



EMN Ad-Hoc Query on Checking identity and family relationships in case of family reunification with a beneficiary of international protection

Requested by Hans LEMMENS on 8th June 2016

Family Reunification

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (21 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The migration crisis has resulted in a large increase in the granting of international protections statuses. In turn, this has caused an increase in the applications for family reunification.

Many beneficiaries of international protection, and Eritreans in particular, claim that they cannot provide official documentary evidence of their identity and family relationship. The Netherlands offers in most of such cases the possibility of DNA research for biological children and/or an ID interview for partners and non-biological children. The Netherlands experiences that DNA research and/or an ID interview for Eritrean beneficiaries of international protection in particular often lead to negative results and no shows at the Embassy, and by consequence to a rejection of the application for family reunification.



The Netherlands would like to know how this element in the policy of the family reunification policy is implemented in other Member States in order to critically review our own practice and identify good practices.


The results of this Ad hoc Query will also feed into the upcoming EMN Focused Study on family reunification.


Questions



1. 1. Which documentary evidence of identity and/or family relationship is required for beneficiaries of international protection and their family members when applying for family reunification (only official documents or also other documents)?
2. 2. Will the application for family reunification be rejected if a beneficiary of international protection and his family members cannot provide documentary evidence of the family relationship and the identity of the family members? Please specify.
3. 3. Are beneficiaries of international protection and their family members given the possibility for DNA research and/or an ID interview if they cannot provide documentary evidence of identity and/or family relationship? Please specify.
4. 4. In order to qualify for DNA research and/or an ID interview, is a beneficiary of international protection required to first make plausible why he/she doesn't have documentary evidence of identity and/or family relationship? Please specify.
5. 5. In order to qualify for DNA research and/or an ID interview, are the family members of a beneficiary of international protection required to first approach the authorities of the country of origin in order to ask ID documents or other documentary evidence of the family relationship? Please specify.
6. 6. Are beneficiaries of international protection and/or their family members from certain countries (such as Eritrea) exempted from the requirement to first approach the authorities of the country of origin and if so from which countries and under which conditions?
7. 7. Is a beneficiary of international protection obliged to pay for DNA research? Please specify.

Responses

	Country	Wider Dissemination	Response
 	Austria	Yes	<ol style="list-style-type: none">1. The following official documents are required: ID document, marriage certificate, birth certificate, adoption certificate. Source: Federal Ministry of the Interior.2. The family relationship between the applicants and the family members has to be shown. If no documents can be produced, the applicant has to be informed about the possibility of a DNA-examination at the representation authority. If the cooperation for the DNA-examination is denied, the probability is not sufficient and the application will be rejected. Source: Federal Ministry of the Interior.3. If the foreigner is not able to show an alleged family relationship through unobjectionable documents or other suitable and equivalent means and no other means are available, the Federal Office for Immigration and Asylum has to enable foreigners according to Art. 13 para 4 Federal Office for Immigration and Asylum Procedures Act to undertake a DNA-examination at their own expense (respectively at the expense of the federal state if the result is positive). If the persons concerned do not produce documentary evidence of the family relationship, an interview is required before a DNA-analysis is conducted. Source: Federal Ministry of the Interior.4. No. Source: Federal Ministry of the Interior.5. A DNA-analysis is only possible as a last resort, as ultima ratio, if possible investigations of the officer in charge do not lead to a clear result. The persons concerned do not have to approach the authorities of the country of origin themselves. In the framework of cooperation of authorities, the Federal Office for Immigration and Asylum has the possibility to ask the representation authority for verification of allegations and statements of applicants in family

			<p>reunification proceedings and for an examination of certificates and documents. Source: Federal Ministry of the Interior.</p> <p>6. A requirement to first approach the authorities of the country of origin does not exist in the Austrian legislation. Source: Federal Ministry of the Interior.</p> <p>7. Yes, according to Art. 13 para 4 Federal Office for Immigration and Asylum Procedures Act, a DNA-examination is conducted first at the expense of the foreigner. Only if the DNA-analysis confirms the alleged relationship and the foreigner is in Austria, the costs are refunded by the Federal Office for Immigration and Asylum or the Federal Administrative Court on application. Source: Federal Ministry of the Interior.</p>
	Belgium	Yes	<p>1. Ideally, a valid passport and official valid documents (legalized marriage certificate, birth certificate, ...) are submitted to prove the family relationship. However, if no valid documents are available or should the documents produced by the applicant not comply with common international standards, the Immigration Office can use other methods such as interviews or investigation. Other (official or non-official) documents can also be taken into account. Lastly, when the family relationship cannot be sufficiently established based on the documents, or in case of substantial contradictions between the family reunification application and the asylum application of the sponsor, the Immigration Office will refuse the application but can propose the voluntary option of a DNA-test (Art. 12bis of the Law of the immigration law of 15.12.1980).</p> <p>2. See above.</p> <p>3. See above.</p> <p>4. Not necessarily. Depending on the country of origin or nationality, additional information might be required concerning the reason why documentary evidence cannot be provided. Since the administration is aware of the difficulties/impossibility that exists in certain countries to obtain official documents, additional information is not always necessary.</p>

