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Family reunification for beneficiaries of international protection

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Explanatory note

This inform was prepared on the basis of national contributions from 25 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, and NO, RS) collected via an Ad-Hoc Query (AHQ) developed by the EMN NCPs to ensure, to the extent possible, comparability. The information contained in this inform refers to the situation in the abovementioned EMN Member and Observer Countries up to June 2023.

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1. KEY POINTS TO NOTE

In the context of the 20th anniversary of the adoption of the Family Reunification Directive (2003/86/EC)¹ and in light of recent Court of Justice of the European Union (CJEU) and European Court of Human Rights (ECtHR) case-law, this inform examines the legislation and practice in European Migration Network (EMN) Member and Observer Countries on aspects of family reunification for beneficiaries of international protection. Several key points emerge:

- Submission of the application for family reunification varies across countries, including whether the sponsor or the family member can submit the application, the timeline for the examination of the application, and the modalities for its submission (e.g. in person or electronically).
- EMN Member and Observer Countries require certain documents and evidence to be submitted with the application. Documents proving family ties are required in all countries. In the absence of official documentation, alternative means to establish family ties include requests for additional documents, interviews with the sponsor/applicant, DNA testing, and/or a written declaration/oath.
- In some EMN Member Countries, pursuant to Article 12(1) of the Family Reunification Directive, if the application is submitted later than three months after the applicant was granted protection, there are additional requirements linked to adequate standards of accommodation, sickness insurance, and/or regular and sufficient financial resources.² In Estonia, Luxembourg and Poland, this period is set at six months, while in Belgium, it is 12 months.
- When the parent sponsor lodges a family reunification application for a minor turning 18, some countries³ allow children to retain the right to family reunification if they come of age during the examination of their sponsoring parent's asylum application, within a certain period of being granted protection status.
- Several EMN Member Countries⁴ accept the date of submission of the application for family reunification to determine whether an unmarried child is a minor, rather than the date of the decision on that application.



2. INTRODUCTION

Family reunification is a very important right for refugees and other persons benefiting from some form of protection. It restores part of the normalcy of their lives and is one of the main reasons for immigration to the European Union (EU).⁵ In many EMN Member and Observer Countries, family reunification accounts for the largest share of legal migration. The adoption of the Family Reunification Directive (2003/86/EC)⁶ introduced minimum standards at EU level for the conditions under

which family reunification can take place, as well as the rights of family members.⁷

2023 marks the 20th anniversary of the adoption of the Family Reunification Directive. In those 20 years, the migration and asylum climate has evolved, while jurisprudence by the CJEU and, where relevant, the ECtHR, has provided further legal clarifications on the application of national policy and practice on family reunification.



3. SCOPE OF THE INFORM

This inform focuses on family reunification for beneficiaries of international protection, in line with recital 8⁸ and Chapter V of the Family Reunification Directive. Article 3(2)(c) excludes beneficiaries of subsidiary protection from its scope, but their situation was examined in the comprehensive EMN study on 'Family reunification of third-country nationals in the EU' in 2017,⁹ in a previous EMN ad hoc query (AHQ),¹⁰ and in a recent publication of

the European Council on Refugees and Exiles (ECRE).¹¹ Where appropriate, this inform differentiates between the situation of refugees and that of beneficiaries of subsidiary protection. Based on Article 3(3), which stipulates that the Family Reunification Directive does not regulate the situation of third-country nationals who are family members of EU citizens, family reunification with EU citizens is excluded from the scope.

1 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32003L0086>, last accessed on 02 February 2024.

2 AT, CY, CZ, EE (these requirements apply after six months), EL, FI (sufficient financial resources), LT, MT, NL, SE, SI, SK.

3 BE, EE, FI (if sponsor has refugee status), FR, LT, LU, NL, PL, PT, SE.

4 AT, BE, CY, FI (if sponsor does not have refugee status), FR, IE, IT, LV, SK and NO.

5 EU Commission, *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/86/EC on the right to family reunification*, COM(2019) 162 final, p. 1.

6 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32003L0086>, last accessed on 3 April 2023.

7 Ireland does not participate in the Family Reunification Directive.

8 'Special attention should be paid to the situation of refugees on account of the reasons which obliged them to flee their country and prevent them from leading a normal family life there. More favourable conditions should therefore be laid down for the exercise of their right to family reunification'.

9 EMN, *Family reunification of third-country nationals in the EU*, 2017, https://ec.europa.eu/migrant-integration/library-document/family-reunification-third-country-nationals-eu_en, last accessed on 3 April 2023.

10 AHQ 2021.58.

11 ECRE, *Not there yet: Family reunification for beneficiaries of international protection*, 2023, https://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiK8-bX1MT9AhV3i_OHHY8uBwAQFnoECAkQAQ&url=https%3A%2F%2Fecre.org%2Fwp-content%2Fuploads%2F2023%2F02%2F2FAIDA-Family-Reunification-February-2023.pdf&usq=A0vVaw2CfjTMh_rCVLpYYzQp9Fgy, last accessed on 02 February 2024.

This inform not only compares national practices between EMN Member Countries¹² bound by the Family Reunification Directive, but also between those not covered by the Directive (such as Ireland) and the EMN Observer Countries (Norway and Serbia) that took part in this inform. It looks specifically at the procedures in place for applying for family reunification and how these have evolved in light of post-2017 case-law before the CJEU and, where relevant, the ECtHR, notably with regard to:

- 1) Overall submission, processing and examination of applications for family reunification;
- 2) Documentation to be provided as part of the application;
- 3) Family reunification with/for children coming of age.

This inform covers the timeframe 2017 to June 2023 with a view to updating and complementing earlier EMN studies and informs, as well as the recent ECRE report.¹³



4. SUBMISSION, PROCESSING AND EXAMINATION OF APPLICATIONS

This section focuses on several aspects related to the submission, processing and examination of the application for family reunification for beneficiaries of international protection.

Eligible statuses

In some EMN Member and Observer Countries,¹⁴ both recognised refugees and persons granted subsidiary protection have the right to request family reunification, without any distinction in the scope of their rights or applicable procedures. In other countries,¹⁵ only recognised refugees have the right to apply for family reunification.

In some countries,¹⁶ persons with subsidiary protection status are granted the right to family reunification after residing in the country for a certain period of time. In Latvia, this period is two years and in Austria, it is three years. In Sweden, it is not only based on the status but also on whether the person has a permanent or a temporary residence permit with well-founded prospects of being granted a lasting residence permit.

Eligible family members

Article 4(1) of the Family Reunification Directive provides that Member States shall authorise the entry and residence of the sponsor's spouse and the minor children of the sponsor and of their spouse, including adopted children. As per Article 4(2), Member States may also authorise the entry and residence of first-degree relatives in the direct ascending line of the sponsor or their spouse, where they are dependent on them and do not enjoy proper family support in the country of origin, as well as adult unmarried children of the sponsor or their spouse, where they are objectively unable to provide for their own needs on account of their state of health. Article 10 specifies provisions on family reunification for refugees.

Eligible family members are specified in national legislation and typically include members of nuclear or immediate family, such as spouses, children, and parents of the refugee and/or beneficiary of subsidiary protection. The exact definitions of eligible family members differ across the EMN Member and Observer Countries. Annex 1 provides a detailed overview of the eligible family members in each EMN Member and Observer Country.

Submission of the application: who can apply?

According to Article 5(1) of the Family Reunification Directive, Member States shall determine whether an application shall be submitted either by the sponsor or by their family member. In some EMN Member and Observer Countries,¹⁷ the person granted protection status (the sponsor) must submit the application for family reunification. By contrast, in other countries,¹⁸ the family member wishing to be reunited with the beneficiary is required to submit the application. In Poland, both a sponsor and a member of a separated family may apply for family reunification. In the Netherlands, although the sponsor typically applies for family reunification, it is also possible for the family member to apply at the Dutch consulate or embassy in their country of origin, but this rarely occurs in practice.

Submission by a family member

Where the family member is required to submit the application, this is typically done as a visa application at the competent diplomatic mission, embassy, or consular office abroad.¹⁹ In Belgium, the family member applies directly for a national long-stay visa, type D. In the Czech Republic, family members of a refugee submit an application for a long-term residence permit for the purpose of family reunification, while family members in

12 The EMN is a Europe-wide network providing information on migration and asylum. The EMN consists of National Contact Points (EMN NCPs) in the EMN Member Countries (EU Member States except Denmark) and Observer Countries (NO, GE, MD, UA, ME, AM), the European Commission and the EMN Service Provider (ICF), https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-members_en#:~:text=The%20German%20EMN%20National%20Contact,government%20agencies%20and%20individual%20persons, last accessed on 02 February 2024.

