



# Ad-Hoc Query on Reunification of third country nationals by an own national sponsor

# Requested by ES EMN NCP on 19th November 2014

# Compilation produced on 2<sup>nd</sup> February 2014

### Responses from Austria, Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Romania, Slovak Republic, Slovenia, Spain, Norway (20 in Total)

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#### 1. Background Information

The Spanish legislation regulates the right to family reunification of third-country nationals from outside the European Union, demanding the same requirements, regardless of whether such right is exercised by a Spanish national or other EU citizen.

#### 1. Please, inform about the requirements established in the legislation of your State so that an own national may proceed to the reunification of:

- a) his/her spouse
- b) his/her partner
- c) his/her children

#### d) his/her direct ancestors

2. Please, inform whether it is required in your State that the family members referred to in the previous question meet some integration measures mentioned in Article 7.2 of Directive 2003/86/EC of the Council, of 22 September 2003 on the right to family reunification.

It would be very much appreciated if we could receive the answers by 18<sup>th</sup> December **2014**.

#### 2. <u>Responses<sup>1</sup></u>

	Wider Dissemination? <sup>2</sup>	
Austria		<ol> <li>The main conditions for family reunification of Austrian nationals, who have not exercised their residence rights according to EU law within the EU, with third-country nationals spouses, partners and children are adequate means of subsistence (In 2014: €1,286.03 for spouses/partners and an additional €132.34 for each child), health insurance coverage, and adequate accommodation according to local standards (see Art. 47 Settlement and Residence Act). This applies to spouses, partners, and children. Furthermore, evidence of German language skills on A1 level according to the Common European Framework of Reference for Languages must be provided, while minors below 14 are excluded from this requirement (Art. 21a Settlement and Residence Act).</li> <li>In addition to the requirement of proving German language skills when applying for family reunification, the integration agreement, consisting of two modules, which requires German language skills at A2 and B1 level, must be fulfilled by family members during their stay in Austria (Art. 14a and 14b Settlement and Residence Act).</li> </ol>
Belgium		<ul> <li>Answer to question 1:</li> <li>In Belgium, Article 40ter of the Law of 8 July 2011 modifying the Law of 15 December 1980 as regards conditions for family reunification, states that:</li> <li>A Belgian national may proceed to the reunification of his/her family members described as:</li> <li>a) the spouse or foreigner with whom he/she is linked by registered partnership equivalent to marriage, who accompanies or</li> </ul>

<sup>&</sup>lt;sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.
<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the <u>Compilation for Wider Dissemination</u> the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	joins him/her (see Article 40bis, § 2, subparagraph 1 <sup>st</sup> , 1°), if both are older than 21 years old;
	b) <b>the partner with whom he/she is linked by a registered partnership in accordance with law,</b> who accompanies or joins him/her (see Article 40bis, § 2, subparagraph 1 <sup>st</sup> , 2°), if (i) they prove they maintain a stable, durable and duly established partner relationship (that is to say that they prove that they have cohabited in an uninterrupted way in Belgium or another country for at least one year before the application, or they prove that they have known each other for at least two years, they have maintained regular contacts by phone or post and they have met at least 3 times during the 2 years preceding the application and such encounters equal 45 days in total, or they have a child in common), (ii) they come to live together, (iii) they are both older than 21 years old, (iv) they are both single, (v) they are not subject to impediment to marriage based on alliance or parentage (see Articles 161 to 163 of the Civil Code), (vi) they were not subject to a decision of refusal of marriage celebration which acquired the "force of res judicata" (see Article 167 of the Civil Code)
	c) The children or children of the spouse or partner, below the age of 21 years old or dependent, who accompanies or joins him/her, insofar the sponsor, his/her spouse or partner holds right of custody or, in case of shared custody, insofar as the other holder of the right of custody has given his/her consent.
	d) <b>The father and mother of a Belgian minor of age</b> , who establish their identity with an identity document, and who accompany or join the Belgian national.
A	s regards family members listed <u>under a) – b) – c):</u>
	- the Belgian national must demonstrate that:
	<ul> <li>He/she has sufficient, stable and regular resources (= 120% social integration income)</li> <li>He/she has decent accommodation that allow him/her to welcome his/her family members</li> <li>He/she has a health insurance covering risks in Belgium for him/herself and his/her family members</li> </ul>
	- the family member must submit
	<ul> <li>His/her passport or identity card (valid or not)</li> <li>A copy of the identity card of the Belgian sponsor</li> <li>The proof of parentage with the sponsor</li> <li>The proof of sufficient, stable and regular livelihoods + of health insurance</li> </ul>
	he condition of decent accommodation doesn't apply to the parents of a Belgian minor of age. he condition of resources doesn't apply to the parents of a Belgian minor of age, nor to the minor child who joins his/her parent.