			<p>5. If the family members are not refugees/beneficiaries of international protection themselves, the general rules are applicable (see point 1). If they are refugees/beneficiaries of international protection themselves, they will not be asked to approach their own authorities.</p> <p>6. See also point 5. Initially, there are no nationalities officially exempted from the requirement of approaching their own authorities. However, based on the current situation of a country or the personal situation of the applicant, other (non-)official evidence might be taken into account (see also point 1 and 4).</p> <p>7. Yes. Regardless the status of the sponsor in Belgium, the cost of the DNA-test is €200 per tested person, to be paid by the applicants. Even in case of a positive result, the costs will not be reimbursed.</p>
	Bulgaria	Yes	<p>1. The following documents for beneficiaries of international protection and their family members are required when applying for family reunification: ID document, national passport, marriage certificate, birth certificate and other documents proving family relationship.</p> <p>2. No. According to the Law on Asylum and Refugees (LAR) when the foreigner cannot present official documents, proving the marriage or the family relationship, they are established by a signed by him/her declaration or in another way. (Art. 34(5) LAR). What is stated by the applicant for international protection during the interviews for status determination is also taken into account.</p> <p>3. A beneficiary of international protection who requests family reunification has to submit a written application. An interview takes place following the lodging of an application for family reunification. During the interview, the interviewing authority specifies the names of the persons with whom he/she wants to reunite, collects information and all relevant facts, and compares them with the data stated during the interviews for granting international protection.</p> <p>4. There is no such practice.</p>

			<p>5. There is no such practice.</p> <p>6. Beneficiaries of international protection are not required to approach the authorities of the country of origin.</p> <p>7. There is no such practice.</p>
	Croatia	Yes	<p>1. 1. According to the Act on International and Temporary Protection and The foreigners act, family members should obtain official documents which are proving a specific family relationship (marriage certificate, birth certificate or other relevant documents).</p> <p>2. 2. In case the person is unable to obtain the documents, circumstances shall be taken in the consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.</p> <p>3. 3. Only ID interview is required if the person do not poses documentary evidence of family reunification.</p> <p>4. 4. During the ID interview we will determine the plausible why he/she doesn't have documents what will also effect on the final decision.</p> <p>5. 5. No. This cannot be required from persons who are beneficiaries of international protection.</p> <p>6. 6. No.</p> <p>7. 7. So far we did not have case for DNA research but in case where we determine that there is no family relationship but beneficiaries of international protection claiming otherwise in that case beneficiary of international protection are obliged to pay for DNA research.</p>
	Czech Republic	Yes	<p>1. Documents certifying family relationship/family status (such as marriage or birth certificate – the family reunification concerns only the core family members). The law explicitly stipulates</p>

			<p>that in case of family reunification with a recognized refugee the relationship can be proven also by other credible means if it is unable for the person to submit official documents. The law does not allow to apply for family reunification in case a person is a holder of a subsidiary protection, as the Family Reunification Directive does not cover this category.</p> <p>2. The family relationship has to be proven somehow, see answer above. The law requires presenting of the passport of the applicant, there is no exclusion for family reunification with a recognized refugee.</p> <p>3. Yes, however this possibility occurs in practice very rarely.</p> <p>4. Yes, the law allows another proof of family ties than official documents for family members of recognizes refugees only on condition the submission of official documents is not possible. There has to be an explanation.</p> <p>5. The family reunification under Aliens Act is generally applied from abroad so it is logical that the family members should contact official authorities of their state. However the law counts with the impossibility of presenting official family certificates see answers above.</p> <p>6. No. Only on case by case basis.</p> <p>7. Yes, he is the applicant and he bears all costs.</p>
+	Finland	Yes	<p>1. Evidence of identity: When you apply for a residence permit, you must be in possession of a valid passport or other travel document that enables you to travel to Finland. Travel documents include documents such as a passport, an alien's passport and a refugee travel document. It is possible to make an exception to the requirement concerning travel documents on the basis of international human rights conventions. An exception is possible mainly if you come from a country where it is impossible to obtain a travel document acceptable in Finland. Such countries include Somalia. Evidence on family relationship: If you are applying for a residence permit on the basis of family ties, you must prove the authenticity of your family ties by means of original</p>

documents, such as a marriage certificate or your child's birth certificate. Certificates issued by other than Finnish, Swedish, Norwegian, Danish or Icelandic authorities must be legalised.

2. If you are unable to provide documentation as evidence of your identity or family ties, make a written explanation and append it to your residence permit application. The Finnish Immigration Service may request further clarification of your family ties:

- An oral hearing (interview) will be held if there are no other means of establishing sufficient grounds for granting a residence permit.
- The Finnish Immigration Service may offer you and your family member the opportunity to take part in a DNA test if there are no other means of sufficiently establishing your biological relationship.


3. Yes, see previous answer.

4. Yes, see Question 2 (a written explanation).

5. Normally, in order to qualify for DNA research and/or an ID interview, the same rules apply as when applying for a residence permit, i.e. the applicant must have a valid passport or other travel document. Exceptions are possible if the applicant cannot obtain a travel document for reasons beyond their control:


- if the applicant comes from a country where it is impossible to obtain a travel document or other documents acceptable in Finland. Such countries include Somalia.
- family members who are exempted from the travel document requirement under international human rights conventions (i.e. the sponsor has refugee status and the family members are from the same country of origin, and cannot be expected to contact their national authority).


