



Ad-Hoc Query on Directive 2003/86/EO

Requested by BG EMN NCP on 14 March 2011

Compilation produced on 19 July 2011

Responses from Austria, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, United Kingdom plus Norway (15 in Total)

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1. Background Information

According Article 5 (1) from abovementioned Directive: “Member States shall determine whether to exercise the right to family reunification, the application for entry and residence shall be submitted to the competent authorities of the Member State concerned by the candidate or member or family members.”

The questions are:









- 1) where the application for family reunification should be submitted:
 - a) in the territory of the Member State concerned or
 - b) in consular offices abroad.

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2) Who should submit it / the person who already have residence permit in MS or family members/?





The following Ad-Hoc Query was requested because of the deadline for changes in Bulgarian Law for foreigners.

2. RESPONSES TO BG NCP QUESTIONS






		Wider Dissemination? ¹	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<p>1) As a general rule an alien, who is applying for temporary residence permit to settle with a spouse or a close relative, shall submit the application to the representation of Estonia who verifies the identity of the persons and then forwards the application to the Police and Border Guard Board for further proceedings.</p> <p>2) Application shall be submitted by the family member who wishes to exercise the right of family reunification. Actions concerning an application for a temporary residence permit for a child under 15 years of age or an alien ward shall be performed by his/her legal representative.</p> <p>With regard to the asylum procedure our answers are as follows:</p> <p>1) Family member of an asylum seeker may submit the application for a residence permit to the Police and Border Guard Board in the territory of the Member States or at the border.</p> <p>Application for a residence permit should be submitted either by the family member or by his/her legal representative.</p>
	Finland	Yes	1+2) Family members and minor, unmarried children <u>of a Finnish citizen</u> may come to Finland without having acquired a residence

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			<p>permit in advance and apply for the permit in Finland. They may stay in Finland while waiting for the decision on the permit application. If they need a visa in order to be able to travel to Finland they must file an application for a visa with a Finnish mission. The mission then decides whether the conditions for issuing a visa are fulfilled.</p> <p>People other than family members must stay abroad during the processing of the permit application.</p> <p>In Finland, a permit application is submitted to the police. If abroad, the application is submitted to a Finnish diplomatic mission.</p> <p>Family members of <u>an alien living in Finland</u> must apply for a residence permit while abroad, prior to coming to Finland. The permit application should be submitted to the Finnish diplomatic mission of the country of residence. Alternatively, the sponsor living in Finland can submit the application to the police in Finland.</p> <p>The applicant must remain abroad while waiting for the decision on the permit application.</p> <p>However, a family member may come to Finland without having acquired a residence permit in advance and apply for the permit when in Finland if the family members intend to continue their family life previously begun abroad.</p>
	France	Yes	<p>1) In France, the application for family reunification should be submitted to the competent authorities on the French territory.</p> <p>When the permission is granted by the State representative in the “département” (local administrative department), the family member should apply for a visa in the French consulate (this allows a proper entry) and within 3 months after his arrival in France, he should apply for a residence permit (only for family members aged 18 and older).</p> <p>2) The person who already has residence permit in France should submit the application for family reunification.</p>
	Germany	Yes	<p>1(b) For family reunification, it is necessary that the family members apply for a residence title in form of a visa at a German representation abroad.</p> <p>2) In principle, the visa application must be made personally by the family member wishing to join. If the third-country national to be joined enjoys international protection, he or she may lodge the application. However, the family member wishing to join must present himself or herself before the German representation in the course of the visa procedure.</p>
	Greece	Yes	
	Hungary	Yes	<p>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 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</p>