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			Answer to question 2:
			Apart from requirements listed in Article 7.1 of Directive 2003/86/EC of the Council, of 22 September 2003 (regarding accommodation, sickness insurance and stable and regular resources), <b>no other specific integration measures</b> are required by Belgian authorities for
			national sponsors to exercise their right to family reunification.
			Sources:
			Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals (in French)
			http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1980121530&table_name=loi
			Law of 8 July 2011 modifying the Law of 15 December 1980 as regards family reunification (in French)
			http://www.ejustice.just.fgov.be/doc/rech_f.htm
			Website of the Immigration Office - Family reunification: requirements
			https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Regroupement_familial/Les_conditions_regroupement_familial.aspx
			Belgian Civil Code (in French)
			http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?DETAIL=1804032130%2FF&caller=list&row_id=1№=11&rech=14&cn=18040
			$\frac{32130\&table\_name=LOI\&nm=1804032150\&la=F\&dt=CODE+CIVIL\&language=fr\&fr=f\&choix1=ET\&choix2=ET\&fromtab=loi\_all\&trices=promulgation&chercher=t&sql=dt+contains++%27CODE%27%26+%27CIVIL%27and+actif+%3D+%27Y%27&tri=dd+AS+RANK}$
			$\frac{1}{4} \frac{1}{1} \frac{1}$
			Council Directive 2003/86/EC of 22 September 2003
			http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133118_en.htm
	Bulgaria	Yes	1. According to Article 34 (1) of the Law on Asylum and Refugees, a foreigner with a granted refugee status or a humanitarian
			status has the right to claim family reunification on the territory of the Republic of Bulgaria.
			According to §1 (3) of the Additional Provisions of the Law on Asylum and Refugees, "Members of the family" are: the spouse
			or the person, with whom he/she is in a proven stable and long-term relationship and their underage and non-married children;
			children of legal age who are not married who are not able to support themselves on their own due to serious health reasons;

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			the parents of each of the spouses who are not in position to take care of themselves because of old age or serious disease		
			and it is imperative to live with their children in one household.		
			2. The members of the family in the Republic of Bulgaria are not supposed to meet specific integration measures mentioned in		
			article 7, paragraph 2 of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.		
<del>.</del>	Cyprus	Yes			
	Czech Republic	Yes	1. The conditions of entry and stay of family members of Czech nationals are set out in the Act No. 326/1999 Coll., On the Residence c Foreign Nationals on the Territory of the Czech Republic (hereinafter referred to as "Act No. 326/1999"), namely in its Sections 15a an 87b.		
			According to Section 15a(4) of the Act No. 326/1999 "Provisions of this Act related to a family member of the citizen of the Europea Union shall be applied to a foreign national who is a family member of the citizen of the Czech Republic." It means that according to the Czech legislation the same rules as applied in case of family members of EU citizens on the grounds of Directive 2004/38/EC are applied t the family members of Czech citizens. We do not apply the rules laid down in Directive 2003/86/EC to the third country nationals who ar family members of Czech nationals and intend to accompany or join the Czech nationals in the Czech republic.		
			a) The conditions are the same as in case of reunification of an EU citizen with his/her spouse according to Directive 2004/38/EC. The spouse is always regarded as a family member of a Czech/EU citizen. He/she can apply for the temporary residence permit of a family member of an EU/CZ citizen. To the end, he/she has to prove that he/she is a family member of a Czech/EU citizen and he/she intends temporarily stay in the Czech Republic for a period longer than 3 months together with a Czech/EU citizen. Along with the application, the family member shall submit a travel document, a document confirming that he/she is a family member of a Czech/EU citizen, a photograp proof of medical insurance and proof of accommodation. There is also a possibility to apply for the permanent residence permit of a family member of an EU/CZ citizen (after 5 or in some cases 2 years of residence of the family member in the Czech Republic).		
			b) According to Section 180f of the Act No. 326/1999, the registered partners (the persons who entered into an officially certific permanent partnership of two persons of the same gender) shall be regarded as spouses; that applies also to a child of one of the partners of a child in the care of a partner, who will be regarded as child of a spouse. These persons can apply for the temporary or the permanent residence permit on equal terms with spouses. The possibility to apply for the temporary or the permanent residence permit on equal terms as mentioned above shall also apply in case of the possibility to apply for the temporary or the permanent residence permit on equal terms as mentioned above shall also apply in case of the permanent		
			family members of Czech/EU citizens who prove that they have a permanent relationship similar to family relationship with the Czech/E citizen and are members of the household of this citizen (this is equivalent to the article 3(2)(b) of Directive 2004/38/EC).		
			c) Children of a Czech/EU citizen who are under the age of 21 or such children of the spouse (or the registered partner) of a Czech/E citizen are regarded as family members of a Czech/EU citizen and, as such, may apply for the temporary or the permanent residence perm on equal terms as mentioned above. In addition, the dependent direct relatives in the descending line or those of the spouse (or registere partner) of a Czech/EU citizen shall be regarded as family members of a Czech/EU citizen and, as such, may apply for the temporary or the permanent residence permeters of a Czech/EU citizen shall be regarded as family members of a Czech/EU citizen and, as such, may apply for the temporary or the temporary or the permanent permeters of a Czech/EU citizen and as such as suc		