However, in order to qualify for DNA research and/or an interview, the applicant must be legally residing in the country. If you are not a citizen of the country where you submit your residence permit application, you must prove that your residence is legal under the legislation of the country in question. A residence permit or a visa is usually presented as proof of legal residence. Therefore, for example, if you are a Somali citizen and you travel to the Embassy of Finland in Ethiopia to submit a residence permit application, you need to have a valid Somali passport and a visa issued by Ethiopia. A Somali passport is accepted for submitting a residence permit application because Ethiopia, unlike Finland, accepts Somali passports as travel documents that entitle entry into the country. Instead of a passport, you can also present a certificate, issued by UNHCR


			<p>or an authority in the country where you are staying, stating that you have been registered as a refugee or as an applicant for refugee status in the country where you submit your application.</p> <p>6. See previous answer. In some cases, family members may be exempted from the travel document requirement under international human rights conventions, if the sponsor has refugee status and the family members are from the same country of origin, and cannot be expected to contact their national authority, or if the applicant comes from a country where it is impossible to obtain a travel document or other documents acceptable in Finland. Finland has no specific policies concerning Eritrean nationals.</p> <p>7. The DNA test is paid for by the Finnish government and participation is voluntary. According to the Finnish Aliens Act section 65: If the person concerned has deliberately given false information on his or her family ties, as a result of which the person and the family member indicated by him or her have been ordered to take a DNA test, the Finnish Immigration Service shall order the person concerned to reimburse the cost of the test to the State unless this is unreasonable under the circumstances.</p>
	France	Yes	<p>1. The family member that wishes to join the sponsor (beneficiary of international protection) in France has to submit an application for a long-stay visa to the local French consular authorities. The family member has to submit for the purpose of doubtless identification of identity and circumstances the necessary documents and evidence to the authority. Therefore, in addition to the visa application form, the application for the long-stay visa has to be supported by the following documents: -a passport; -passport photos ; -evidence that the French Office for the Protection of Refugees and Stateless Persons (OFPRA) granted international protection to the sponsor; -certified copy of birth certificate; -certified copy of the marriage certificate, if applicable; -any other documents and evidence concerning the family relationship; -99€ in local currency for the consular fees.</p> <p>2. Visa applications are rejected if the family relationship could not be proven. In the absence of civil-status documents or if the civil status of the country of origin is not reliable, the elements of the "possession of status"* provided by the visa applicant and the beneficiary of international protection justify the family relationship. The consistency of declarations made by the</p>


beneficiary of international protection at the OFPRA is also taken into consideration. Furthermore, in case of a marriage, the certificate of marriage issued by the OFPRA has authentic value unless it is proven that it has been forged or has been obtained fraudulently. In this case the OFPRA applies to the prosecutor's department at the Tribunal de Grande Instance of Paris in order to modify the concerned civil-status documents. The verification of the documents is carried out conjointly with the representation authorities and the Office of Refugees' Families. The latter is contacting the OFPRA in order to obtain the birth certificate and if applicable the marriage certificate and also to verify the family composition the beneficiary of international protection has declared. The Office of Refugees' Families is as well inviting the beneficiary of international protection to provide complementary elements of the "possession of status" to those furnished by the family member abroad. *The « possession of status » means the consideration of the lived reality of the family relation. It is based on several factors revealing the family relationship. An affidavit can be asked in order to prove the « possession of status ». The affidavit is issued by a judge.


3. In 2007 a Senate report proposed to undertake DNA analysis in order to resolve cases in which family members who apply for family reunification cannot prove their relatedness by official documents. Despite the enormous controversy and the strong opposition to the proposed legislation, the legislator passed the draft legislation into law. Nonetheless, the use of DNA tests shall be subject to limitations. The Law of 20 November 2007 relating to Immigration, Integration and Asylum stipulates, without ordering a systematic application that in case of non-existent documents or doubts of their authenticity the party concerned can request a DNA analysis. The use of DNA tests has been admitted under strict conditions on a voluntary basis, was limited to a trial phase of 18 months and was only authorised for the proof of the relationship of filiation between mother and child in order not to uncover that the father might not be the biological one. However, the application of DNA tests is not in force as the implementing decree specifying the procedure has not been published. On the 13 September 2009 the then Minister of Immigration declared on the occasion of the end of the trial phase that due to the lack of resources, the time pressure and the controversy generated by this law, the decree of application won't be signed. ID-interviews are not foreseen by the Code on Entry and Residence of


			<p>Foreigners and Right of Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA).</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. N/a</p> <p>7. N/a</p>
	Germany	Yes	<p>1. In addition to official documents which in particular serve as a proof of identity with evidence, we also consult other documents and certificates - if required. The contents and nature of these documents can at least be regarded as a piece of circumstantial evidence and they can be used in order to set up an overview over documents in a logical order.</p> <p>2. The family reunification in case of beneficiaries of international protection will only then be rejected if none of the options mentioned in the answers to questions no. 1 and 3 can lead to the identification of a family relationship, even if we take into account the general difficulty of refugees to provide documentary evidence, something which is quite typical and which can be assumed in relation to refugees.</p> <p>3. The principal person of a family and those family members willing to immigrate are - if required - given the opportunity to be heard in person in an ID interview and they will also be informed on the possibility to order an expertise based on a DNA research on family descent.</p> <p>4. In such a case, a plausible explanation is not mandatory as we assume in the case of refugees in principle that there are general difficulties to provide documentary evidence, something which is quite typical and which can be assumed in relation to refugees and which will be taken into account in their favour. In addition, the information provided in an ID interview can only serve as a piece of circumstantial evidence, whereas an expertise based on a DNA research on family</p>