13 ECRE, *Not there yet: Family Reunification for beneficiaries of international protection*, 2023, https://www.google.be/url?sa=t&rc=j&q=&esc=s&source=web&cd=&ved=2ahUKewiK8-bX1MT9AhV3i_0HHY8uBwAQFnoECAkQAQ&url=https%3A%2F%2Fecre.org%2Fwp-content%2Fuploads%2F2023%2F02%2FAIDA-Family-Reunification-February-2023.pdf&usq=AOvVaw2CfjTMh_rCVLpYzQp9Fgy, last accessed on 02 February 2024.

14 BE, BG, EE, FI, FR, HR, IE, IT, LU, LT, NL, PL, PT, SK and NO. Although FI allows family reunification for both categories, family members of beneficiaries of subsidiary protection must always have sufficient financial resources. If the sponsor has received refugee status, sufficient financial resources are required only if the application is submitted later than three months after the sponsor was granted refugee status. (see section 5).

15 CY, EL and RS.

16 AT, LV.

17 BG, CY, EE, EL, IE, IT, LU, MT, NL, SI.

18 AT, BE, CZ, DE, FI, FR, HR, LT, LV, SE, SK and NO.

19 AT, BE, CZ, DE, FI, FR, HR, LV, SK (certain cases under the Act on Residence of Foreigners) and NO.

the case of subsidiary protection must first apply for a long-stay visa and then for a long-term residence permit for family purposes (this is stipulated in national law). In Lithuania, family members seeking a temporary residence permit for family reunification purpose have two options: they can apply through an external service provider if currently outside the country or directly through the Migration Department if already within Lithuania. In Sweden, the application for a residence permit can be done via the e-service or by regular mail. The application is addressed to the Swedish Migration Agency or a Swedish Mission Abroad. In some countries,²⁰ in exceptional cases, applications can also be submitted when the family member is already on the territory of the country.

Box 1. Application in France

In France, family members submit their visa application directly to a French consular post abroad. Family ties and the identity of applicants are then checked by the consular services as part of the visa application procedure. If the application is in conformity, a positive decision is taken and a visa sticker is affixed to the travel document by the consulate. This sticker is valid for three months and allows family members to travel to France to obtain a residence permit from the prefectural authorities.

Family members of refugees receive a 10-year residence permit. The family members of a beneficiary of subsidiary protection receive a multiannual residence permit identical to the permit issued to the sponsor.

In Latvia, a prior invitation from the sponsor may be required to start a family reunification procedure, and family members must present an invitation from the sponsor to the diplomatic or consular mission, confirmed by the Office of Citizenship and Migration Affairs. In the Slovak Republic, consent of the sponsor is required when applying for family reunification under the Asylum Act. In Estonia, the application for family reunification must be submitted to the Police and Border Guard Board (PBGB) for a decision on whether family reunification is allowed. After the decision, the relevant embassy is informed and the family member(s) can submit a visa application to travel to Estonia. After arrival, they should submit an application for a residence permit at the earliest opportunity but no later than within six months.

Family members applying for reunification are typically required to submit the application in person.²¹ In Finland, after filing an electronic application, the applicant must visit the Finnish diplomatic mission in person within three months for identification purposes. Other countries²² have put in place electronic submission processes. Following the recent CJEU judgment in the Afrin case (C-1/23 PPU), Member States should provide other means of submission under exceptional circumstances.

Submission by the sponsor

Following the granting of their protection status, the sponsor can submit an application for family reunification to the relevant national authorities.²³ The submission can be done in person,²⁴ online via an electronic platform,²⁵ post²⁶ or email.²⁷ In Italy, it is submitted electronically to a dedicated website of the Ministry of the Interior. In Serbia, the application is submitted personally by the sponsor to the competent authority on a prescribed form.

Box 2. Application process in Ireland

In Ireland, sponsors who are beneficiaries of international protection may, within 12 months of receiving their refugee status, apply in writing to the Family Reunification Unit of Immigration Service Delivery. They are required to provide basic information, including their name, their personal ID number, the date on which they received their declaration of status, their address, and the details of their family member(s). Once this preliminary information is received, a questionnaire is sent to the sponsor, requesting further information and documentation. This must be returned within 28 days.

Alternative ways of application submission

In the majority of EMN Member and Observer Countries,²⁸ no alternative means are provided by national legislation or administrative procedure to submit an application for family reunification, including in exceptional circumstances. However, some countries have exceptions in place.²⁹

Belgium, Lithuania, Luxembourg (exceptional cases), Malta, Poland and Norway all allow the application to be submitted when the family member is already on the territory of the country. In Belgium, the requirement for the applicant to be present in person to submit the application can also be waived. By way of derogation, the family member who is in a situation where it is impossible or excessively difficult to appear in person can submit their application by email to the Belgian competent diplomatic or consular post and appear at a later stage of the procedure.³⁰ In Germany, if application is not possible in the country of residence due to circumstances beyond the applicant's control, applying at a different German embassy or consulate is permitted in exceptional circumstances. Similarly, in France, applicants can justify unforeseeable and compelling reasons which prevented them from submitting their application in the consular district where they usually reside. However, habitual or occasional residence will be required to ensure that the applicant appears in person to submit the visa application

20 AT, BE (if certain conditions are fulfilled), EE, FI (in some cases) LV, MT, SK (both under Asylum Act and certain cases under Act on Residence of Foreigners) and NO.

21 BE, CY, CZ, DE, FI, FR, SK.

22 FI, LT, SE.

23 BG, CY, EE, EL, IE, IT, LU, MT, NL, SI.

24 CY, EE, EL, LU, SE, SI (on a prescribed form) and RS.

25 IT, LT, NL and NO.

26 CY, EE, IE, LU, NL, SI (on a prescribed form).

27 CY, EE, MT, SI (on a prescribed form).

28 AT, BG, CY, CZ, EE, EL, HR, IE, LT, LU, NL, SK and RS.

29 BE, DE, FR, IT, LV, MT, PT, SE and NO.

30 CJEU judgment of 18 April 2023 in C-1/23 PPU Afrin.

at the consular post, collect fingerprints, and carry out the necessary checks before the visa is issued.

Box 3. CJEU case C-1/23 PPU

Afrin (C-1/23 PPU) concerned Belgian procedures and practices in applying for family reunification in Belgium. The Court concluded that EU law precludes national legislation that requires, without exception, an application for family reunification to be submitted in person at a competent diplomatic post. However, the legislation may provide for the possibility of requiring applicants to appear in person at a later stage of the application process. It ruled that national legislation requiring the sponsor's family members' physical presence at a Member State's diplomatic or consular post is not acceptable, as it infringes the right to respect for family unity and makes it impossible to exercise the right to family reunification. However, Member States may require physical presence at a later stage of the procedure but must facilitate such appearance and reduce the number of appearances to the minimum to promote family reunification and protect fundamental rights.

Submission starting point and time limit to issue a decision

The date of obtaining a protection status is typically considered as the starting point when the sponsor or family member can apply for family reunification.³¹ The procedure differs across EMN Member and Observer Countries, depending on whether the sponsor or the family member submits the application. In Belgium (where the application is submitted by the family member), the submission date is the day that all required documents proving that the applicant meets the legal conditions are submitted. When the file is complete, the diplomatic mission or consular post issues a certificate stating that

the application has been lodged, thereby confirming the date from which the legal process starts.

In some countries³² where the sponsor who is already on the territory of the host country submits the application, prior authorisation might be required from the sponsor, which is sent to the respective diplomatic or consular representation in the third country to initiate submissions by family members, as in the example of Italy below.

Box 4. Application submission process in Italy

In Italy, the procedure begins with the electronic submission of the request for prior authorisation to the Territorial Office of the Government (Prefecture). The period for issuing the authorisation is 90 days. Once released, the authorisation is automatically transmitted to the Italian consular authority for the family member to apply for an entry visa. Family members must produce the certificate attesting the family relationship, translated and legalised (e.g. marriage, minor age, any necessary civil status). The entry visa must be issued within 30 days of the submission of the application by family members residing abroad. In the event of incomplete documentation, the Consular Diplomatic Mission sends a notice indicating the missing documentation and the deadline for its submission. The notice pauses the 30-day period for processing the request.

Article 5(4) of the Family Reunification Directive stipulates that the competent authorities of the Member State shall give the person who has submitted the application written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged. In exceptional circumstances linked to the complexity of the examination of the application, the time limit may be extended. The time limit differs significantly across EMN Member and Observer Countries (see Figure 1).

³¹ AT, BE, BG, CY, CZ, EE, EL, FI, FR, HR, LT, LU, LV, NL, SI and NO.

³² EE, IT.