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			<p>card.</p> <p>The <u>first applications</u> for residence permits may be submitted at any consulate officer of Hungary, or any other agency authorized to accept such applications for residence permit in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.</p> <p>Third-country nationals shall submit applications for the <u>extension</u> of their residence permit to the regional directorate.</p>
	Ireland	Yes	
	Italy	Yes	<ol style="list-style-type: none"> 1) Reunification family application must be submitted in the national territory, directly to the Local Governmental Office or Prefecture ad hoc desk called "Immigration Single Desk". 2) The application can be only be submitted by one relative legally staying in Italy and can not be submitted by the applicant for whom family reunification is required.
	Latvia	Yes	<ol style="list-style-type: none"> 1. An application for family reunification can be submitted simultaneously with the application for a residence permit of sponsor. It means that if a sponsor is allowed to submit an application in the territory of Latvia, his/her family members are allowed to submit their applications as well (for example, persons from non-visa countries, researchers, sportsmen and other categories of applicants are allowed to submit RP application while staying legally in Latvia. They family members can do the same). 2. An application should be submitted by family members themselves. However, if a sponsor has been invited to stay in Latvia by a legal person (by an employer, educational establishment etc.), a representative of this legal person is allowed to submit applications on behalf of both – sponsor and his/her family members.
	Lithuania	Yes	
	Luxembourg	Yes	<ol style="list-style-type: none"> 1) The third-country national family member must submit an application to obtain a temporary residence permit ('autorisation de séjour temporaire') before entering the country. The application can be sent by post to the Directorate for Immigration in Luxembourg or it can be submitted to the embassy which represents Luxembourg in his or her country of origin/residence. <p>Once the temporary residence permit ('autorisation de séjour temporaire') has been granted, he or she must request a 'type D' visa to join the Luxembourg resident as a family member ('visa en vue de rejoindre le regroupant') from the embassy which represents Luxembourg in his or her country of origin/residence before entering the country. If</p>


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			<p>a positive response is given, the person receives a visa to join the family member in Luxembourg.</p> <p><u>Note:</u> The temporary residence permit ('autorisation de séjour temporaire') is only valid for a period of 90 days after issuance. The visa application therefore needs to be submitted within the given period. After entry in Luxembourg, the person has 3 days to register at the commune. After registration and a medical examination, he or she can file his or her 'family member' residency application ('demande de titre de séjour pour membre de famille') within a period of 3 months after entry.</p> <p><i>If the applicant does not need a visa to enter Luxembourg, he or she has 90 days in order to come to Luxembourg and register at the commune.</i></p> <p>The 'family member' residency application will then be submitted to the Directorate for Immigration ('Direction de l'Immigration'). The obtained residence permit ('titre de séjour pour membre de famille') is valid for one year, renewable at the request of the holder, as long as the conditions for obtaining it are still fulfilled. The validity period of the residence permit granted will not exceed the date of expiry of the third-country national resident applicant's residence permit.</p> <p>2) It is the family member wishing to join the Luxembourg resident who needs to submit the application for family reunification.</p>
	Malta	Yes	
	Netherlands	Yes	<p>1) If the family members need a provisional residence permit (long-stay visa), they have to apply at the Dutch embassy or consulate in their country of origin or in a country they have legal residence.</p> <p>If the family members do not need a provisional residence permit they can directly apply for a residence permit in the Netherlands.</p> <p>2) If the family member needs a provisional permit he has to apply in person at the Dutch embassy or consulate. Before actually applying for a provisional residence permit the family member already residing in the Netherlands can ask for advice concerning the upcoming request.</p> <p>If the family members do not need a provisional residence permit they have to apply for a residence permit in person in the Netherlands.</p>
	Poland	Yes	<p>1. The application for a residence permit for the purposes of family reunification can be lodged in the territory of Poland to the local governmental authority (voivode) competent with respect to the place of stay of a foreigner or in case a foreigner is residing abroad he/she via consul (however the currently elaborated draft act on foreigners abolishes this possibility).</p> <p>2. The application can be lodged only by a person who already holds a residence permit in Poland.</p>