			<p>descent is regarded as an evidence in itself which is not less important than documentary evidence.</p> <p>5. The fact that family members of a beneficiary of international protection first approach the authorities in their country of origin, can only then be requested if we can assume that such an approach is not linked to any exposure of threat for that specific person.</p> <p>6. We can generally not require from persons who are beneficiaries of international protection that they first approach the authorities in their respective countries of origin. The same applies to family members if this would mean that - as a consequence - there is any exposure of threat for them which is linked to the approach.</p> <p>7. The person who is a beneficiary of international protection or his or her family members must themselves order such an expertise based on a DNA research on family descent and therefore also pay the costs themselves.</p>
	Hungary	Yes	<p>1. Family relationship for the purpose of reunification with a person with refugee status or a beneficiary of a subsidiary protection may be verified by any reliable means, specifically by DNA analysis. A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking. Valid travel document is required for the family members of a person with refugee status or a beneficiary of a subsidiary protection to verify their identity. 'Travel document' shall mean a passport or another instrument or document that is recognized by Hungary as proper means of identification for its holder for crossing the border of Hungary and to certify his/her citizenship (stateless status).</p> <p>2. According to our answer for question 1, a decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.</p> <p>3. Yes, they are given the possibility for DNA research/or an ID interview. A sample for DNA analysis shall be taken in the presence of an officer of the regional directorate of the Office of</p>

			<p>Immigration and Nationality, or the competent consulate officer. If the third-country national verifies family relationship by means of a DNA analysis performed abroad, the regional directorate shall contact the Bűnügyi Szakértői és Kutatóintézet (Hungarian Institute for Forensic Sciences) requesting an expert assessment with a view to verifying the admissibility of such proof.</p> <p>4. No, he/she is not required to make it plausible. DNA research is conducted by the request of the family member of a person with refugee status or a beneficiary of a subsidiary protection. An ID interview is demandable by the family member or the person with refugee status or a beneficiary of a subsidiary protection, too.</p> <p>5. No, they are not required to approach these authorities. Nevertheless valid travel document is required to verify their identity.</p> <p>6. According to our answer for question 5, there is not any requirement like this in Hungary.</p> <p>7. All costs related to such DNA analysis shall be borne by the applicant.</p>
	Italy	Yes	<p>1. Any application for family reunification submitted by a TCN should be accompanied by his or her identity document and by the identity documents of the family members with whom reunification is requested. Passports or other equivalent documents are therefore required. A family relationship may be proved by enclosing all the documentation the sponsor has in his or her possession (birth certificates in the case of minor children; a marriage certificate in the case of a spouse; medical certificates in the case of dependent parents; etc.). Moreover, Article 29 bis of the Consolidated Act on Immigration establishes that, “If a refugee cannot provide official documents proving his or her family relationships, due to his or her status, or to the absence of a recognised authority, or to the presumed unreliability of the documents issued by the local authority, the diplomatic missions or consular posts shall issue relevant certificates based on the checks considered necessary, at the expenses of the persons concerned. Other means may be used to prove a family relationship, including elements taken from documents issued by international organisations, if considered suitable by the Ministry of Foreign Affairs”. Please note that these</p>


			<p>facilitations concerning evidence of family relationship also apply to TCNs who are beneficiaries of subsidiary protection, even though Article 29 above only mentions refugees.</p> <p>2. No. Article 29 bis of the Consolidated Act on Immigration specifies that, “An application cannot be rejected solely on grounds of lack of documentary evidence”.</p> <p>3. Yes. Under Paragraph 1bis of Article 29 of the Consolidated Act on Immigration, when a sponsor cannot find documentary evidence of family relationship with the TCN(s) he or she intends to reunite with, he or she may request DNA testing. Furthermore, if there are doubts over the existence of a family relationship or over the authenticity of the documentation produced, the diplomatic or consular authorities responsible for issuing the family reunification visa may request DNA testing.</p> <p>4. Yes. See answer 3.</p> <p>5. Yes. See answer 3.</p> <p>6. Legislation on family reunification and on documentary evidence regarding the identity of the persons concerned and their family ties applies to all nationalities.</p> <p>7. Yes. Article 29(1 bis) of the Consolidated Act on Immigration provides that the cost of DNA testing are payable by the TCN who applied for family reunification.</p>
	Latvia	Yes	<p>1. The family members of a refugee or person having acquired alternative status and the mother and father of an unaccompanied minor shall submit to the diplomatic or consular mission of the Republic of Latvia valid ID documents and copies of documents (presenting the originals), which certify kinship or marriage to the status granted person. As an exception documents may also be submitted by status granted person to the Office of Citizenship and Migration Affairs (hereafter in text – Office).</p> <p>2. If the spouse of a refugee or person having acquired alternative status or the mother and father of an unaccompanied minor cannot submit any of previously mentioned documents and have</p>