Table 1: Time periods for issuing a decision on an application for family reunification with beneficiaries of international protection

Time limit for issuing a decision	EMN Member and Observer Countries
30 days	EE, HR, ³³ RS
60 days	IT, PL
3 months	DE, LT, NL (90 days), SK (90 days, under the Act on Residence of Foreigners)
6 months	SK (under the Asylum Act)
9 months	BE, CY, CZ (270 days), EL, FI, LU, MT
120 days	SI ³⁴
No defined time limit	BG, IE

In Portugal, in practice, it can take from eight to 11 months until a final decision is taken. In the Netherlands, the period for issuing a decision on an application for family reunification with beneficiaries of international protection is 90 days, which can be prolonged up to a maximum of three months. Currently, the period is extended as a standard procedure, meaning that the de facto period for issuing a decision is six months. In Bulgaria

and Ireland, there is no defined time limit for issuing a decision on an application for family reunification.

In some EMN Member and Observer Countries,³⁵ in exceptional circumstances linked to the complexity of the examination of the application, the period may be extended (Article 5(4) Family Reunification Directive). In Belgium, the time limit may be prolonged twice, by periods of three months, with a reasoned decision notified to the applicant.

5. DOCUMENTATION

Regardless of whether the application is submitted by the sponsor or family member, all EMN Member and Observer Countries require certain documents and evidence to be submitted with the application. Article 5(2) of the Family Reunification Directive stipulates that the application shall be accompanied by documentation evidencing the family relationship and certified copies of family member(s)' travel documents (see Annex 2 for a detailed list of documents required).

Proof of family ties

Proof of pre-existing family ties between the sponsor and family member is the main type of documentation required for family reunification in all EMN Member and Observer Countries. This typically includes marriage certificates, birth certificates, registered partnership certificates, or any other official documents attesting family ties (see Annex 2).

In the event that the beneficiary of international protection cannot present official documents that prove the family relationship, Article 11 (2) of the Family Reunification Directive requires Member States to take into account other types of evidence of the existence of such a relationship. It may, in addition, and in accordance with Article 5(2), carry out further investigations, such as interviews with the sponsor and members of their family or any investigations it deems necessary.

EMN Member and Observer Countries handle cases where official documentation cannot be submitted by a combination of the following means: request for additional documents;³⁶ interviews with the sponsor/applicant;³⁷ DNA testing;³⁸ and/or written declaration/oath.³⁹

Request for additional documents

As per Article 11(2) of the Family Reunification Directive, where a refugee cannot provide official documentation proving the family relationship, Member States shall take into account other evidence of the existence of such relationship, to be assessed in accordance with national law. A decision rejecting an application may not be based solely on the fact that documentation is lacking.

Where official documents to prove a family relationship cannot be obtained, other documents are permissible in some countries.⁴⁰ In Cyprus, for example, family photos, letters, or statutory declarations can be accepted as evidence proving family links. Luxembourg's Immigration Law foresees that family bonds can be proved by any type of document that establishes the identity or nationality of the family member, family links, and/or proves the veracity of the applicant's statements. In some countries, the information obtained during the examination of the asylum application can also be taken into consideration.⁴¹

³³ When no additional documentation or interview is needed, the deadline is 30 days from submission of the complete application. When additional documentation, interview or some other evidence is needed, the deadline is 60 days from submission of the complete application.

³⁴ During the special examination procedure to determine if there are reasons for refusing to issue the permit, a decision on the application must be issued within 180 days at the latest.

³⁵ BE, CY, DE, EL, LU, MT, NL, SK.

³⁶ BE, CY, CZ, EE, FI, FR, HR, IE, IT, NL, LT, LU, LV, PT, SE, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

³⁷ BE, CY, CZ, EE, EL, FI, HR, LU, LV, MT, NL, SE, SI, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

³⁸ AT, BE, CZ, EL, FI, IE (in exceptional cases), IT, FI, LU, NL, SE, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

³⁹ BG, CY, SK (only for application for family reunification under the Asylum Act - international protection).

⁴⁰ BE, CY, CZ, EE, FI, FR, HR, IE, IT, NL, LT, LU, LV, PT, SE, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

⁴¹ CY, CZ (depends on the case), EE, EL, FI, IE, FR, LT, LU, LV, NL, SK and NO.

Box 5. 'Integral assessment' in the Netherlands

In the Netherlands, an 'integral assessment' is carried out in family reunification procedures, based on the submitted documents and statements of the sponsor. This means that alternative documentation and declarations by the sponsor are also taken into consideration when assessing the identity and existence of a family relationship in a specific case. The weight given to certain documents is determined by several factors: 1) the (type of) authority that issued the document; 2) judgement of the Bureau Documents of the Immigration and Naturalisation Service (IND), which examines the authenticity of the documentation; 3) administrative practice in the country of origin; and 4) content of the documents.

Interviews with the sponsor and/or family members

Article 5(2) of the Family Reunification Directive stipulates that in order to obtain evidence of a family relationship, Member States may carry out interviews with the sponsor and their family members, as well as other investigations deemed necessary.

In the absence of sufficient documentation, some EMN Member and Observer Countries⁴² carry out interviews with the sponsor and/or family members. In Malta, interviews with the sponsor and their family members can form part of an investigation to determine whether there is a family relationship.

In Greece, the Asylum Service may address a relevant request to the competent Greek consular authority to interview the refugee's family members, on the basis of questions sent by the Asylum Service. Alternatively, a member of the Asylum Service can carry out the interview via teleconference. The Greek consular office prepares the interview minutes, which are sent to the Asylum Service to decide on the case.

In the Netherlands, the asylum case worker may hold additional identifying interviews with the sponsor and/or their family members abroad. These interviews can be held if the IND has doubts as to the alleged identity or the existence of the family law or actual relationship, or if the case worker has questions about the documentation submitted. In principle, these interviews are held by the case worker by videoconference, facilitated by the Dutch diplomatic or consular post, or, in some cases, the United Nations High Commissioner for Refugees (UNHCR) or the International Organization for Migration (IOM). If a videoconference is not possible, an employee at the Dutch representation may carry out the interview under instructions of the case worker at the IND.

Box 6. UNHCR provision of assistance in Belgium in collaboration with Myria

In Belgium, the UNHCR, in collaboration with its implementing partner, Myria, provides first line assistance with the application process to forcibly displaced and stateless persons and their family members by email, telephone or in person. The UNHCR coordinates contact with key partners involved in individual cases by liaising with the Immigration Office, the Belgian diplomatic post, external service providers and civil society organisations (CSOs). In collaboration with its offices abroad, UNHCR Belgium intervenes in individual cases. For example, it may provide assessments related to protection, refugee status determination, best interest of the child, medical or dependency, etc. It may also carry out an interview if required by the Belgian authorities, collect documentation, or provide technical expertise to support lawyers. It monitors Belgian authorities' compliance with refugee family reunification obligations and continuously advocates directly with national authorities to ensure that procedures are flexible and take full account of circumstances, vulnerabilities and other specific concerns.

DNA testing

Several countries⁴³ apply DNA testing to establish family links, typically as a last resort. In such cases, the applicant and their family member must consent to take the DNA test. In Austria, if the applicant fails to provide unobjectionable evidence in the form of documents or other suitable and equivalent means of certification, and if the investigation procedure has also been exhausted in other respects, they are allowed a DNA analysis.

In Greece, the Asylum Service or the Hellenic Police may request genetic material for a DNA analysis to verify the family relationship/bond between the refugee and their family members. The analysis is limited exclusively to the data that are absolutely necessary for the verification of the family bond, and is carried out by the Directorate of Criminological Investigations of the Hellenic Police. Similarly, in the Netherlands, DNA testing can be carried out in the case of a biological nuclear family member. The sponsor must consent to the DNA test and the use of the results during the family reunification procedure. Thereafter, the family members can hand over their DNA sample at a diplomatic or consular post of the Netherlands in the country of origin or residence, in some cases supported by the IOM.

Declaration/oath

In Bulgaria, Cyprus and the Slovak Republic, if the sponsor cannot present official documents proving family ties, they are required to sign an oath declaring the family relationship. In the Slovak Republic, if the applicant is unable to prove such documents for demonstrable reasons, according to the Civil Code, they can declare on oath the existence of the marriage and that it was still valid before leaving the country of origin.

42 BE, CY, CZ, EE, EL, FI, HR, LU, LV, MT, NL, SE, SI, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

43 AT, BE, CZ, EL, FI, IE (in exceptional cases), IT, FI, LU, NL, SE, SK (only for application for family reunification under the Asylum Act - international protection) and NO.

Proof of accommodation, sickness insurance, and stable and regular resources

Article 12(1) of the Family Reunification Directive allows Member States to require the refugee to meet conditions related to suitable accommodation, insurance and stable and regular resources, if the application for family reunification is not submitted within a period of three months after granting the refugee status.

Some EMN Member and Observer Countries have opted not to apply Article 12(1), which means that no additional conditions are imposed. In the countries that do apply Article 12(1),⁴⁴ if the application is submitted later than three months after the sponsor was granted protection (six months in the case of Estonia, Luxembourg and Poland), there are additional requirements linked to adequate standards of accommodation, sickness insurance, and/or regular and sufficient financial resources. In Finland, family members of beneficiaries of subsidiary protection must always have sufficient financial resources, while those with refugee status are so required only if the application is submitted later than three months after the sponsor was granted refugee status. While additional requirements apply in some countries⁴⁵ irrespective of whether the sponsor is an unaccompanied minor, other countries⁴⁶ exempt unaccompanied minors recognised as refugees from these additional requirements.