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	Portugal	Yes	Accordingly to the article n.º 103º “Application for family reunion” of the legal framework (Act n.º 23/2007, 4 th of July): “1- The application for family reunion with family members who are abroad is to be delivered by the citizen who is entitled to that right. 2- Whenever the family members are in national territory, the application for family reunion may be delivered either by the family members or by the citizen who is entitled to that right.”
	Romania	Yes	
	Slovak Republic	Yes	1. Pursuant to the paragraph 1 and 2 of the Article 24 of the Act No. 48/2002 Coll. on Stay of Aliens (hereinafter ‘Act on Stay of Aliens’) an alien shall file an application personally: § abroad at a diplomatic mission accredited for the State, which issued his/her travel document or at a diplomatic mission accredited for the State of his/her residence § or at a police unit in cases stipulated in the above mentioned paragraphs. 2. According to the Article 24 of the Act on Stay of Aliens an alien shall file an application for a temporary stay permit personally. However, the same Article defines one exemption for an alien who cannot file the application personally due to being paralyzed. In this case the Slovak law allows an alien’s family member with whom an alien requests maintaining of family reunification to file the application.
	Slovenia	Yes	
	Spain	Yes	
	Sweden	Yes	
	United Kingdom	Yes	1. The UK did not opt into the family reunification directive. Applications for admission to the UK on the basis of a partnership with a British citizen or permanent resident or temporary resident should be submitted at a British High Commission or Embassy or Entry clearance post abroad. If a person is already in the UK, for example as a student, they should submit their application in the territory of the Member State concerned. 2. An application for permission to enter or remain in the UK should be submitted by the family member who is intending to come to or stay in the UK.


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	Norway	Yes	<p>The most important information about how to apply for reunification is presented on http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Family-immigration/How-do-I-apply-for-family-immigration/ (in English), and in more detail on http://www.udi.no/Sentrale-tema/Familieinnvandring/ (in Norwegian). All details about laws, regulations and practices are available on http://www.udiregelverk.no/sitecore/content/Home/UDIRegelverk/Topics%20and%20rules/Familieinnvandring.aspx (in Norwegian). Below is a short summary of the general regulations:</p> <ol style="list-style-type: none"> 1. The general rule is that the application should be submitted in the home country of the applicant, or in the country where s/he has held a residence permit for the last six months. However, if certain conditions are met, linked to the applicant and/or the sponsor (reference person), an application may also be submitted in Norway. Note that if the application is registered electronically, this means that the necessary documentation must be presented in person to the Norwegian consular representation for the home country and the necessary permits will be issued there. 2. The application should always be submitted by the person herself, or by her legal guardian.
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RESPONSES TO SI QUESTION:







Due to legislation changes in Slovenia we would like to get answers to the following questions:

3. Which legal ground do you apply in family reunification procedures where the sponsor has international protection status?
4. Under which conditions a person with international protection can reunify with his/her family members and are these conditions same as for foreigners with residence permit?
5. What status do family members of person with international protection have in your country after their arrival to your country and which rights do they have?



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	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not

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			disseminated further.
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<p>2) If the sponsor has international protection status, then family reunification procedures are applied in accordance with the Act on Granting International Protection to Aliens (AGIPA).</p> <p>3) The conditions are as follows:</p> <p>(1) An alien is a member of the family in accordance with AGIPA.</p> <p><i>According to the AGIPA the family members of a refugee and of a person enjoying subsidiary protection are:</i></p> <ul style="list-style-type: none"> • his or her spouse; • his or her and his or her spouse's unmarried minor child, including adopted child; • unmarried minor child under his or her or his or her spouse's custody and maintained by him or her or his or her spouse, including adopted child; • his or her or his or her spouse's unmarried adult child if the child is unable to cope independently due to his or her state of health or disability; • a parent or grandparent maintained by him or her or his or her spouse if the country of origin does not provide support resulting from other family ties. <p><i>According to the AGIPA the family members of an unaccompanied minor child refugee and unaccompanied minor enjoying subsidiary protection are:</i></p> <ul style="list-style-type: none"> • his or her parent; • his or her guardian or other family member if he or she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor. <p>(2) The sponsor has been granted international protection and he or she has a valid residence permit.</p> <p><i>In this case the Police and Border Guard Board shall issue to a family member of a sponsor a residence permit with the same period of validity. If the family member needs international protection then he or she granted a residence permit with international protection. If the family member does not need international protection then he or she granted a residence</i></p>