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			permanent residence permit on equal terms as mentioned above, if they,
			a) are up to the age of 26 and are systematically preparing themselves for future occupation;
			b) cannot systematically prepare themselves for future occupation or cannot perform a gainful activity due to illness or injury; or
			c) are unable to perform a systematic gainful activity due to long-term unfavourable health condition.
			d) The dependent direct relatives in the ascending line (e.g. parents, grand-parents) or those of the spouse (or the registered partner) of
			Czech/EU citizen shall be regarded as family members of a Czech/EU citizen and, as such, may apply for the temporary or the permane
			residence permit on equal terms as mentioned above, if they:
			a) are up to the age of 26 and are systematically preparing themselves for future occupation;
			b) cannot systematically prepare themselves for future occupation or cannot perform a gainful activity due to illness or injury; or
			c) are unable to perform a systematic gainful activity due to long-term unfavourable health condition.
			There is also and more actioners of nonzero who may be recorded under cartain and itien as family morehant of a Crack/EU sities
			There is also one more category of persons who may be regarded under certain condition as family members of a Czech/EU citize According to the Act No. 326/1999, the foreign nationals who reasonably attest that they are other relatives of the Czech/EU citizen that
			those mentioned above, who:
			mose menuoned above, who.
			1. in the state whereof they are nationals or in the state whereof they have been permitted a long-term or permanent residence, were
			members of the household of a Czech/EU citizen;
			2. are dependent on a Czech/EU citizen; or
			3. are unable to take care of themselves due to a long-term unfavourable health condition or are unable to take care of themselves
			without personal care of a Czech/EU citizen, shall also be regarded as family members of a Czech/EU citizen and, as such, may
			apply for the temporary or the permanent residence permit on equal terms as mentioned above.
			appry for the temporary of the permanent residence permit on equal terms as mentioned above.
			2. As mentioned above, we do not apply the rules laid down in Directive 2003/86/EC to the third country nationals who are family
			members of Czech nationals and intend to accompany or join the Czech nationals in the Czech republic. Therefore, there is no such
			obligation as far as Czech citizen's family members concerned.
	Denmark	Yes	
	Estonia		
		Yes	
╺╉╼╸	Finland	Yes	1. a) spouse, b) partner and c) children of Finnish citizens
			Annulise to Contine 50. Coloration 1 of the Final Alline Ant for its members of a Final division lining in Finland and miner
			According to Section 50, Subsection 1 of the Finnish Aliens Act, family members of a Finnish citizen living in Finland and minor
			unmarried children of the family members are issued with a continuous residence permit on the basis of family ties upon application filed
			in Finland or abroad.
			(If a Finnish citizen has used the right of movement laid down in the Directive 2004/38/EC of the European Parliament and of the Council
			- In the product curved day used the fight of movement land down in the Directive 2004/58/EU of the European Parliament and of the Colincia

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	amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Free Movement Directive), by moving to another Member State or by residing in another Member State and the family member has accompanied or joined him or her, provisions in Chapter 10 [Residence of citizens of the European Union or comparable persons] apply to the entry and residence of the family member.)		
	<ul> <li>Family members are defined in Section 37 of the Finnish Aliens Act as follows:</li> <li>(1) When applying this Act, the spouse of a person residing in Finland, and unmarried children under 18 years of age over whom the person residing in Finland or his or her spouse had guardianship are considered family members. If the person residing in Finland is a minor, his or her guardian is considered a family member. A person of the same sex in a nationally registered partnership is also considered a family member.</li> <li>(2) Persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple. The requirement is that they have lived together for at least two years. This is not required if the persons have a child in their joint custody or if there is some other weighty reason for it.</li> <li>(3) When no official statement is available on the dependency status (foster child), an unmarried child under 18 years who is under his or her parent's or guardian's de facto care and custody and in need of such care and custody on the date a decision is made on the residence permit application shall be treated as a child under subsection 1. Treatment as a child under subsection 1 requires reliable evidence that the child's previous parents or guardians have died or are missing and that the sponsor or his or her spouse was the child's de facto guardian before the sponsor entered Finland. If the sponsor is a foster child residing in Finland, treatment as a child under subsection 1 requires reliable information which shows that the person concerned was the sponsor's de facto guardian before the sponsor entered Finland.</li> </ul>		
	<ul> <li>General requirements for issuing residence permits for third country nationals are listed in Section 36 of the Finnish Aliens Act:</li> <li>(1) A residence permit may be refused if the alien is considered a danger to public order, security or health or to Finland's international relations. Endangering public health does not, however, prevent the issuing of an extended permit, if the requirements for issuing a permit are otherwise met. Endangering international relations does not, however, prevent the issuing of a residence permit on the basis of family ties or issuing a residence permit to an alien who has been issued with a long-term resident's EC residence permit by a Member State of the European Union.</li> <li>(2) A residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.</li> <li>(3) A residence permit by reason of family ties may be refused if there are reasonable grounds for suspecting that the sponsor has received a residence permit by circumventing the provisions on entry or residence by providing false information on his or her identity or family relations.</li> <li>Issuing a residence permit further requires that the person in question has a valid travel document.</li> <li>Issuing a residence permit for a spouse, partner or a child of a Finnish citizen does not require the alien to have secure means of support.</li> <li>1. d) Ancestors of Finnish citizens</li> </ul>		