Box 7. Additional requirements in Luxembourg

If the application for family reunification is submitted later than six months after the date when international protection was granted, Luxembourg imposes additional requirements linked to accommodation and stable, regular and sufficient resources.

Appropriate accommodation to host the family member(s) is defined as a floor area of at least 12 m² for the first occupant and 12 m² per additional occupant, with natural light through windows that can be opened and closed properly, and which measure at least 1/10 of the floor area, heating, running water, electricity, etc.

The Immigration Law requires proof that the applicant has stable, regular, and sufficient resources (salary, wages, income from assets) to support themselves and the family members under their care, without having to resort to social welfare. The level of resources is assessed with reference to the average monthly minimum wage of an unskilled worker over a period of 12 months (EUR 2 508.40). The prospective assessment of the likelihood of maintaining stable, regular, and sufficient resources is based on a prognosis that the resources will reasonably be available during the year following the date of submission of the application for family reunification, so that the sponsor does not have to resort to social assistance. The Minister responsible for Immigration and Asylum may consider the sponsor's income during the six months preceding the application.



6. FAMILY REUNIFICATION WITH CHILDREN

This section explores the requirements in EMN Member and Observer Countries for family reunification with/for children coming of age, given recent CJEU judgements.

Timeframe for the parent sponsor to lodge an application with a minor turning 18

Recent CJEU judgments C-133/19, C-136/19, C-137/19 have set out that, for the purpose of determining whether an unmarried child is a minor as provided in Article 4(1)(c) of the Family Reunification Directive, in cases where that third-country national attains their majority in the course of the administrative procedure reviewing the family reunification request, or in the course of judicial proceedings subsequently challenging a refusal to grant family reunification, Member States should consider the date of the submission of the application for entry and residence for the purpose of family reunification for minor children, and not that of the decision on that application by the competent authorities, after an action brought against a decision rejecting such an application.

Box 8. CJEU cases C-133/19, C-136/19 and C-137/19

On 16 July 2020, the CJEU published its judgments in cases C-133/19, C-136/19 and C-137/19⁴⁷ on the interpretation of the right to family reunification of a sponsor with their minor child (Article 4(1)(c) Family Reunification Directive) in cases where applicants reach the age of majority during the course of proceedings. The Court observed that the provisions of the Family Reunification Directive must be interpreted and applied in light of the right to respect for private and family life and in conjunction with the principle of the best interests of the child. It concluded that using the date on which a competent authority decides on the application for family reunification as the reference date for assessing the age of an applicant would be inconsistent with the objectives pursued by the Family Reunification Directive. Therefore, the date which should be referenced for the purpose of determining whether an unmarried third-country national or refugee is a minor child **is that of the submission of the application for entry and residence for the purpose of family reunification for minor**

44 AT, BE, CY, CZ, EL, FI, MT, LT, NL, SK (applies only for application for family reunification under the Act on Residence of Foreigners – temporary residence permit), SE, SI.
45 NL, SK.

46 BE, CY, EL, FI, SE.

47 CJEU, Joined Cases C-133/19, C-136/19 and C-137/19, <https://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=c-133/19>, last accessed on 02 February 2024.

children, and not that of the decision on that application by the competent authorities of that Member State, as the case may be, after an action brought against a decision rejecting such an application.

Box 9. CJEU case C-279/20

On 1 August 2022, the CJEU ruled on case [C-279/20](#), where the applicant had reached the age of majority before her father (sponsor) had obtained a residence permit as a refugee. The Family Reunification Directive states that minor children must be below the age of majority but does not specify the point in time to be considered in assessing whether this condition is satisfied. The Court recalled that the objective pursued by the Family Reunification Directive is to promote family reunification and that the Directive also aims to give protection to minors, thus Member States are obliged to have regard to the child's best interests as recognised by the EU [Charter](#) of Fundamental Rights. It held that considering the time when the authorities of the Member States decided on the asylum application would be inconsistent with the objectives pursued by that Directive and with the child's best interests.

The CJEU concluded that in order to determine whether a child of a sponsor who has been granted refugee status is a minor child, where the child has attained the age of majority before the parent sponsor was granted refugee status and before the application for family reunification was submitted, **the date to consider should be the date of submission of the parent sponsor's asylum application**, provided that an application for family reunification was submitted within three months of the recognition of the parent sponsor's refugee status.

In several EMN Member and Observer Countries,⁴⁸ children retain the right to family reunification even if they come of age during the examination of their sponsoring parent's asylum application, as long as the sponsoring parent submits the application for reunification within a certain period after being granted the protection status. This period is set at three months⁴⁹ in most countries, six months in Luxembourg and 12 months in Belgium.⁵⁰ In France, the three-month deadline applies when the child reaches 19 between the date of filing the asylum application and the date their parent obtains the protection.

Age threshold for dependent adult children

As per Article 4(2)(b) of the Family Reunification Directive, Member States may authorise the entry and residence of adult unmarried children of the sponsor or their spouse, where they are objectively unable to provide for their own needs on account of their state of health. Article 10(2) stipulates that Member States may

authorise family reunification of other family members not referenced in Article 4, if they are dependent on the refugee.

Several EMN Member and Observer Countries⁵¹ allow family reunification with dependent adult children. In some countries,⁵² this is when the dependent adult child is unable to provide for themselves due to serious health reasons and there is no age threshold requirement. In Luxembourg, in such cases, the sponsor is required to provide medical certificates proving that the family member is incapable of providing for their own needs because of their health condition, and that they depend on the sponsor or spouse.

In other EMN Member and Observer Countries,⁵³ dependent adult children are not eligible for family reunification with their parent sponsor. This means that adult unmarried children fall outside of the definition of family members (see Annex 1). In Ireland, which is not covered by the Family Reunification Directive, while dependent adult children are not eligible for family reunification under the International Protection Act 2015,⁵⁴ a beneficiary can apply for family reunification under the general non-European Economic Area (EEA) family reunification policy, which has no age threshold. In Lithuania, cases of family reunification with dependent adult children are reviewed individually, and all relevant circumstances are considered. In Norway, family reunification can be granted to adult children up to 21 years of age.

In Germany and Sweden, as a rule, children are only eligible for family reunification until they reach the age of majority, and only in cases of exceptional hardship can adult children (any age) apply for reunification. Circumstances that justify such a family dependency can only result from individual peculiarities of the case (e.g. illness, disability, need for care, psychological distress). Circumstances arising from the general living conditions in the country of origin of the family member joining the migrant are not taken into account.

In Croatia, other relatives can be considered family member of a third-country national who has been granted refugee status or subsidiary protection if there are special personal or serious humanitarian reasons for family reunification, which can thus also cover adult children. In Portugal, adult children who are dependent on the couple or one of the spouses and who are single and studying at an educational establishment in Portugal are also eligible for family reunification.

In the Netherlands, there is no clear age threshold for dependent adult children to be eligible for family reunification with their parent sponsor. The older the dependent child, the higher the burden of proof on the parent sponsor and the child to show the plausibility of the assumed dependency.

48 BE, EE, FI (only if the sponsor is granted refugee status), FR, LT, LU, NL, PT, SI, SE.

49 FI, FR, LT, NL, PT, SI, SE.

50 In Belgium, when the minor applicant turns 18 (shortly) after the parent receives the international protection, the application should be submitted before they turn 18.

51 BE, BG, CZ, DE, EL, FI (in exceptional cases), HR, IT, LU, NL, PT, SE (only in exceptional cases where there is an established dependency), SI, SK.

52 BE, BG, CZ, EE, EL, IT, LU, SE, SK (under the Act on Residence of Foreigners - temporary residence permit).

53 AT, CY, FR, IE, LT, LV, MT, PL and RS.

54 The specific situation of vulnerable persons must be considered.

Family reunification for unaccompanied minors coming of age during the international protection procedure

In some EMN Member and Observer Countries,⁵⁵ for age determination, unaccompanied minors who turn 18 during their international protection procedure may apply for family reunification within three months of obtaining their protection status. In Luxembourg and Poland, this timeframe is set at six months. In Belgium, the three-month period may be extended if special circumstances objectively excuse the late submission of the application. In Slovenia, this applies only for first-degree family members. If the applicant wishes to reunite with family members other than those of the first degree, they shall be considered an adult.

In other countries,⁵⁶ the date to be referenced for the purpose of determining whether the applicant is a minor child is that of the submission of the application for family reunification (rather than the decision). In Ireland, a discretionary policy on minors over the official age is in place and applicants may be accepted as minors for the purposes of family reunification if they are unmarried.