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			<p>permit without international protection. It doesn't matter whether the sponsor and the family member submit their applications at the same time or not.</p> <p>(3) Where family reunification is possible in another country, then Police and Border Guard Board may require that the alien with whom the family member wishes to reside must at the time of applying for residence permit for the family member have permanent legal income to ensure that the family is maintained in Estonia, the family must have an actual dwelling in Estonia and the family member of the alien must have a valid health insurance policy which guarantees the payment, during the period of validity of the residence permit, of the medical expenses incurred by him or her as a result of illness or injury.</p> <p>(4) The sponsor has the obligations of a sponsor which provided in Aliens Act.</p> <p><i>These obligations are as follows:</i></p> <ul style="list-style-type: none"> • A person who invites an alien to Estonia is required to prove the facts that are the legal basis for the stay in Estonia of an alien. • A sponsor is required to host an alien in Estonia, ensure his or her accommodation and to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia. • If an alien does not bear the costs of the proceedings or of compulsory enforcement of the obligation to leave or of the stay in expulsion centres or police detention houses, the sponsor is obligated to compensate for such costs but not more than 32,000 euros. • The sponsor is required to certify the compliance with the requisite conditions set with regard to the sponsor. <p>Generally, these conditions and principles are the same for foreigners with some exceptions (for example the regulations of the Aliens Act are more detailed).</p> <p>With regard to the status of the family members of person with international protection see previous answer. If the family member is granted residence permit <u>with international protection</u> then he or she has the same rights as a person who has international protection. If the family member is granted residence permit <u>without international protection</u> then he or she has the same rights as an alien according to the Aliens Act.</p>
	Finland	Yes	
	France	Yes	<p>3) In the framework of family reunification, when the sponsor has refugee status, two cases are to be distinguished:</p> <p>a) If the marriage was performed prior to the obtention of the refugee status or was celebrated one year before at least, the spouse (and children when they reach their majority) is issued:</p> <ol style="list-style-type: none"> i) a 10 year residence permit in the case of refugee status ii) a temporary card marked "private and family life" in the case of statelessness <p>b) The marriage was performed after the recognition of the refugee status and was celebrated less than one year before: family</p>





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			<p>reunification law applies with the possibility of "regularization" if the family was residing in France before the deposit of the application.</p> <p>4) - In case a) The conditions are the same as for foreigners with residence permit. The residence permit issued by right to family members of the person with international protection gives the same rights provided that there is no threat to public order. - In case b) The residence card is not issued by right but provided the person with international status living in France has sufficient resources and adapted accommodation to receive his family.</p> <p>5) Family members of person with refugee status have the rights attached to the residence permit they were granted, in particular the access to the French labor market and social rights.</p>
	Germany	Yes	<p>3) The legal basis for family reunification to persons enjoying international protection are Article 2b) and Chapter V of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. These provisions are essentially implemented in Sections 27 and 29-36 of the German Residence Act and in Article 6(1) of the German Basic Law.</p> <p>4) In order to facilitate reunification, the following exceptions from the general conditions for family reunification to persons enjoying international protection apply: For spouses and children of minor age, the aliens' authorities may waive the requirement of adequate financial resources and accommodation. These conditions must be waived in all cases if the application for family reunification was lodged within three months after the refugee status determination has become final and if family reunification is not possible in another third country. Besides, the spouse of a person enjoying international protection does not need to give proof of basic knowledge of the German language before entry into Germany.</p> <p>5) In principle, the residence status of family members of a third-country national enjoying international protection corresponds to that of other family members from a third country. Like the refugee himself or herself, his or her family members are also entitled to exercise a gainful activity.</p>
	Greece	Yes	
	Hungary	Yes	
	Ireland	Yes	
	Italy	Yes	<ol style="list-style-type: none"> 1. In Italy Legislative Decree 251/2007 has implemented the Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. 2. The holder of International protection permit may apply for family reunification with the spouse not legally separated and older than 18, with minor children, even if born by the spouse or outside the marriage, unmarried, as long as there is the agreement of the other parent (if any), with over age dependent sons, due to objective reasons they cannot support themselves because of health conditions which implies a total disability, with dependent parents who do not have further sons in the country of origin, or parents over 65,