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		According to Section 50, Subsection 3 of the Finnish Aliens Act, relatives other than family members of a Finnish citizen living in Finland are issued with a continuous residence permit if refusing a residence permit would be unreasonable because the persons concerned <b>intend to resume their close family life in Finland</b> or because the relative is <b>fully dependent on the Finnish citizen</b> living in Finland. Such other relatives must remain abroad while the application is processed.	
		General requirements for issuing residence permits are listed in Section 36 of the Finnish Aliens Act (pls see above). Issuing a residence permit further requires that the person in question has a valid travel document. Issuing a residence permit does not require the alien to have secure means of support.	
		(For further information pls see: http://www.migri.fi/moving_to_finland_to_be_with_a_family_member/filling_in_the_application/family_member_of_a_finnish_citizen/o ther_relative)	
		2. There are no integration requirements related to family reunification.	
France	Yes	1. a) A third country national married to a French national has the possibility to receive a temporary residence permit, for a period of one year ( <i>carte de séjour portant la mention "vie privée et familiale"</i> ), under the following conditions:	
		• If the joint living of the spouses has not been broken since the wedding;	
		• If the French spouse has kept his/her French nationality;	
		• And, if the wedding was celebrated abroad, it should be pre-registered on the French register of civil status.	
		The issue of this residence permit is subject to a regular entry on the French territory, through a long term visa. After being married for three years, during which the temporary residence permit was renewed annually, the spouse of a French national is granted a residence permit for a duration of ten years.	
		b) There are no possibility to proceed to a reunification for the partner of a French national.	
		c) and d) Children (under the age of 21 or dependent children) and direct ancestors (parents, grandparents or dependent step- parents) of a French national can be granted a residence permit for a duration of ten years, if they have entered France with a long term visa.	
		Yes, as third country nationals, the categories of family members mentioned are required to meet some integration measures, according to national law: in order to assess their integration, French authorities take into account their commitment to respect the principles of the French Republic. They also need to prove a certain level of knowledge of the French language.	

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Germany	Yes	<ol> <li>The following persons are eligible for the issuance of a residence permit for family reunification:         <ul> <li>a. the spouse of a German and/or the partner (of the same sex) who lives in a registered partnership (eingetragene Lebenspartnerschaft) with a German,</li> <li>b. the single minor of a German</li> <li>c. the parent of a single minor German in order to fulfil his or her right of custody,</li> <li>if the German has his or her usual residence in the federal German territory and if the joining person meets the general requirements for the issuance of a residence document (e.g. that he or she has a valid passport). One of the general requirements, namely the evidence of means of subsistence <i>is</i> not applied in the case of a child that is reunited with its family (b.) and in the case of the parent with the right of custody for this child (c.); in the case of a foreign parent of a German child who is <i>not</i> entitled to the right of custody for this child, the evidence of means of subsistence <i>shall</i> not be applied. In the case of a foreign parent of a German child who is <i>not</i> entitled to the right of custody for this child, the evidence of means of subsistence <i>may</i> be abandoned when the decision to establish and raise a family has already been taken in German ybeforehand.</li> </ul> </li> <li>Other family members (such as the parents of a German of full age) may be given a residence permit if this is required in order to avoid a situation of extreme hardship and if they meet the general requirements for the issuance of a Union citizen and is therefore, family reunification of third country nationals with Germans. Therefore, family members of a the family reunification with a German to this or her entry. As an exception to this, this proof is not required if it is not possible – in individual cases – for the joining person to acquire a moderate level of German is nor german is anong others that the alien spouse or partner in li</li></ol>
Greece	Yes	<ol> <li>According to Greek legislation, an own national may proceed to the reunification of the above mentioned categories, if he/she meets the following conditions:         <ul> <li>a) Accommodation that can cover his/her needs as well the needs of the family members for whom he/she request family reunification</li> <li>b) His/Her personal income is stable, regular and sufficient to cover his/her needs and the needs of their family and is earned without recourse to the country's social assistance system. This income cannot be lower than the annual income of an employee on minimum wage, pursuant to national laws, increased by 20% for the spouse and 15% for each child. The 15% increase for each child is not required if both spouses reside lawfully in Greece.</li> <li>c) He/she has full health coverage, providing all the benefits provided for the equivalent category of insured nationals, which can also cover their family members.</li> </ul> </li> <li>In Greece, family members of Greek nationals required to comply with those integration measures mentioned in article 7.2 of the above</li> </ol>

		mentioned Directive.
Hungary	Yes	1. In order to avoid reverse discrimination Hungary extends the right to free movement and residence to the family members of Hungarian nationals as well, therefore admission criteria set out in Directive 2004/38/EC are also applied for the family reunification of Hungarian nationals with their third-country national family members.
		Pursuant to Article 2 point b) of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence 'family member' in case of Hungarian nationals for the purposes of this Act means:
		• the spouse of a Hungarian citizen,
		• the direct descendants of a Hungarian citizen and those of the spouse of a Hungarian citizen who are under the age of 21 or are dependants,
		• and the direct relatives in the ascending line of a Hungarian citizen and those of the spouse of a Hungarian citizen,
		• the person who has parental custody of a minor child who is a Hungarian citizen,
		• any person whose entry and residence has been authorized by the competent authority on grounds of family reunification: the competent authority may grant the right of residence to persons on the grounds of family reunification, who are dependants or members of the household of a Hungarian citizen for a period of at least one year, or who require the personal care of a Hungarian citizen due to serious health grounds (quasi family member),
		• the common-law partner of a Hungarian citizen, who is registered as a partner by the authority of Hungary or other EU Member States.
		According to the current legislation family members of any Hungarian citizen who is engaged in gainful employment have the right of residence for a period of longer than three months. The right of residence for a period of longer than three months extends to the family members of a Hungarian citizen if: they have sufficient resources for themselves or the Hungarian citizen has sufficient resources for such family members not to become a burden on the social assistance system of Hungary during their period of residence and they have comprehensive sickness insurance cover for health-care services as prescribed in specific other legislation, or if they assure that they have sufficient resources for themselves and their family members for such services as required by statutory provisions. The right of residence for a period of longer than three months may be granted to a person who exercises parental custody of a minor child who is a Hungarian citizen in the absence of the above mentioned and by the law regulated requirements.
		2. As admission criteria set out in Directive 2004/38/EC are also applied for the family reunification of Hungarian nationals with their third-country national family members, no integration measures are determined among admission criteria concerning family members of own nationals.