Box 10. CJEU case C-550/16

On 12 April 2018, the CJEU ruled on case [C-550/16](#), where the applicant was an unaccompanied minor refugee below the age of 18 at the time of entry into the Member State and at the time of application for asylum but who had reached 18 by the time of the decision granting asylum. She applied for family reunification for her parents and her three minor brothers, which was rejected on the ground that she was no longer a minor at the date on which the application for family reunification was submitted.

The Court concluded that Article 2(f) of the Family Reunification Directive of 22 September 2003 on the right to family reunification, read in conjunction with Article 10(3)(a), must be interpreted as meaning that a third-country national or stateless person who is below the age of 18 at the time of their entry into the territory of a Member State and submission of their asylum application in that State, but who, in the course of the asylum procedure, attains the age of majority and is thereafter granted refugee status must be regarded as a 'minor' for the purposes of that provision.

Interpretation of the concept 'Real family relationship'

Pursuant to Article 16 (1)(b) of the Family Reunification Directive, Member States may reject an application for entry and residence for the purpose of family reunification, or, if appropriate, withdraw or refuse to renew a family member's residence permit where the sponsor and their family member(s) do not or no longer live in a real marital or family relationship.

Several EMN Member and Observer Countries⁵⁷ reported that the concept of 'real family relationship' was not applied and assessed in their countries, nor had they experienced any such cases. Other countries⁵⁸ may assess the family relationship based on the circumstances of the individual case.

In Belgium and Finland, as a general rule, parents and children must live together. However, if parents and children no longer live at the same address, the central authority will not terminate the stay without first hearing the parties concerned. The decision will take into account the family contact and ties maintained, length of stay, efforts to integrate (language skills, work, training, etc.) and ties maintained with the country of origin.

Box 11. CJEU case C-279/20 and joined cases C-273/20 and C-355/20

On 1 August 2022, the CJEU ruled on case C-279/20 and joined cases [C-273/20](#) and [C-355/20](#) on the interpretation of the [Family Reunification Directive](#). On the assessment of a real family relationship, the Court found that a first-degree relationship in the direct ascending line is not sufficient on its own. However, it is not necessary for the child sponsor and the parent concerned to cohabit in a single household or to live under the same roof, or for the child sponsor and parent concerned to support each other financially in order to qualify for family reunification. Occasional visits, insofar as they are possible, and regular contact of any kind may be sufficient to consider that those persons are reconstructing personal and emotional relationships and to establish the existence of a real family relationship.

The Court acknowledged that these families were unable to lead a real family life during their period of separation resulting from the specific situation of their children as refugees and that it could not be presumed that any family relationship between a parent and the children immediately ceases to exist as soon as the minor child reaches the age of majority.

⁵⁵ BE, CZ, FI, FR, LT, MT, NL, SE, SI.

⁵⁶ AT, CY, EE, EL, IT, SK.

⁵⁷ CZ, EE, LT, LU, LV, PL, SK.

⁵⁸ AT, BE, BG, CY, DE, EE, FR, HR, IE, IT, MT, NL, SE, SI and RS.

ANNEX 1. DEFINITION OF ELIGIBLE FAMILY MEMBERS

EMN Member / Observer Country	Eligible family members
AT	<p>Pursuant to Article 2 para 1 sub-para 22 of the Asylum Act 2005, the following are considered family members:</p> <ul style="list-style-type: none"> ■ parent of a minor asylum seeker and of a person granted asylum or subsidiary protection ■ spouses or registered partners of applicants for asylum, persons entitled to asylum or subsidiary protection, provided that the marriage or registered partnership already existed prior to entry ■ a child, underage and unmarried at the time of filing the application, of an asylum seeker, a person having entitlement to asylum or a person holding subsidiary protection status ■ legal representative of an underage, unmarried asylum seeker, a person having entitlement to asylum or a person holding subsidiary protection status, as well as a child, underage and unmarried at the time of filing the application, for whom an asylum seeker or a beneficiary of asylum or subsidiary protection is the legal representative, provided that the legal representation in each case already existed prior to entry
BE	<p>An adult third-country national who has been granted refugee status or subsidiary protection by Belgium may, under certain conditions, be joined by:</p> <ul style="list-style-type: none"> ■ their spouse or assimilated partner (registered partnership considered equivalent to marriage in Belgium) ■ their partner (registered partnership considered equivalent to marriage in Belgium or partnership registered in accordance with a law) ■ their (unmarried) minor children ■ the (unmarried) minor children of their spouse or legal or assimilated partner ■ their disabled child over 18 years of age and unmarried ■ the disabled child over 18 years of age, and unmarried, of their spouse or legal or assimilated partner <p>An unaccompanied minor third-country national who has been granted refugee status or subsidiary protection by Belgium may, under certain conditions, be joined by their father and their mother.</p> <p>The right to family reunification must be recognised if the applicant proves, with documents, that the conditions for family reunification are met. These conditions are determined by the relationship between them and the sponsor (marriage, partnership, parentage).</p> <p>Other family members</p> <p>The other family members of a foreign national enjoying international protection in Belgium do not have a right to family reunification. They may, however, submit an application for a residence permit (Article 9 of the Law of 15 December 1980)</p>
BG	<p>The law allows reunification with the following family members:</p> <ul style="list-style-type: none"> ■ husband, wife, or an individual with whom the foreigner has an evidenced stable and long-term relationship and their minor unmarried children ■ children of legal age who are not married who are unable to provide for themselves due to serious health reasons ■ parents of each of the spouses who are unable to take care of themselves due to old age or serious illness and who have to live in the same household with their children ■ parents or guardian or custodian of an underage unmarried person who has been granted international protection <p>Unaccompanied children who have been granted international protection have the right to reunite with their parents, but also with another adult member of their family or with a person who is responsible for them by law or custom where the parents are deceased or missing</p>
CY	<p>According to the law, only the following family members have the right to family reunification and only where the family relationship arose before the refugee's entry in the Republic:</p> <p>spouses, provided that both have reached the age of 21. In cases of polygamous marriage, the spouse of a refugee is excluded from the right to family reunification when another spouse is already cohabiting with the refugee in the Republic</p> <ul style="list-style-type: none"> ■ minor and unmarried children of the refugee and their spouse, including a child adopted in accordance with either a decision taken by a competent authority in the Republic or a foreign decision which is automatically enforceable by virtue of the international obligations of the Republic. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification ■ minor and unmarried child of the refugee, including a child adopted where the refugee has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification ■ a minor and unmarried child of the refugee's spouse, including a child adopted in case the spouse has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of a spouse other than the one already cohabiting with the refugee in the Republic is excluded from the right to family reunification ■ by blood and first-degree relatives, in cases where the refugee is an unaccompanied minor
CZ	<p>This application can be submitted by a foreigner who is:</p> <ul style="list-style-type: none"> ■ the spouse of an asylum seeker ■ a minor or an adult dependent child of the asylum-seeker or such child of the asylum seeker's spouse ■ a minor foreigner who has been placed in foster care by a decision of the competent authority or who has been adopted by the asylum seeker or their spouse or whose guardian or spouse whose guardian is the asylum seeker, if the care of the minor alien will be carried out in the territory ■ parent of the minor asylum seeker; if the minor asylum seeker has no parents, another immediate relative in the ascending line of descent is entitled to make the application, and if there is no such relative, the guardian of the minor asylum seeker is entitled to make the application ■ a parent, and if the asylum seeker has no parent, by another close relative in the ascending line of the asylum seeker who is an adult and who applied for international protection as a minor, within three months of the date on which the asylum seeker was granted asylum