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			<p>if the other sons cannot support them for serious and documented health reasons.</p> <p>Unlike the other foreigners, holders of valid international protection permit, do not to prove income, accommodation or insurance for parents over 65.</p> <p>Furthermore, if the holder of international protection cannot provide official documents proving his / her family links, due his/her status or due the lack of an official authority or due to the assumed unavailability of the documents provided by the local authorities, diplomatic and consular authorities release such certificate on the basis of verification which they may consider necessary, whose costs are covered by the applicant concerned (Dna test).</p> <p>3. Relatives who cannot be individually granted the status of International protection may still benefit of the same rights granted to the family member who is holding such status.</p>
	Latvia	Yes	<p>1. The legal requirements and procedure for family reunification has been set up in compliance with the Council Directive 2003/86/EC. According to the Asylum Law a refugee and person granted subsidiary protection has the right to reunite with family members who are located in foreign countries. A person granted subsidiary protection has such right if he or she has resided in the Republic of Latvia for at least two years after acquisition of such status.</p> <p>2. The procedure of family reunification for refugee and person granted subsidiary protection is the same as for any foreigner but there are some differences relating to the documents which person is asked to submit:</p> <ul style="list-style-type: none"> - When filling up an invitation in the Office of Citizenship and Migration Affairs (hereinafter – Office), a refugee or person granted subsidiary protection presents a valid personal identification document and submit a payment document which confirms payment of the State fee for approval of an invitation. In addition a person granted subsidiary protection submits a document certifying the expected place of residence and the right to reside therein and a certification that the respective person has stable and regular income which is sufficient to provide for him or her and family members, without using State social assistance. - The family members of a refugee or person granted subsidiary protection submit to the diplomatic mission: <ol style="list-style-type: none"> 1) an application for the request of a residence permit, 2) a copy of a valid travel document (presenting the original), 3) copies of documents (presenting the originals), which certify kinship or marriage to the person who has drawn up the invitation; 4) a payment document which certifies payment of the State fee for examination of the documents necessary for the request of a residence permit. - The diplomatic mission sends the documents referred above to the Office. - On the basis of the positive decision of the Office the diplomatic mission issues a single long-stay visa to the family members. - After arrival the family members receive the residence permits in the Office.




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			3. A family member of a refugee shall be issued a permanent residence permit. A family member of a person granted subsidiary protection shall be issued a temporary residence permit for the same period of time for which a temporary residence permit has been issued to the person granted subsidiary protection. In case of family reunification the protection status has not been granted automatically. The family members have the same rights as foreigners who reside in the Republic of Latvia on the basis of residence permit.
	Lithuania	Yes	
	Luxembourg	Yes	3) If the sponsor has international protection status, the same rules <i>per se</i> apply as to family reunification procedures for third-country nationals without this status (Article 70 of the Law on free movement of people and immigration). The Luxembourg resident (sponsor) needs to fulfil certain conditions (Article 69 (1)). However, if the application for family reunification is made within the first three months after obtaining the international protection status, then these latter conditions do not need to be fulfilled (Article 69 (2)). Furthermore, specific regulations apply to family members of persons with international protection status with regard to the requested documents for the application (Article 73 (3)). 4) see answer 3) 5) After their arrival, family members of persons with international protection status obtain a residence permit for 'family members' (titre de séjour pour 'membre de famille'). The same rights as for all holders of this resident permit apply to these persons (Article 74 (2)).
	Malta	Yes	
	Netherlands	Yes	3. Directive 2003/86/EC and the Dutch Alien Law 2000 apply to family reunification procedures where the sponsor has an international protection status. 4. The conditions under which a person with an international protection status can reunify with his family members are basically the same as for foreigners with a residence permit. Differences: If the application for a residence permit is received within three months after the sponsor is granted an international protection status, contrary to regular family reunification, the sponsor does not have to have sufficient means of subsistence at his disposal. If the family members are already in the Netherlands, they do not need a provisional residence permit to apply for a residence permit. Furthermore family reunification must be impossible in a third country with which the sponsor and the alien have ties. Both in and after the period of three months mentioned above, family members of sponsors with an international protection status are exempt from the civil integration examination. 5. Family members who apply for a residence permit within the above mentioned period of three months are also granted an international protection status. Family members who apply for a residence permit after three months; family members who do not have the same nationality as the sponsor; and other relatives are granted a regular residence permit for family reunification.


