the UK or reside in the UK on the basis of their relationship with a British citizen or permanent resident. Unmarried partners and same sex partners can also come to the UK provided they have been living together for a minimum period of 2 years. There is a minimum age requirement of 21 for both the partner coming to the UK and their sponsor.</p> <p>Third country nationals who are partners (spouses, civil partners, unmarried partners or same sex partners) of those coming to work in the UK can apply to come to the UK.</p> <p>From summer 2011, third country nationals who are studying in the UK can only bring their dependent family members (partner and children) where their course is at least 12 months long and at post-graduate level.</p>

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		<p>The minimum age requirement of 21 does not apply to partners of workers or students.</p> <p>2. Submission of applications (art. 5): Can application be submitted when the family member is already present in your territory (exception to the general rule of article 5(3))?</p> <p>An application for residence in the UK on the basis of a relationship with a British citizen, permanent resident or temporary resident can be submitted from within the UK. The family member must have permission to reside in the UK at the time of the application.</p> <p>3. Conditions for admission (art. 7): Do you request the following conditions to be fulfilled:</p> <ul style="list-style-type: none"> a) accomodation b) sickness insurance c) means of subsistence d) integration measures e) other (please list any eventual additional conditions, except travel documents and evidence of not posing threat to public policy/security/health) <p>Evidence of adequate accommodation and sufficient funds are requirements for all family members.</p> <p>Sickness/health insurance is not a requirement.</p> <p>Spouses and partners of British citizens and permanent residents are required to demonstrate that have knowledge of the English language (minimum level is A1 of the Common European Framework of Reference speaking and listening skills).</p> <p>4. Prior lawful residence (art. 8):</p> <ul style="list-style-type: none"> a) Do you require the sponsor to have stayed lawfully in your territory before he/she is allowed his family members to join him/her? b) Duration of required prior residence: c) Additional (pre)conditions (art. 3):
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			If the application is submitted from abroad, no previous residence in the UK is necessary.
	Norway	Yes	<p>Norway is not bound by Directive 2003/86 EC. The following answers are based on the Norwegian Immigration Act.</p> <p>1a) Yes b) Yes</p> <p>2 As a main rule no, but spouses, cohabitants and children may on certain conditions apply when present on our territory.</p> <p>3a) for close family member no, for more distant family members yes b) No c) Yes d) in some cases, see attached Immigration Act section 40 a e) Several, se attached immigration Act chapter 6</p> <p>4a) Yes b) no c) The sponsor has to have a residence permit that can provide a basis for a permanent residence permit.</p>