EMN Member / Observer Country	Eligible family members
EE	<p>Family members of a refugee and of a person eligible for subsidiary protection are:</p> <ul style="list-style-type: none"> ■ their spouse ■ their and their spouse's unmarried minor child, including an adopted child ■ an unmarried and minor child under their or their spouse's custody, including an adopted child. In the case of shared custody, the agreement of the other party sharing custody is required ■ their unmarried adult child or the unmarried adult child of their spouse if the child is unable to cope independently due to their state of health or disability ■ a parent or grandparent maintained by them or their spouse if the country of origin does not provide support resulting from other family ties
EL	<p>'Family members' (Article 13 of PD 131/2006) include:</p> <ul style="list-style-type: none"> ■ Spouses ■ Unmarried minor children ■ Unmarried adult children with serious health problems which render them unable to support themselves ■ Parents, where the beneficiary solemnly declares that they have been living with them and taking care of them before leaving their country of origin, and that they no longer have other family members to care for and support them ■ Unmarried partners with whom the applicant has a stable relationship, which is proven mainly by the existence of a child or previous cohabitation, or any other appropriate means of proof
FI	<p>Pursuant to section 37 of the Aliens Act, the following are considered family members:</p> <ul style="list-style-type: none"> ■ the spouse of a sponsor residing in Finland ■ a person of the same sex in a nationally registered partnership ■ persons who have lived for two years in a marriage-like relationship are comparable to a married couple. The two-year period of living together is not required if the persons have a child in their joint custody or if there is some other weighty reason for it ■ unmarried child under 18 years of age over whom the person residing in Finland or their spouse has guardianship ■ unmarried adopted child ■ unmarried foster child, provided that the child has been under the sponsor's de facto care and custody before the sponsor arrived in Finland, and that there is reliable evidence that the child's parents have died or are missing. ■ parents of a child under 18 years of age <p>Note: minor siblings of a minor sponsor are not considered family members. They may be issued with a residence permit for Finland if their guardian is issued with such a permit.</p> <p>A residence permit may be issued in exceptional cases to relatives other than family members of a refugee or a beneficiary of subsidiary protection or temporary protection, for instance:</p> <ul style="list-style-type: none"> ■ adult children ■ parents of an adult sponsor ■ minor sibling of an unaccompanied minor, provided that the sibling has no guardian ■ unmarried sibling of an adult sponsor
FR	<p>According to Article L561-2 of the French code for the entry and stay of foreign nationals and right to asylum (CESEDA), the family reunification procedure gives the beneficiaries of international protection the right to be joined by:</p> <ul style="list-style-type: none"> ■ their spouse or the partner with whom they are in a civil union, aged at least 18, and the marriage or civil union must have taken place prior to the date on which the application for protection was submitted ■ their partner, aged at least 18, with whom they lived in a sufficiently stable and continuous relationship before the date on which they applied for asylum ■ the couple's unmarried children who have not reached their 19th birthday ■ the children and those of the spouse from previous unions under the age of 18 if their filiation is only established with regard to the sponsor or their spouse or if the other parent is deceased or stripped of their parental rights or who are entrusted to the sponsor or their spouse by a foreign court decision
IE	<p>Under Section 56 (9) of the International Protection Act 2015, the following categories of beneficiaries are permitted to apply:</p> <p>(a) where the sponsor is married, their spouse (provided that the marriage is subsisting on the date the sponsor made an application for international protection in the State)</p> <p>(b) where the sponsor is a civil partner, their civil partner (provided that the civil partnership is subsisting on the date the sponsor made an application for international protection in the State)</p> <p>(c) where the sponsor is, on the date of the application under subsection (1) under the age of 18 years and is not married, their parents and their children who, on the date of the application under subsection (1), are under the age of 18 years and are not married</p> <p>(d) a child of the sponsor who, on the date of the application under subsection (1), is under the age of 18 years and is not married</p>
IT	<p>Family reunification is generally permitted with the following family members:</p> <ul style="list-style-type: none"> ■ spouse not legally separated and not less than 18 years of age ■ minor children, including children of the spouse or born out of wedlock, unmarried, provided that the other parent, where it exists, has given their consent ■ dependent adult children, if, for objective reasons, they are unable to meet their essential living requirements because of their state of health, leading to total disability ■ dependent parents, if they do not have other children in the country of origin, or parents over the age of 65 if other children are unable to support them for documented, serious health reasons

EMN Member / Observer Country	Eligible family members
HR	<p>According to Article 64 of the Foreigners Act, the following persons shall be considered close family members:</p> <ol style="list-style-type: none"> 1. a spouse 2. a common law partner 3. a minor child common to spouses and common law partners, life partners or informal life partners, and a minor child of each of them, their minor jointly adopted child, or a minor child adopted by either of them who is not married, as well as a minor child of a life or informal life partner or his minor adopted child who is not married 4. parents or adoptive parents of a minor child who is a Croatian citizen, third-country national who has been granted long-term residence or permanent stay, asylum or subsidiary protection <p>Any other relative may also be regarded as a family member of a Croatian citizen, of a third-country national who has been granted temporary stay, long-term residence, permanent stay, asylum or subsidiary protection if there are special personal or serious humanitarian reasons for family reunification in the Republic of Croatia</p>
LT	<p>As per Article 2, paragraph 22 of the Law on the Legal Status of Foreigners, family reunification is permitted with:</p> <ul style="list-style-type: none"> ■ spouses or partners in registered partnerships ■ minor children, including adopted children (regardless of adherence to Lithuanian adoption laws) of the couple (even if unmarried) or a single parent ■ first-degree relatives in the direct ascending line (parents) who have been dependent at least for one year and who are unable to use the support of other family members residing in a foreign state
LV	<p>Definition of the Asylum Law prescribes that family members of a beneficiary of international protection are:</p> <ul style="list-style-type: none"> ■ the spouse of beneficiary of international protection ■ the minor child of the beneficiary of international protection and the spouse of such person, who is not married and is dependent on both or one of the spouses or is adopted ■ the father, mother or other adult who in accordance with the laws and regulations of the Republic of Latvia is responsible for the beneficiary of international protection, if the beneficiary is a minor and not married, provided that such family already existed in the country of origin
LU	<p>The amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) foresees as family members:</p> <ul style="list-style-type: none"> ■ the spouse or registered partner of the sponsor, aged 18 or over at the time of the application for family reunification (family reunification for a spouse is not allowed in the case of polygamous marriages, i.e. if the sponsor already has a spouse living in the family in Luxembourg) ■ the unmarried children under 18 of the sponsor, and/or the spouse or partner for whom they have custody and where the children are dependent on them, or, in the case of shared custody, where the other party sharing custody has given their consent ■ the first-degree direct ascendants (mother and father) of unaccompanied minors who have been granted international protection <p>The minister may extend the possibilities for family reunification to the following persons:</p> <ul style="list-style-type: none"> ■ first-degree direct ascendants of the sponsor or their spouse or partner (mother and father), where they are dependent on the sponsor or their spouse or partner and lack the necessary family support in their country of origin ■ unmarried children aged 18 or over of the sponsor or their spouse or partner, where they are objectively unable to provide for their own needs on account of their state of health ■ the legal guardian or any other family member of an unaccompanied minor who has been granted international protection and who has no direct ascendants or whose parents cannot be found
NL	<ul style="list-style-type: none"> ■ Spouse, registered partner and cohabiting partner ■ (Adopted or foster) child; for adult (dependent) children stricter admission requirements apply ■ Parents, but only if the sponsor is an unaccompanied minor during their application for international protection
PT	<p>According to Article 99 of Law No 23/2007, eligible family relatives are:</p> <ul style="list-style-type: none"> ■ spouse ■ children who are minors or incapacitated and who are dependants of the couple or one of the spouses ■ minors adopted by the applicant when they are not married, by the applicant or their spouse, as a result of a decision of the competent authority of the country of origin, provided that the law of that country grants to the adopted children identical rights and duties to those of natural filiation and that the decision is recognised by Portugal ■ adult children who are dependants of the couple or one of the spouses, who are single and are studying in an educational establishment in Portugal ■ adult dependent children of the couple or one of the spouses, who are unmarried and studying, where the holder of the right to reunification has a residence permit for investment activity ■ ascendants in the direct line and to the first degree of the resident or their spouse, provided they are dependent on them; beneficiary of international protection (father and/or mother) or of their spouse (father-in-law and/or mother-in-law) who are dependent on them; decision is recognised by Portugal ■ minor siblings, provided that they are under the guardianship of the beneficiary of international protection, and where there is a decision issued by the competent authority of the country of origin
SE	<p>The following are counted as family members:</p> <ul style="list-style-type: none"> ■ wife/husband ■ cohabiting partner ■ registered partner ■ children under the age of 18

EMN Member / Observer Country	Eligible family members
SI	<p>In accordance with the second paragraph of Article 47(a) (family members of a refugee) and the second paragraph of Article 47(b) (family members of a foreigner granted subsidiary protection) of the Foreigners Act, a family member is considered:</p> <ul style="list-style-type: none"> ■ their spouse, partner in a civil partnership or civil union or partner with whom the refugee or a foreigner granted subsidiary protection (hereinafter: sponsor) is in a long-term relationship ■ sponsor's unmarried minor children; ■ minor unmarried children of the spouse, partner in a civil partnership or civil union or partner with whom the sponsor is in a long-term relationship ■ parents of a minor sponsor, with whom they lived in a family community before coming to the Republic of Slovenia ■ adult unmarried children and parents of the sponsor, spouse, partner in a civil partnership or civil union or partner with whom the sponsor is in a long-term relationship, if the sponsor, spouse, partner in a civil partnership or civil union or partner with whom the sponsor is in a long-term relationship is obliged to maintain them under the acts of their country of citizenship <p>Exceptionally, the competent authority may also consider another relative of the sponsor as a family member if special circumstances speak in favour of family reunification in the Republic of Slovenia. Special circumstances are given when there is a life community between other relatives which, due to specific factual circumstances, is essentially similar to the primary family or has the same function as the primary family, i.e. genuine family ties between family members, physical care, protection, emotional support and financial dependence</p>
SK	<p>For the application for the purpose of family reunification under the Asylum Act (application for international protection), the family member is:</p> <ol style="list-style-type: none"> a) the spouse of the beneficiary of international protection, if the marriage continues and has continued at the time the beneficiary left the country of origin and the beneficiary consents in writing in advance to the reunification b) the unmarried children of the beneficiary or of a person referred to in point (a) up to the age of 18 years c) the parents of an unmarried beneficiary under the age of 18 or to a person to whom they have been entrusted with their personal care, if the beneficiary consents in writing in advance <p>For the application for the purpose of family reunification under the Act on Residence of Foreigners (temporary residence permit), the family member is:</p> <ol style="list-style-type: none"> a) the spouse, if the spouses are at least 18 years old b) an unmarried child under the age of 18 of the third-country national and their spouse c) their unmarried child under 18 years of age d) an unmarried child of their spouse under 18 years of age e) their dependent unmarried child over 18 years of age or dependent unmarried child over 18 years of age of their spouse, who is unable to provide for themselves because of a long-term unfavourable state of health f) their or their spouse's parent dependent on their care and who does not enjoy proper family support in their country of origin
NO	<p>Those who are eligible for family reunification are the spouse, cohabitant or child (under 18 years) of the sponsor. Other types of family members who can apply are parents, fiancés, foster children, full siblings under 18, or dependent children over 18</p>
RS	<p>The immediate family means spouses, common law partners, their children born either in or out of wedlock, adopted children or stepchildren under 18 years of age who have not entered into marriage, as well as parents or adoptive parents of children under 18 years of age who have not entered into marriage</p>