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	Poland	Yes	
	Portugal	Yes	
	Romania	Yes	
	Slovak Republic	Yes	<p>3. Family reunification procedures in cases where the sponsor has international protection status are defined in the Act No. 480/2002 Coll. on Asylum as amended (hereinafter 'Act on Asylum') and the Act on Stay of Aliens concerning for instance possibility for a spouse, a single child or alien's parent with international protection to request an equal form of the international protection or in special cases to request a temporary stay permit (see Answer 4).</p> <p>4. Pusuant to the Article 10 of the Act on Asylum the Ministry of Interior of the Slovak Republic shall grant asylum for the purpose of family reunification to:</p> <ul style="list-style-type: none"> a) the spouse of a person granted asylum, if their marriage continues, and continued, also at the time when the person granted asylum left the country of origin, and if the person granted asylum gives a prior written consent to the reunification, b) unmarried children of the person granted asylum or the person according to the letter a) younger than 18 years of age or c) parents of an unmarried person granted asylum younger than 18 years of age, if the person granted asylum agrees. <p>The applicants mentioned above have to stay in the territory of the Slovak Republic during the asylum granting procedure. The Ministry of Interior shall grant asylum to persons mentioned above only in case of family reunification with a person granted asylum that was granted asylum when all the conditions stipulated in the Act on Asylum are met. The Ministry of Interior shall also grant asylum to a child born to a female asylum seeker in the territory of the Slovak Republic, if all obligations stipulated in the Act are met.</p> <p>Pusuant to the Article 23 of the Act on Stay of Aliens defines granting a temporary stay permit for the purpose of maintaining family reunification to an alien who is</p> <ul style="list-style-type: none"> a) a single child younger than 18 years of aliens with a temporary stay permit or of an alien with a temporary stay permit or his/her spouse or of a person granted asylum, or of a spouse of a person granted asylum, who takes care of the child based on law or based on a decision of the competent authority, or b) a direct relative of a person granted asylum younger than 18 years.

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			<p>Possibilities for the family reunification with international protection holders are more narrowly defined than a family reunification of aliens with stay permit. In the international protection there is not e.g. possibility of family reunification with a dependent child older than 18 years. Such a child can apply for the family reunification with his/her parent who is a temporary or permanent stay permit holder and obtain an equal form of stay. On the other hand, according to the Act on Asylum a parent of a single alien younger than 18 years with international protection can apply for a family reunification but this option is not given globally for the parents of single aliens younger than 18 years with stay permit (it is only a single parent dependent on the care of an alien with a temporary stay permit for the purpose of business or employment or a single on the care of an alien with a permanent residence permit).</p> <p>5. Grounds for alien's entry and stay in the territory of the Slovak Republic are defined in the Act on Stay of Aliens. After entering the Slovak Republic a family member of an alien with international protection can apply for temporary stay permit for the purpose of family reunification.</p> <p>A family member of an alien with international protection can also enjoy advantages arising from the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (stay permit, social assistance etc.). The family member has a right to accommodation, food, basic sanitary necessities and other things necessary for living (pocket money, social assistance etc.). The Ministry of Interior of the Slovak Republic can also pay for an urgent health care on behalf of an applicant, who does not have a public insurance (Article 22 of the Act on Asylum). If the family member is granted asylum for the purpose of family reunification, he/she will have the same status as a person who was granted asylum because of past prosecution. If the family member does not file an asylum application after entering the Slovak Republic, the Act on Asylum will not be applied.</p>
	Slovenia	Yes	
	Spain	Yes	
	Sweden	Yes	