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		It should also be noted that Hungary does not apply any integration admission criteria for other groups of third-country nationals covered by the scope of Directive 2003/86/EC either			

		by the scope of Directive 2003/86/EC either.
Ireland	Yes	1. The granting of family reunification of non-EEA nationals with Irish nationals is subject to Ministerial discretion.
		In December 2013, the Irish Naturalisation and Immigration Service published a "Policy Document on Non-EEA Family Reunification", which sets out the criteria for all forms of family reunification which are subject to Ministerial discretion. [The paper, therefore, does not cover family reunification applications from family members of EU nationals exercising the right to free movement or cases involving the spouse and minor children of a refugee or a person granted subsidiary protection].
		All applicants must meet the criteria set out in this document in terms of <i>inter alia</i> showing the permanency of the relationship, the establishment of dependency for dependent family members and ability to provide adequate financial support for family members.
		The Policy Document provides for certain more favourable criteria in cases where the sponsor is an Irish citizen. Irish citizen sponsors will have to achieve a minimum level of earnings of a cumulative gross earnings figure of €40k over three years, not including any State benefits (paragraph 17.2), while non-EEA sponsors will need to show a higher level of earnings. Immediate family members of Irish citizens granted immigration status through the family reunification process will have the right to work without employment permits and to establish or manage/operate a business in the State. Immediate family members of non-EEA sponsors will, if granted immigration permission, continue to be subject to employment permit requirements (page 9).
		Section 18 of the Policy Document sets out the criteria in respect of applications for reunification with elderly dependent relatives. Very strict conditions, particularly in relation to the ability to provide financial support and a high level of private health insurance cover, will apply in such cases.
		2. Ireland does not participate in Directive 2003/86/EC on the right to family reunification. At present, there are no specific language or integration requirements for applicants for family reunification, including family members of Irish nationals. However, the "Policy Document on Non-EEA Family Reunification" (section 9) indicates that an intention has been signaled to introduce language competency as a requirement for citizenship and long term residence. The Policy Document indicates that it is proposed to undertake a further study on this issue on a horizontal basis for all classes of legal migration, not just family reunification. The level of language competence required, when it should be attained and the question of whether testing of knowledge of Irish society and culture should become an element of the immigration system, will be considered as part of this study. (see paragraphs 9.1 and 9.2 of Policy Document at link below).

<b></b>	101 11000554	ny represent the	official policy of an EMIN NCPS <sup>®</sup> Member Stale.
			Please see link to "Policy Document on non-EEA Family Reunification" for further information: http://www.inis.gov.ie/en/INIS/Family%20Reunification%20Policy%20Document.pdf/Files/Family%20Reunification%20Po licy%20Document.pdf.
	Italy	Yes	In the cases in which a family reunion visa may be obtained, the Italian legislation does not differentiate between Italian nationals and nationals from other Members States who live in Italy. The sponsor must prove they have accommodation falling within the minimum parameters provided for by regional laws on public residential housing and a yearly income from legal sources not lower than the yearly social allowance (€5,818.93 per year), increased by its half for each person to reunite.
	Latvia	Yes	<ol> <li>Latvia does not apply the same regime for family members of citizens of Latvia who have not exercised the right to the free movement. Thus, the family members of citizens of Latvia should follow the same procedures as third-country citizens who are joining their sponsors – third-country citizens. Spouses, minor children and parents who have reached the age of retirement (62 years) are entitled to apply for a family reunification while partners have not this possibility.</li> <li>In order to obtain a residence permit, the applicant should prove the sufficient financial means, to submit documents certifying the intended place of residence in Latvia, should prove that s/he does not suffer from active tuberculosis and that s/he does not have a criminal record in the country of their previous residence. After the adoption of the positive decision on issuance of the residence permit, an applicant is required to prove that s/he has a health insurance policy.</li> <li>Latvia does not apply any integration requirements for persons who want to obtain a temporary residence permit. In order to obtain a permanent residence permit a person should prove sufficient knowledge of state language (level 2A).</li> </ol>
	Lithuania	Yes	<ul> <li><u>1.</u> <ul> <li><u>a) Spouse</u>: A temporary residence permit may be issued or replaced to a spouse provided that he/she (not applicable if an alien has been granted the refugee status in the Republic of Lithuania, subsidiary or temporary protection in the Republic of Lithuania):             <ul></ul></li></ul></li></ul>