			<p>indicated a justified reason in writing, the diplomatic or consular mission of the Republic of Latvia may accept documents for the reunification of a family without the respective document and send them to the Office. Family reunification cannot be rejected only because of absence of documents proving family links. The Office shall examine the documents, compare them with the information at the disposal of the Office and, if necessary, request clarifying information from the State and local government institutions of Latvia, from foreign countries and from a refugee or person having acquired alternative status or family members thereof. Any new fact or changes of information given before are evaluated critically.</p> <p>3. No experience so far. It is not foreseen in legal acts to give the possibility for DNA research provided by the Latvian authorities, but in theory DNA research results provided by applicant may be accepted as evidence for family links. Please see also answer to the first and second questions.</p> <p>4. -</p> <p>5. -</p> <p>6. Latvia does not have a requirement for beneficiaries of international protection and/or their family members to approach the authorities of their country of origin. All documents shall be submitted to the diplomatic or consular mission of the Republic of Latvia.</p> <p>7. Please see answer to the third question.</p>
	Lithuania	Yes	<p>1. According to the national legislation, application for family reunification shall be accompanied by the valid travel document of the family member and documents certifying family relationship. However, in practice all available documents, data and circumstances would be evaluated.</p> <p>2. According to the national legislation, application for family reunification can be accepted if it is accompanied by the required documents. However, in practice such a decision would be made after evaluation of all available documents, data and circumstances. In addition, the Migration</p>


			<p>Department may oblige the alien and the person related to the alien by kinship to perform a DNA test to confirm kinship.</p> <p>3. If an alien applies for the issue of a residence permit seeking to reside with the family, the Migration Department may oblige the alien and the person related to the alien by kinship to perform a DNA test to confirm kinship. The performance of a DNA test may be requested only in cases where an alien is not able to prove kinship otherwise.</p> <p>4. In order to qualify for DNA research, all available documents, data and circumstances (including documents and data which are kept in a beneficiary's of international protection personal file) would be taken into account.</p> <p>5. Please see answer to Q2 (LT have no practice on this issue).</p> <p>6. Please see answer to Q2 (LT have no practice on this issue).</p> <p>7. The costs related to the performance of a DNA test shall be covered by an alien, except for asylum applicants, whose DNA testing costs shall be covered by the Republic of Lithuania.</p>
	Luxembourg	Yes	<p>1. In case it's the spouse or the registered partner of the sponsor: - a certified copy of the entirety of the valid passport of the spouse/partner; - a birth certificate established in the country of origin of the spouse/partner; - a recent extract from the spouse/partner's police record or an affidavit issued in the country of residence; - a document attesting of the existence of the marriage or the registered partnership (e.g. marriage certificate, partnership declaration, family booklet) In case it's the descendant (minor) of the sponsor or of his/her spouse/partner: - a certified copy of the entirety of the valid passport of the child; - a document attesting the family relationship with the sponsor (e.g. birth certificate of the child, family book); In case of divorce (for minors only): - the judgment conferring the custody of the minor child to the parent living in Luxembourg and - if the other party has a visitation right: the notarial authorisation of the parental party living abroad to prove this party's agreement that the minor child is allowed to reside in Luxembourg (a copy of the identity document of the parental party living abroad has to be enclosed); - in case of joint custody (for minors only): the notarial authorisation of the parental party living abroad to</p>

prove this party's agreement that the minor child is allowed to reside in Luxembourg (a copy of the identity document of the parental party living abroad has to be enclosed); In case it's an ascendant (parent) of the sponsor or the spouse/partner: - a certified copy of the entirety of the valid passport of the ascendant; - a birth certificate of the ascendant; - a recent extract from the ascendant's police record or an affidavit issued in the country of residence; - a document attesting of the family relationship (e.g. a birth certificate of the sponsor or the sponsor's spouse/partner) - a document attesting of the civil status and the family situation of the ascendant as well as proof that he/she is deprived of the necessary family support in the country of origin (e.g. family booklet, any other equivalent document issued by the competent authorities of the country of origin); - proof that he is depending on the sponsor According to article 73 (1) of the law of 29 August 2008 the request for family reunification is accompanied by a true copy of the travel document of the applicant. Article 73 (3) foresees that the beneficiary of international protection may prove family bonds by every type of document if he can't provide official documents. In this case 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, 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 licenses, birth and divorce certificates, driver's license, military record, municipal identification, qualification certificates, journal extracts (articles or photos claiming the identity of the applicant and the relationship with the family member ...). In principle, official identity documents and travel documents prevail over other administrative documents, i.e. driver's license. In the case of discrepancies between several identity documents, the validity is always examined on a case by case basis. For example, a more recent document cannot always be considered more reliable than an older document because it is quite possible that in certain circumstances in the past, the applicant has sought to hide his identity or nationality through a new identity document in order to leave the country of origin e.g. However, it is to mention that divergent documents tend to raise doubts on the statements of the application and thus need to be explained.

2. According to article 73(3) of the law of 29 August 2008 the application can't be rejected on the sole reason that documents are missing. There must be serious doubts if the application is rejected due to the impossibility to prove the identity.

			<p>3. Yes. The applicant for family reunification is free to submit himself voluntarily to a DNA test in order to prove the family link and this was considered as a legal solution by the First instance Administrative Court, second chamber, n° 23176 of 27 February 2008, especially that the court considered that the burden of proof is on the applicant when there is no documentary evidence of the family link. The Immigration Directorate accepts this kind of proof but as it isn't foreseen in the Law, the Directorate can't require it. Interviews are foreseen and possible according to article 73 (2) of the Law.</p> <p>4. No. In principle the family member has to produce the documentary evidence of identity and/or family relationship. The applicant may suggest DNA testing and the Directorate of Immigration may suggest interviews.</p> <p>5. See answers to question 1 and 2.</p> <p>6. Luxembourgish authorities analyse every application on a case by case basis analysing the facts described by the applicant as well as the evidence provided and taking into consideration the general situation of the country of origin.</p> <p>7. The expenses of the exam will have to be paid by the applicant or a third party.</p>
	Netherlands	Yes	<p>1. To indicate their identity, family members have to show an official document, for example a passport. An official birth certificate is required as evidence of family relationships in case of biological children. As evidence of matrimony, an official marriage certificate is required. Only official documents, issued by the authorities, are accepted as evidence of the relationship. Unofficial documents, such as documents issued by a church, will be taken into account, but are not sufficient.</p> <p>2. If official documents are not available, the beneficiary of international protection will get a chance to provide an explanation. The question as to why he has no official documents, is essential. The beneficiary of international protection has to make clear on an individual basis why he and/or his family members cannot show official documents. If he succeeds in doing so, the</p>