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	United Kingdom	Yes	<p>. The legal grounds for family reunification where the sponsor has international protection status derive from Part 11 of the Immigration Rules. Paragraphs 352A-352FJ outline the requirements that a family member of a refugee or beneficiary of humanitarian protection³ must meet before they can reunite with their sponsor in the UK.</p> <p>These rules cover spouses, civil partners, unmarried and same-sex partners and children under the age of 18 where the family member formed part of the family unit before the sponsor left his country of habitual residence to seek asylum (pre-flight family members). The rules on refugee family reunion can be found here:</p> <p>http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part11/</p> <p>The UK has also introduced new rules for 'post-flight family' members of refugees and beneficiaries of humanitarian protection in Part 8 of the Immigration Rules (paragraphs 319L-319U). These came into effect on the 6 April 2011 and extend the family reunification rules to the same categories of family members where the relationship was formed after the refugee or beneficiary of humanitarian protection left their country of former habitual residence in order to claim asylum in the UK (post-flight).</p> <p>These rules differ from the rules in Part 11 of the Immigration Rules because the application is charged and the sponsor must be able to show that s/he can maintain and accommodate their family in the UK. In addition to this, spouses and partners seeking entry under this new route will need to demonstrate evidence of English language ability at a basic level (A1 speaking and listening of the Common European Framework of Reference) with an approved UK Border Agency test provider. These are the same conditions as the overseas spouse or partner of a British Citizen would have to meet. The same exemption policy (for example an exemption for those aged 65 and over) in place for spouses and partners of British citizens will also apply to this group. We consider that speaking English is important to promote the integration of those entering under this new route.</p> <p>The rules on post flight family members can be found here:</p> <p>http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part8/familymembersoftier1migrants/</p> <p>4. The conditions a sponsor with international protection must meet in order to reunite with his/her family members in the UK are specified in Part 11 and Part 8 of the Immigration Rules (please see question 3 above).</p> <p>These are not the same conditions that need to be met by other foreign nationals with residence permits because the sponsor must be a beneficiary of international protection.</p> <p>5. Family members of persons with international protection who are reunited under Part 11 of the Immigration Rules are</p>
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³ Subsidiary protection is referred to as humanitarian protection in the UK.

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			<p>granted leave in line with their sponsors where the sponsor has been given limited leave to remain in the UK. If the sponsor has been given indefinite leave to remain in the UK by the time s/he reunites with their family members then their family members will also be granted indefinite leave to remain in the UK.</p> <p>A grant of leave in line with the sponsor also applies to post-flight family members of refugees where the sponsor has limited leave to remain in the UK. Where the sponsor has indefinite leave to remain in the UK (i.e. they are present and settled) and they are sponsoring a post-flight family member, they should apply under the normal route for spouses, partners and children (paragraph 281 of the Immigration Rules) and will be given 27 months entry clearance.</p> <p>Family members of persons with international protection in the UK are not automatically given international protection if their sponsor has been given international protection. This is because they would not have been determined to be a refugee for the purposes of the 1951 Convention Relating to the Status of Refugees in their own right. However, family members who join their refugee/ beneficiary of humanitarian protection sponsor in the UK are entitled to make their own application for asylum once they are in the UK.</p> <p>NB: This differs from dependants of a refugee who are present in the UK at the same time the main applicant applies for asylum and is granted refugee status. They are also granted international protection.</p> <p>Family members of refugees who apply for family reunification under Part 11 of the Immigration Rules are given access to all the rights and benefits described under Chapter VII of Council Directive 2004/83/EC of April 2009 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.</p>
	Norway	Yes	