		to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does are official policy of an EMN NCPs' Member State.
		<ul> <li>b)<u>Partner:</u>The same conditions apply as to the spouse, if partnership is registered. If not, it is not the case of family reunification.</li> <li>c)<u>Children</u>: General conditions</li> <li>d)<u>Parents</u>: General conditions</li> <li>An alien who arrives in the event of family reunification is issued a temporary residence permit. If the alien has entered the Republic of</li> </ul>
		Lithuania for residence together with a citizen of the Republic of Lithuania as his family member, the alien shall acquire the right of permanent residence in the Republic of Lithuania.
		2. Integration requirements do not apply.
Luxembourg	Yes	<ol> <li>In Luxembourg third country nationals who are members of the family of a Luxemburgish national, must meet the same requirements as third country nationals who are family members of a national of any other Member State of the Union (article 12 (3) of the amended Law of 29 August 2009 on Free Movement of Persons and Immigration).</li> </ol>
		The third country national who wishes to apply for family reunification to an EU or similar citizen must file the application for a visa in the Luxembourg diplomatic mission or consular post or the diplomatic mission or consular post of another Member state that represents Luxembourg in his/her country of origin. Or he may submit the documents to the Directorate of Immigration. The documents to be submitted are: • an authenticated copy of the full passport;
		<ul> <li>an extract from the birth certificate;</li> <li>an extract from the criminal record, established at least three months ago (for the persons of major age).</li> </ul>
		These common requirements are valid for his/her spouse, his/her partner, his/her children (who are minors or aged less than 21 years old, or who are aged more than 21 years and are at the financial responsibility of the EU citizen or his/her spouse) and his/her direct ancestors who must depend on the sponsor.
		For the spouse or partner the applicant must also submit: • an extract from the marriage certificate/copy of partnership
		For children of divorced parents: • a copy of the judgment conferring custody of the minor to the parent who is residing in Luxembourg, or a notarized authorization from the other parent attesting his or her agreement that the minor can move abroad.
		In case of an ascendant, the applicant must also submit: • the proof of financial support, by any appropriate means, proving that the ascendant was in a situation of dependency of the descendant living in Luxembourg.

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#### EMN Ad-Hoc Query on Requirements for Operating a Business Activity

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			<ol> <li>In Luxembourg, family members of Luxemburgish nationals are not required to comply with the integration measures mentioned in Article 7.2 of the Directive 2003/86/EC.</li> </ol>
*	Malta	Yes	
	Netherlands	Yes	<ol> <li>For registered partners the same rules apply as to spouses (see 1a). To unmarried partners who are also not registered partners, different conditions apply (1b)         <ul> <li>The national and his Third County-national spouse or registered partner have to meet the following conditions (taken from the IND Residence wizard):                 <ul></ul></li></ul></li></ol>

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<b></b>	noi necessaruy represent ine	official policy of an EMN NCPs' Member State.
		You and your partner need to meet the following conditions:
		<ul> <li>You have a valid travel document (for example a passport).</li> </ul>
		<ul> <li>You are not a risk to public order or national security.</li> </ul>
		<ul> <li>You are willing to undergo a <u>tuberculosis test</u> upon arrival in the Netherlands. Certain nationalities are exempt from this obligation.</li> </ul>
		- You have not given false information or have withheld important information to support any previous applications.
		<ul> <li>Your partner has <u>sufficient long-term means of support</u> for at least 12 months.</li> </ul>
		- You have passed the <u>Civic Integration Examination Abroad</u> or you are exempt from this examination.
		<ul> <li>You are both aged 21 or older.</li> <li>Please note there is an exception for Turkish nationals. In respect of the standstill clause to the EC Association</li> <li>Agreement with Turkey, the minimum age for Turkish nationals and their family member is 18.</li> </ul>
		– You are both unmarried.
		<ul> <li>You have a long-term and exclusive relationship with your partner.</li> </ul>
		<ul> <li>Your partner has signed the sponsor's declaration.</li> </ul>
		<ul> <li>When your partner holds a temporary residence permit with a non-temporary purpose of stay, your partner must have been in the Netherlands for at least 1 year. This does not apply to a partner holding a temporary residence permit with a purpose, such as study, highly skilled migrant, scientific researcher, working as an employee or working on a self- employed basis.</li> </ul>
		<ul> <li>You will live with your partner as soon as you arrive in the Netherlands.</li> </ul>
		<ul> <li>Your partner has to be registered in the Municipal Personal Records Database (BRP) and upon arrival in the Netherlands you must register in the BRP at the same address as your partner.</li> </ul>
		c. Taken from the IND Residence wizard: You wish to live with your parents in the Netherlands. You and your parent(s) need to meet the following conditions:
		<ul> <li>You have a valid travel document (for example a passport).</li> </ul>