			<p>application will not be rejected. If his explanations are for example too vague, the application can be rejected.</p> <p>3. If there is a plausible explanation as to why there are no official documents, yes, they will be given the possibility for DNA research and/or an ID interview.</p> <p>4. Yes. If the explanation isn't plausible, the application will be rejected without the possibility of DNA research and/ of an ID interview.</p> <p>5. No, family members are not required to actively approach the authorities of the country of origin in person. However, this does not mean that they cannot request the authorities in another way for official documents, for example through an intermediate. In all cases where there are no official documents, an explanation will need to be given. As said, this explanation needs to be plausible and made on an individual basis.</p> <p>6. There are no formal exemptions, however, in principle the Netherlands does not expect family members to actively approach their authorities in person.</p> <p>7. No, but the Netherlands plans to introduce this obligation.</p>
	Poland	Yes	<p>1. There is no special procedure prepared specially for identity confirmation in case of family reunification. Within the main documentary evidence confirming foreigners identity or family ties are those listed below: A general list of documents which are accepted as a proof: <input type="checkbox"/> all types of passports (national passports, diplomatic passports, service passports, group passports and substitute passports, including passports for children); <input type="checkbox"/> identity documents (including documents issued for a specific period and temporary documents); <input type="checkbox"/> citizenship certificates or some other official documents in which one's citizenship is mentioned or clearly specified. A list of documents which may be accepted as a proof: <input type="checkbox"/> the above-mentioned documents (the general list) whose validity expired over 6 months earlier; <input type="checkbox"/> photocopies of the above-mentioned documents (the general list documents); <input type="checkbox"/> driving licenses or photocopies thereof; <input type="checkbox"/> birth certificates or photocopies thereof; <input type="checkbox"/> company identity cards or photocopies thereof; <input type="checkbox"/> witness statements; <input type="checkbox"/> statements made by an individual; <input type="checkbox"/> any other documents which may be helpful in</p>

			<p>establishing identity of an individual; <input type="checkbox"/> service badges and military service books; <input type="checkbox"/> seaman's registration books and skippers' service cards <input type="checkbox"/> laissez-passer issued by the country of origin. In a case where it is necessary to make some additional findings documents may be supplemented with: <input type="checkbox"/> confirmation of identity as a result of a search carried out in the Visa Information System (VIS); <input type="checkbox"/> in the case of Member States not using the Visa Information System, positive identification established from visa application records; and <input type="checkbox"/> any other documents which may be used as additional materials in the procedure of confirming a foreigner's identity.</p> <p>2. Yes</p> <p>3. In case of lack of documentary evidence of identity or family relationship, foreigners are subjected to the ID interviews. The following methods of establishing identity and verifying the data necessary to make a decision are applied: <input type="checkbox"/> language analysis; <input type="checkbox"/> cultural or Country of Origin analysis; <input type="checkbox"/> cooperation with national diplomatic posts on such issues as the authentication of the documents constituting the evidence in the case; <input type="checkbox"/> witnesses' declaration; DNA research is not foreseen yet.</p> <p>4. No</p> <p>5. Yes</p> <p>6. No</p> <p>7. Not applicable</p>
	Portugal	Yes	<p>1. According to Article 103 of Law 23/2007 of July 4 as amended by Law 29/2012 of August 9, beneficiaries of international protection must submit: a) documents proving the existence of relevant family ties or non-marital partnership; b) documents proving the conditions to access family reunification can be accomplished; c) certified copies of the travel documents of the family members or the life partner.</p>


			<p>2. No. When a refugee/beneficiary of international protection cannot present the official documents which confirm the relationship, other kinds of evidence must be considered.</p> <p>3. Yes, the beneficiary of international protection and his/her family are given the possibility of DNA research.</p> <p>4. At the judicial level, when a foreigner is indicted for the crime of false declarations of parenthood, the Prosecutor's Office may order the execution of the DNA test, which is done by the Forensic Medicine Institute and paid by the Government. So far, at the civil and administrative levels, Portugal hasn't registered any case of DNA tests regarding to clarify family relationships between beneficiaries of international protection.</p> <p>5. See answer to question 4.</p> <p>6. See answer to question 4.</p> <p>7. See answer to question 4.</p>
	Slovak Republic	Yes	<p>1. In the context of the Slovak Republic, family members of beneficiaries of international protection can apply either for the temporary residence permit for the purpose of family reunification or in case the family is present in the territory of the Slovak Republic, they can also apply for asylum for the purpose of family reunification. Due to this fact, both options are mentioned below. Applying for asylum for the purpose of family reunification: The third country national has to present an identity document and a document proving the family ties - this includes a marriage certificate, birth certificate etc. Information on the country of origin is also taken into account, i.e. what kind of documents are issued in the respective country of origin, how credible they are. Depending on the case, other documents might also be taken into account such as family photos, videos from the wedding, family celebrations etc. Applying for temporary residence for the purpose of family reunification: The third country national has to present an identity document and a document proving the family ties - this includes a marriage certificate, birth certificate etc. In case the beneficiary of international protection he/she is reuniting with has been entrusted into the applicant's care, also a proof of this has to be submitted. If the application</p>


for temporary residence for the purpose of family reunification with a beneficiary of international protection is submitted within three months since granting of the international protection, the applicant for family reunification can present also other proof of family ties such as a statement or a declaration of honour.