ANNEX 2. MINIMUM DOCUMENTATION REQUIREMENTS FOR SUBMISSION OF AN APPLICATION FOR FAMILY REUNIFICATION BY BENEFICIARIES OF INTERNATIONAL PROTECTION

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
AT	Marriage certificate, birth certificate, partnership certificate	Passport, identity document		Proof of legal right to accommodation*	Health insurance coverage*	Proof of financial income*	Interview form
BE	Proof that the conditions for family reunification are met Marriage certificates, birth certificate, partnership certificate Certificate of celibacy for minors when their national law authorises marriage before the age of 18	Recognised travel document	Extract from the criminal record				Medical certificate; proof of payment of visa fees
BG	Documents certifying the marriage, children's birth, documents certifying kinship ⁵⁹						
CY	Marriage certificates, birth certificates, marital status certificates of children, sole-guardianship certificates	Original or true copies of national passports		Proof of accommodation/rent agreement	Health insurance coverage	Proof of financial income/ bank statement	Where no official documents proving family ties can be submitted, any other document that may prove the family ties (e.g. family photos/letters/ statutory declarations/ interviews)
CZ	Civil registry document proving the relationship to the holder of asylum	Passport	Excerpt from the Criminal Register from the country of origin*	Proof of accommodation*		Proof of income*	
DE	Marriage and birth certificates, other documents concerning civil status	Passport					Completed visa application form
EE	Proof of family ties (i.e. marriage certificate, birth certificate, any other proof depending on the individual case)	Original or copy of a national identification document					A family member should submit an application for a residence permit no later than six months from the issuing of a residence permit to the sponsor

⁵⁹ If the foreigner wishes to be reunited with their adult unmarried children who are unable to provide for themselves due to serious health reasons, in addition to the documents certifying kinship with them, they should also present evidence of their inability to provide for themselves due to serious health reasons. If the foreigner wishes to be reunited with their parents who are unable to take care of themselves due to old age or serious illness and have to live in the same household with their children, apart from the documents certifying their kinship, they should also present evidence of the impossibility of taking care of themselves due to old age or serious illness.

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
EL	Recent family status certificate, birth certificate or other document officially translated into Greek and certified by a competent Greek authority, proving the family bond and/or the age of family members	Certified copy of the travel documents of the family members		Certified contract for the purchase of a residence, or a residence lease contract attested by the tax office, or other certified document proving that the applicant has sufficient accommodation to meet the accommodation needs of their family*	Full social security certificate, i.e. certificate from a public social security institution proving the applicant's full social security coverage*	Tax declaration proving the applicant's fixed, regular and adequate annual personal income, which is not provided by the Greek social welfare system, and which amounts to no less than the annual income of an unskilled worker – in practice about EUR 8 500 – plus 20 % for the spouse and 15 % for each parent and child with whom they wish to be reunited	
FI	<p>Marriage certificate/ certificate of registered partnership (must be legalised if not issued in the Nordic countries)</p> <p>Other application-specific documents (must be legalised if not issued in the Nordic countries or in an EU Member State):</p> <ul style="list-style-type: none"> ■ Divorce certificate (if the applicant or spouse has previously been married and has divorced) ■ Certificate of dissolution of registered partnership (if the applicant or spouse has previously been in a registered partnership that has been dissolved) ■ Death certificate (if the applicant or spouse has previously been married/ in a registered partnership and the former spouse has died) <p>Family members of a sponsor with a refugee status may be exempt from documentation requirements where they cannot contact the administration of their country of origin for fear of persecution</p>	<p>Valid passport</p> <p>Passport photo</p> <p>Colour copy of the passport page containing personal data and copies of all passport pages with notes</p> <p>Colour copy of spouse's passport page containing personal data and copies of all passport pages with notes</p> <p>Document showing that the applicant is legally staying in the country where they submit the application</p>				<p>If the sponsor has refugee status:</p> <p>Proof of income if submitted later than three months after the sponsor receiving of refugee status</p> <p>If the sponsor has received subsidiary protection:</p> <p>Proof of income, regardless of when the application is made</p>	
FR	Full copy of the birth and/or marriage certificate establishing their family relationship with the visa applicant (family member of the beneficiary of international protection), or, failing this, any document that can establish this relationship	<p>Valid travel document</p> <p>Two passport photographs that meet European standards</p>					<p>One visa application form per person</p> <p>Copy of the letter from the OFPRA and/or the decision of the National Court for Right of Asylum, informing of the granting of protection, or a copy of the residence permit mentioning the status of refugee or beneficiary of subsidiary protection EUR 99 per person in local currency</p>

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
HR	Proof of family relation (e.g. marriage certificate)	Valid travel document	Proof that they have not been legally convicted of criminal offences from the home country or the country in which they resided for more than a year immediately before arriving in the Republic of Croatia (not required for children up to the age of 14)				
IE ⁶⁰	Existence of a family relationship between the sponsor and the family member through documentation (e.g. birth certificate, marriage certificate or civil partnership certificate) or, in exceptional circumstances, DNA testing	Identification, passport/other form of official identification Two-colour passport-sized photographs for each named person in the application	NA	NA	NA	NA	Completed and signed Family Reunification Questionnaire(s) Consent declaration from other natural parent in cases where only one parent is in Ireland
IT	Documentation attesting to the family relationship	Copy of the applicant's passport and of the family members where the number and personal details are visible	Non-reporting for purposes of non-eligibility for reasons of security or public order				Application form duly completed and signed Valid residence permit or expired residence permit and receipt of an application for renewal Fiscal code of the applicant Self-certification or certificate of the applicant's family status issued by the municipality of residence Self-certification or certificate of family status for persons living in the accommodation where reunited family members will reside issued by the municipality of residence

⁶⁰ For application for family reunification made by beneficiaries of international protection within one year of declaration.

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
LT	Evidence of family ties (marriage/partnership certificate; birth certificate for children; if the applicant is a direct upper-line relative, they must provide evidence that they have received support from the family member with whom they are reuniting for at least one year and are unable to receive assistance from other family members residing in a foreign country)	Valid travel document	Criminal record certificate	Required if the application for a temporary residence permit for family reunification purpose is submitted after the three-month time limit. Such cases require a document confirming that a foreigner has residential premises where they intend to declare their place of residence	Required if the application for a temporary residence permit for family reunification is submitted after the three-month time limit. In such cases, valid health insurance document is required, specifically when the foreigner is not covered by the compulsory health insurance as stipulated by the Lithuanian law	Required if the application for a temporary residence permit for family reunification purpose is submitted after the three-month time limit. Documentation confirming the financial capacity to sustain oneself in Lithuania for a minimum of one year is required. Adults must demonstrate an income equivalent to at least one minimum monthly salary in Lithuania, while minors should show financial means equal to half of the minimum monthly salary	
LU	Certificate attesting to the marriage or registered partnership (marriage certificate, divorce certificate, registered partnership certificate, birth certificate, family record book, etc.)	Copy of the entire valid passport of the family member	Recent extract from the criminal records or a sworn affidavit by the spouse/partner in their country of origin or residence	Appropriate accommodation to host the family member(s) is defined as a floor area of at least 12 m ² for the first occupant and 12 m ² per additional occupant, with natural light through windows that can be opened and closed properly and which measure at least 1/10 of the floor area, heating, running water, electricity**		Stable, regular and sufficient resources (salary, wages, income from assets) to support themselves and the family members under their care, without having to resort to social welfare**	In cases of beneficiaries of international protection, the Immigration Law foresees that the Directorate of Immigration may accept, in principle, all types of documents that can serve to establish the identity and/or nationality of the family member, family links and/or that can prove the veracity of the applicant's statements, i.e. official travel documents such as passport and identity cards, birth certificates, marriage licences, birth and divorce certificates, driver's licence, military record, municipal identification, qualification certificates etc.
LV	Copies of documents attesting kinship	Valid travel document					Application form for the request of a residence permit Photograph Document certifying the payment of the State fee or its copy ⁶¹

61 If the documents for a residence permit with regard to family reunification have been submitted to the Representation.