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<ul> <li>You are not a risk to public order or national security.</li> </ul>
<ul> <li>You are willing to undergo a <u>tuberculosis test</u> upon arrival in the Netherlands. Certain nationalities are exempt from this obligation.</li> </ul>
- You have not given false information or have withheld important information to support any previous applications.
<ul> <li>Your parent(s) have/has <u>sufficient long-term means of support</u> for at least another 12 months from the start of the procedure.</li> </ul>
- You have not started your own family (you are not married or in a long-term relationship)
<ul> <li>You are a biological or legal child of your parent(s).</li> </ul>
<ul> <li>There is an authoritative relationship between you and your parent(s).</li> </ul>
- You have a family relationship with the parent(s) in the Netherlands with whom you want to stay.
<ul> <li>You are not yet 18 years old.</li> </ul>
<ul> <li>Your parent(s) has/have signed the sponsor's declaration.</li> </ul>
<ul> <li>You will live with your parent(s) as soon as you arrive in the Netherlands.</li> </ul>
<ul> <li>Upon arrival in the Netherlands you must register in the Municipal Personal Records Database (BRP) of your local municipality at the same address as your parent(s).</li> </ul>
<ul> <li>If one of your parents is staying behind in your country of origin, you need to have permission from this parent to come the Netherlands (if your parents have joint custody).</li> </ul>
d. As a general rule, it is not possible to have family reunification with one's direct ancestors (parents, grandparents). There is only one exception to this rule. If an unaccompanied minor has been granted asylum in the Netherlands, it is (under certain specific conditions) possible for this unaccompanied minor to apply for family reunification with his parents still living abroad.
<ol> <li>Yes, in the Netherlands the family member must have passed the <u>Civic Integration Examination Abroad</u> unless they are exempt from this examination. This does not apply to children</li> </ol>

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	Poland	Yes	
8	Portugal	Yes	
	Poland		I. Please, inform about the requirements established in the legislation of your State so that an own national may proceed to the reunification of:         a) his/her spouse         b) his/her partner         c) his/her children         d) his/her direct ancestors         National legislation in the area of immigration defines the remily reunification as being the entry and stay on Romanian territory of the family membres of an alien legally staying in Romania of of a Romanian citizen with the main reason of keeping the family unity. Aliens who are family members of a Romanian citizen are allowed to enter the Romanian territory without complying the conditions referring to presentation of documents which justify the purpose and conditions of stay in Romania as well as the existence of means of subsistence for the entire period of stay as well as those necessary to return to the country of origin. Long stay visa for family reunification may be also applied for by the following categories of persons: <ol> <li>Aliens married to a Romanian citizen</li> <li>Unmarried aliens who live together with unmarried Romanian citizens if they have a child together</li> <li>Children of the Romanian citizen, of his/her spouse/partner</li> <li>First degree ancestors of the Romanian citizen of his/her spouse/partner</li> <li>First degree ancestors of the Romanian citizen, of his/her spouse/partner</li> <li>Alien who is parent of a minor Romanian citizen of his/her spouse</li> </ol> <li>Alien who is parent of a minor Romanian citizen of his/her spouse</li> <li>Alien who is parent of a minor Romanian citizen or of his/her spouse</li>
			6. Aliens who are family members of Romanian citizens who prove they are registered in this quality in another Member State Visa application of the persons mentioned at points 15. Must be accompanied by a Romanian marriage certificate, or the proof of family relationship or partnership. The visa application of the persons under point 6 must be accompanied by the proof of registration in another Member State. Long stay visa for family members of Romanian citizens are exempted from consular fees.
			<ul> <li>Family members of a Romanian citizen may be extended the stay right, if the Romanian citizen has his/her permanent residence/residence in Romania, as follows: <ul> <li>a. for aliens married to Romanian citizens if:</li> <li>they present a marriage certificate</li> <li>there is no bi- or polygamy</li> <li>b. for partners if:</li> <li>they present the birth certificate of their child</li> </ul></li></ul>

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			<ul> <li>both persons proves they are not married</li> <li>the aliens proves that he/she lives together with the Romanian citizen</li> <li>c. for the children of the Romanian citizen, his/her spouse/partner, including the adopted ones who are less than 21 years old or who are in INTRETINERE of the Romanian citizen or his/her spouse/partner if:</li> <li>they present which proves the family relationship</li> <li>they live together with the Romanian citizen or his/her spouse, if:</li> <li>they present the documents proving the family relationship</li> <li>for the alien who is parent of a minor Romanian citizen or there is an obligation to pay an PENSIE DE INTRETINERE that is INDEPLINITA regularly</li> <li>The stay right is extended individually for each family member for periods up to 5 years.</li> <li>The extension of the stay right is exempted from consular fees.</li> <li><b>2. Please, inform whether it is required in your State that the family members referred to in the previous question meet some integration measures mentioned in Article 7.2 of Directive 2003/86/EC of the Council, of 22 September 2003 on the right to family remification.</b></li> <li>National legislation on aliens' regime does not contain specific provisions on integration as mentioned by Article 7.2 of Directive 2003/86/EC.</li> <li>Family members of a Romanian citizen may benefit from the integration programmes set based on the Government Ordinance 44/2004 on social integration of aliens who were granted a form of protection or a stay right and of the citizens of EU Member States and EEA ("Aliens who were granted a stay right in Romania benefit, upon request and free of charge, from language courses as well as cultural accommodation and counselling sessions")</li> </ul>
	Slovak Republic	Yes	<ol> <li>The process of residence application of a third country national applying for family reunification with a Slovak citizen is in terms of meeting the legal requirements more demanding than the process of residence application of a third country national applying for family reunification with an EU citizen with granted residence permit in the Slovak Republic.</li> <li>When applying for family reunification with a Slovak citizen, a third country national has to apply for a permanent residence for 5 years. When applying for family reunification with an EU citizen for the period up to three months, a third country national has to submit documents proving his/her identity and family ties with the EU citizen. When applying for family reunification with an EU citizen for the period exceeding three months, the third country national can apply for family reunification only if the EU citizen with whom s/he applies for a family reunification meets requirements for a residence permit granted in the territory of the Slovak Republic.</li> <li>a) his/her spouse</li> <li>When applying for family reunification with a Slovak citizen, a third country national has to apply for a permanent residence permit for 5 years.</li> </ol>