2. In the context of the Slovak Republic, family members of beneficiaries of international protection can apply either for the temporary residence permit for the purpose of family reunification or in case the family is present in the territory of the Slovak Republic, they can also apply for asylum for the purpose of family reunification. Due to this fact, both options are mentioned below. Applying for asylum for the purpose of family reunification: The third country national has to present an identity document and a document proving the family ties - this includes a marriage certificate, birth certificate etc. Information on the country of origin is also taken into account, i.e. what kind of documents are issued in the respective country of origin, how credible they are. Depending on the case, other documents might also be taken into account such as family photos, videos from the wedding, family celebrations etc. Applying for temporary residence for the purpose of family reunification: The third country national has to present an identity document and a document proving the family ties - this includes a marriage certificate, birth certificate etc. In case the beneficiary of international protection he/she is reuniting with has been entrusted into the applicant's care, also a proof of this has to be submitted. If the application for temporary residence for the purpose of family reunification with a beneficiary of international protection is submitted within three months since granting of the international protection, the applicant for family reunification can present also other proof of family ties such as a statement or a declaration of honour.


3. Applying for asylum for the purpose of family reunification: Yes, the DNA test is carried out. Applying for temporary residence for the purpose of family reunification: No, there is not a possibility of the DNA test.

4. Applying for asylum for the purpose of family reunification: The applicant is obliged to prove and explain why he/she does not have his/her identity documents or documents proving the family ties. If he/she is not able to prove this, he/she is not considered trustworthy.

			<p>5. Applying for asylum for the purpose of family reunification: In cases when the person is present in the territory of the Slovak Republic, it is possible to carry out the DNA test. Neither the applicant, nor the Migration Office are able to contact the country of origin for issuing the documents.</p> <p>6. Applying for asylum for the purpose of family reunification: No. All applicants must comply with the conditions.</p> <p>7. Applying for asylum for the purpose of family reunification: If the DNA test is ordered by the state authority, it is paid by the state. If the test is demanded by the applicant, he/she has to pay for the test.</p>
	Slovenia	Yes	<p>1. In case that beneficiary of international protection submit his application for family members within 90 days from the day when the status is granted at the ministry competent for internal affairs the beneficiary for international protection needs to enclose only documents that prove the family bond and the identity of his/her family members such as a valid travel document, birth certificate, etc. In case that beneficiary of international protection submit his application after 90 days from the day when the status is granted he/she needs to fulfil also other conditions as required by the respected legal act (health insurance, etc.). If the refugee does not hold documents to prove the family bond, he has to provide all the facts about family members with whom he wishes to be reunited, especially the names of family members, dates and places of birth, the residence address in the country of origin, and information about the family members' whereabouts at the time the application is submitted. In such a case, he also has to enclose written consent which allows the competent authority to divulge information about his family members to international organisations working in the field of migration for the purpose of validating family bonds. Prior to the submission of data to international organisations operating in the field of migration, the competent authority shall obtain a written statement of the organisation stating that it will protect the data against the authorities of the country of origin.</p> <p>2. See Q1. Each application for granting international protection status is dealing with individual approach. Reasons for rejection of application are laying down in relevant legislations.</p>

			<p>3. See Q1. So far we do not use DNA research. However, we do not excluded to use DNA research in a future as one of tools either in case we will recognise any of such need.</p> <p>4. See Q1.</p> <p>5. See Q1.</p> <p>6. See Q1.</p> <p>7. N/A</p>
	Sweden	Yes	<p>1. As a main rule, family members are required to show passports and official documents as proof of identity and family relationship. However, following the application of the principle of free consideration of evidence in administrative procedures, other documents may also be used in exceptional cases.</p> <p>2. If beneficiaries of international protection and their family members cannot provide documentary evidence of the family relationship and the identity of the family members, they might qualify for alleviation of the evidentiary burden. This means that applicants from countries where it is difficult to obtain documentation of identity and family relationships, or where such documentation is not considered reliable, may use other means of investigation to establish their identity and family relationship. If the applicants do not qualify for alleviation of the evidentiary burden, the application may be rejected.</p> <p>3. An ID interview should always be carried out when the family members cannot provide documentary evidence of identity and/or family relationship. DNA research is one additional investigation measure that may be used as a complement to the ID interview. Applicants who are unable to prove their identity through a valid passport when applying for a residence permit, will need to submit a DNA sample (this is subject to consent).</p>