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
MT	Apostilled or legalised documents attesting the family relationship that exists with the sponsor, such as marriage certificates and birth certificates ⁶²	Certified copies of travel documents of family members		Accommodation regarded as normal for a comparable family in Malta which meets the general health and safety standards in force in Malta*	Sickness insurance for both the sponsor and their family members*	Stable and regular resources so that the sponsor is able to maintain themselves and the members of their family*	Copy of the sponsor's residence permit, which should be valid for a minimum period of one year Covering letter stating the reasons why family reunification is requested
NL	<ul style="list-style-type: none"> ■ If applicable, a document that proves the existence of a valid marriage ■ If applicable, a document that indicates the partnership and possible cohabitation in the country of origin, and ■ If applicable, a document that indicates the family relationship between the child and their parents <p>Documents that can be submitted to prove a (marital) relationship include traditional or clerical marriage certificates, declarations issued by the authorities confirming the marital relationship, UNHCR/ARRA declarations, residence cards where both persons are mentioned; other documents/declarations that were not issued by the authorities (such as declarations from a village head); or other proof such as rent and purchase agreements, other agreements or wedding pictures</p>	<p>A valid travel document (such as a passport or ID card) including at least the name, date and place of birth, and a photo, or</p> <ul style="list-style-type: none"> ■ a different document and/or declaration issued by (sub) authorities with a passport photo that confirms the identity of the third-country national. These can be individual documents, UNHCR documents or documents from third countries, or ■ other documents/declarations without a passport photo, such as vaccination booklets, diplomas or witness testimonies, or ■ other documents/declarations issued by authorities or organisations 	Antecedents certificate: family members from 12 years onwards must sign a form declaring that they do not constitute a threat to public security			Documentation that they meet the requirement of 'independent, sustainable and sufficient income'. For this purpose, the sponsor must submit documents such as salary statements, employer contracts, and/or benefits statements*	Consent declaration: in the case of family reunification of children, the other parent must sign a declaration to confirm that they consent to the family reunification with the beneficiary of international protection
PL	Documents confirming the existence of family ties			Document confirming that they have assured place of residence in the territory of the Republic of Poland**	Documents confirming health insurance**	Documents confirming having a source of stable and regular income sufficient to cover the costs of maintaining themselves and their dependent family members**	

62 Where the family member is a minor, i.e. where the sponsor has sole custody, legal proof of care and full custody is required; ii. where the custody is shared, a signed agreement of the other parent's concession is required.

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
PT	Authenticated documents proving family ties (e.g. birth certificates, marriage certificates)	Certified copy of the passport identification page of the family member	Criminal record certificates for family members of legal age, authenticated in accordance with the law				Authorisation to leave the country for minors when not accompanied by both parents during the trip, authenticated under the terms of the law
SI	Documentation proving the family ties If the sponsor does not have documentation to show family ties of their family members and cannot obtain them, they must state in the application all the facts about the family members with whom they wish to be reunited, in particular their personal names, dates and places of birth, address of residence and information about where they are staying at the time the application is submitted, and state the reason why they cannot obtain documentary evidence to demonstrate family ties of family members	Family member's identity If the sponsor does not have documentation to show the identity of their family members and cannot obtain them, they must state in the application all the facts about the family members with whom they wish to be reunited, in particular their personal names, dates and places of birth, address of residence and information about where they are staying at the time the application is submitted, and state the reason why they cannot obtain documentary evidence to demonstrate the identity of family members			Proof of adequate health insurance, which covers at least emergency medical services in the Republic of Slovenia, when the application for a permanent residence permit for a family member is submitted after the 90-day period after obtaining the status of a person with international protection	Evidence of sufficient means of subsistence, when the application for the issuance of a permanent residence permit for a family member is submitted after the expiration of the 90-day period after obtaining the status of a person with international protection	Written consent, with which the applicant allows the competent authority forward information about family members to international organisations working in the field of migration to verify family ties and the identity of family members, if the sponsor does not have documentation to demonstrate family ties or the identity of family members

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
SK	<p>Proof of close relationship with the person with whom they wish to reunite (e.g. marriage certificate, birth certificate), that the marriage lasted prior to the departure of the person with granted asylum/ subsidiary protection from the country of origin (family reunification under the Act on Residence of Foreigners – temporary residence permit)</p> <p>When applying under Asylum Act (international protection) and in the absence of certificates, the proceeding can take into consideration (a) whether the applicant has made a genuine effort to substantiate their request; (b) whether they have submitted all the particulars in their possession or reasonably explained the missing particulars; (c) whether its statements were coherent and plausible, not contradicting country of origin information; (d) whether they submitted the application immediately after entering the territory of the Slovak Republic or after becoming aware of the facts justifying them for international protection, or after demonstrating a reasonable reason for not doing so; (e) and whether their general credibility has been established. However, if the applicant is demonstrably unable to prove such documents for demonstrable reasons, they may, according to the Civil Code, declare on oath the fact that they are married, and that the marriage lasts and lasted before leaving the country of origin</p>	Valid travel document	Yes, in cases where the application for family reunification is submitted under Act on Residence of Foreigners later than three months after granting international protection to the sponsor	Yes, in cases where the application for family reunification is submitted under Act on Residence of Foreigners later than three months after granting international protection to the sponsor		Yes, in cases where the application for family reunification is submitted under Act on Residence of Foreigners later than three months after granting international protection to the sponsor	Written consent of the person granted asylum or subsidiary protection with whom they wish to reunite, that they agree to the reunification (family reunification under the Asylum Act). No such consent is needed when applying for family reunification under the Act on Residence of Foreigners

EMN Member / Observer Country	Documents proving family ties	Identity documents	Criminal record certificates	Proof of suitable accommodation	Sickness insurance	Stable and regular financial resources	Other evidence
SE	<p>Birth certificate</p> <p>If the person is married to or the registered partner of the person in Sweden, they will also need to attach marriage certificate or equivalent any documents proving that the marriage has been registered in the country of origin.</p> <p>If the person lived together with the person they are joining in Sweden in the country of origin or elsewhere, they must also enclose population registration certificate, tenancy agreement or proof of purchase for the accommodation, or other document that shows shared accommodation document showing that they have been living together, for example, a tenancy agreement on which both names appear, or previous bills showing name and address</p>	Passport, identity card		Tenancy agreement and rent invoice or purchase agreement if applicable		Documents showing the income, if applicable	Consent for children under 18 years of age
NO		<p>Valid identity documents</p> <p>If the applicant lacks identity documents, an explanation of why the documents cannot be provided must be attached</p>					Application form, or alternatively the cover letter when using an electronic application, must be signed by the applicant. If the applicant is under 18, the application must also be signed by the applicant's guardian
RS	Evidence of being an immediate family member, such as birth certificate, marriage certificate, other proofs of marital status, decision on custody, proof that they do not have the necessary family support in their country of origin						

* If submitted later than three months since the sponsor receiving their status.

** If submitted later than six months since receiving the status.



For more information

EMN website: <http://ec.europa.eu/emn>

EMN LinkedIn page: <https://www.linkedin.com/company/european-migration-network>

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Cyprus www.moi.gov.cy/moi/crmd/emnncpc.nsf/home/home?opendocument

Czechia www.emncz.eu/

Estonia www.emn.ee/

Finland emn.fi/en/

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2

Germany www.bamf.de/EN/Themen/EMN/emn-node.html

Greece emn.immigration.gov.gr/en/

Hungary www.emnhungary.hu/en

Ireland www.emn.ie/

Italy www.emnitalyncp.it/

Latvia www.emn.lv

Lithuania www.emn.lt/

Luxembourg emnluxembourg.uni.lu/

Malta emn.gov.mt/

The Netherlands www.emnnetherlands.nl/

Poland www.gov.pl/web/european-migration-network

Portugal rem.sef.pt/en/

Romania www.mai.gov.ro/

Spain www.emnspain.gob.es/en/home

Slovak Republic www.emn.sk/en

Slovenia www.gov.si/

Sweden www.emnsweden.se/

Norway www.udi.no/en/statistics-and-analysis/european-migration-network---norway#

Georgia migration.commission.ge/

Republic of Moldova bma.gov.md/en

Ukraine dmsu.gov.ua/en-home.html

Montenegro www.gov.me/mup

Armenia migration.am/?lang=en

Serbia kirs.gov.rs/eng