			<p>4. As a general rule, yes. How the applicant can make this plausible depends partly on the situation in the country of origin.</p> <p>5. As a general rule, yes. Again, this depends partly on the situation in the country of origin.</p> <p>6. No, not as a general rule. The assessment is made on a case by case basis.</p> <p>7. DNA research is free of charge when initiated by the Swedish Migration Agency. When family members have organized and paid for DNA research on their own there is a possibility for remuneration of the cost from the Migration Agency on application.</p>
	United Kingdom	Yes	<p>1. There is no requirement in the Immigration Rules for specified evidence to support a family reunion application, the onus is on the applicant and their sponsor to provide sufficient evidence to prove their relationship and satisfy the caseworker that they are related as claimed. Applicants could include a number of documents to demonstrate they are related as claimed, this could be marriage certificate with English translation (for applications made by spouses and unmarried partners), birth certificate (for applications made by children), original letter from UK Visas and Immigration (UKVI) confirming the sponsor's leave status in the UK. In terms of non-official documentation, applicants could provide wedding photos and family photos, where possible, to support their application. Applications made by spouses or unmarried partners should also contain; evidence that the sponsor and their spouse are maintaining contact with one another (e.g. emails, letters and telephones bills), any evidence of sponsors sending money to their spouse, and evidence that the sponsor mentioned their spouse when they originally applied for asylum in the UK . This is all used to prove that the marriage is subsisting, genuine and they intend to live together in the UK.</p> <p>2. If the application does not feature sufficient documentation from the above list then the application may be deferred and further enquiries can be made to the Evidence and Enquiries Unit. Using the sponsor's original Statement of Evidence Form, the caseworker may make further enquiries with the Evidence and Enquiries Unit for evidence that the relationship is as</p>

			<p>claimed. The applicant will need to be able to explain the reasons for the documentation not being readily available.</p> <p>3. If a caseworker considers that an explanation about the lack of documents or further evidence is required, enquiries should be made through either the applicant’s representative, by post or arranging a telephone call to the sponsor or applicant (where appropriate). If the caseworker is still not satisfied with the evidence they may, if they think necessary, arrange an interview with the sponsor in the UK and/or with the applicant overseas. The onus is on the applicant and their sponsor to provide sufficient evidence to prove their relationship and satisfy the caseworker that they are related as claimed. As part of this they may wish to submit DNA evidence at their own expense.</p> <p>4. Yes, where original documents are not available to submit with any application, such as passport or marriage/birth certificate, the onus is on the applicant to provide a reasonable alternative or an explanation of their absence. We do not offer DNA testing but it is open to an applicant to submit such evidence to establish they are related as claimed to the sponsor.</p> <p>5. No (see 1 – no specified documents required)</p> <p>6. There is no requirement for family members of beneficiaries of international protection to approach the authorities in their country of origin. However, they do need to provide sufficient evidence that they are related as claimed and the relationship is subsisting as noted above.</p> <p>7. They are not obliged to submit DNA evidence in family reunion applications but need to establish they are related as claimed and one way to do so is to provide DNA evidence at their own expense.</p>
	Norway	Yes	<p>1. This depends on which country the applicant comes from. A passport is as a main rule always required as evidence of Identity. For some countries we also ask for the documents the applicant provided when applying for the passport (birth certificate, Id card etc.). To document the family relationship we normally ask for a contract of marriage when the applicant is a spouse and a birth certificate if the applicant is a child or a parent. For some countries we also ask for supporting</p>

			<p>family documents, for example a family book. We do not ask applicants from countries that do not issue approved documents (Somalia) to provide documents. Further we do not require documents from persons who will be able to derive refugee status from their sponsor in Norway after being granted family reunification, and we do not ask applicants who themselves are in danger of persecution from their own authorities to supply documents, unless they already possess them. We ask both applicants without documents and applicants with documents issued by countries that only issue documents of insufficient reliability to take DNA tests to determine the family relationship. The DNA test and interviews are taken mainly to substantiate family relationships. As a main rule, the applicants should still provide ID documents, unless the applicant is in danger of persecution from their own authorities as mentioned above.</p> <p>2. No, see above.</p> <p>3. Yes, see above.</p> <p>4. It is normally sufficient to be exempted from providing documentary evidence of identity and family relationship if the family members of a person enjoying international protection in Norway say they do not have documents and the family members qualify for derived refugee status in Norway. If the applicant has been given protection by the UNHCR this is also normally sufficient to be exempted from providing documentary evidence of identity and family relationship. Other applicants are normally required to substantiate their claim of being persecuted by the authorities, for instance by providing information of high profiled political activity. We are normally not able to investigate thoroughly whether the applicants actually have problems themselves with their authorities, so the bar to substantiate such a claim is not set too high. These applicants normally come from countries where we would take DNA tests and/or interviews anyway.</p> <p>5. NO.</p> <p>6. Yes, Eritreans who are family members (spouse and cohabitant) when the family was established before the beneficiary of international protection left the country of origin and children under the age of 18 are exempted from providing a passport. We have considered</p>
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			<p>whether Eritreans applying from Khartoum should be required to provide a passport regardless of whether they may receive derived protection in Norway. The reason for this is that experience seems to indicate that Eritreans applying for a passport in Khartoum are granted a passport and they do not have other problems with the Embassy than the 2 % tax they are expected to pay from future income abroad and signing a letter in support of the Eritrean Authorities. We have however not yet changed our practice. The reason for this is that if there are certain Eritreans who would be persecuted by their authorities if applying for a passport in Khartoum, it would be difficult for us to discover who these persons are at this point in the process.</p> <p>7. No, DNA tests taken when requested by Norwegian Immigration Authorities are always paid for by the authorities.</p>
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