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<ul> <li>According to the Slovak legislation, the following documents are required for the family reunification with a Slovak citizen:         <ul> <li>filled application</li> <li>a valid travel document</li> <li>two colourful photographs (3 x 3,5 cm)</li> <li>Slovak marriage certificate</li> <li>document proving permanent residence of the Slovak citizen in the Slovak Republic (confirmation from the municipality or an identification document)</li> <li>criminal record statement from the country of origin or countries where the third country national resided during the last 3 years for more than 90 days within 6 continuous months</li> <li>document proving financial subsistence (12 x subsistence minimum – 12 x 198,09 EUR = 2377,08 EUR for the subsistence minimum valid until 30 June 2015)</li> <li>document confirming accommodation during the stay in the Slovak Republic</li> </ul> </li> <li>The only exception is when a Slovak citizen returning to Slovakia from other EU Member State, where s/he resided with the third country national, is considered as the EU citizen and due to this his/her family member can apply for family reunification as a family member of the EU citizen.</li> <li>When applying for family reunification with the EU citizen (Slovak citizen residing in another Member State), a third country national has to apply for a residence card of the EU citizen within 30 days after the period of 3 months since the entry to the territory of the Slovak Republic. The card is valid for 5 years or a shorter period according to the residence permit of the sponsor. According of the subsistence card of the EU citizen within 30 days after the period of 3 months since the entry to the territory of the Slovak Republic.</li> </ul>
<ul> <li>to the Slovak legislation, the following documents are required for the family reunification with the EU citizen:         <ul> <li>filled application</li> <li>valid travel document</li> <li>document confirming family ties (a marriage certificate)</li> <li>document confirming accommodation of the sponsor (a spouse/ EU citizen)</li> <li>For the purpose of issuing the residence permit, the third country national is required to submit document confirming his/her accommodation.</li> </ul> </li> <li>b) his/her partner         <ul> <li>Family reunification for unmarried partners is not defined in the Slovak legislation.</li> <li>c) his/her children</li> <li>A child who is a third country national applying for a family reunification with a Slovak citizen can apply for a permanent residence for 5 years if s/he proves to be his/her immediate family member (this also includes children) of the Slovak citizen.</li> <li>A child who is a third country national applying for a family reunification with the EU citizen (a Slovak citizen residing in another EU Member State) can apply for a permanent residence for 5 years if s/he proves to be his/her immediate family reunification with the EU citizen (a Slovak citizen residing in another EU Member State) can apply for a permanent residence for 5 years if s/he proves to be his/her immediate family reunification with the EU citizen (a Slovak citizen residing in another EU Member State) can apply for a permanent residence for 5 years if s/he proves to be his/her immediate family reunification with the EU citizen (a Slovak citizen residing in another EU Member State) can apply for a permanent residence for 5 years if s/he proves to be his/her immediate family member (this also</li> </ul> </li> </ul>

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			includes children) – the family ties are proven by a birth certificate.
			d) his/her direct ancestors
			The category of immediate family members includes grandparents, parents, children and grandchildren (vertical line). For this category the same procedure as mentioned in c) applies.
			category the same procedure as mentioned in c) applies.
			2. No. Slovak Republic has not implemented this part of the Directive into the national legislation.
	Slovenia	Yes	<ol> <li>National legislation (127-129 article of the Alien Act) in case of Slovenian citizens who applying for reunification for third country national who is his/her family member (spouse, partner, a child, minor, etc) required among other; validity ID or passport, prove that he/she has for himself/herself and the members of his/her family sufficient resources for their maintenance, as well as a health insurance. The same requirements must fulfil also third country nationals who are family members of EU citizen.</li> <li>Family members of Slovenian nationals are not required to comply with those integration measures mentioned in Article 7.2 of the same requirements in the provide the</li></ol>
			above mentioned Directive. Participation at the integration programmes (Slovenian language courses, etc) is voluntary but not necessary.
豪	Spain	Yes	1. Please, inform about the requirements established in the legislation of your State so that an own national may proceed to the reunification of:
			a) his/her spouse b) his/her partner
			c) his/her children
			d) his/her direct ancestors
			In Spain, third country nationals who are members of the family (above mentioned categories) of a Spanish national, must meet the same requirements as third country nationals who are family members of a national of any other Member State of the Union.
			The sponsor must prove that he/she works as an employee or that he/she has, for himself/herself and the members of his/her family, sufficient resources for their maintenance, as well as a health insurance covering all risks in Spain. This health insurance is not required to the spouse or children of Spanish nationals who are insured, as they are considered as beneficiaries by the National Health System.
			2. Please, inform whether it is required in your State that the family members referred to in the previous question meet some in measures mentioned in Article 7.2 of Directive 2003/86/EC of the Council, of 22 September 2003 on the right to family reunification
			In Spain, family members of Spanish nationals are not required to comply with those integration measures mentioned in Article 7.2 of the above mentioned Directive.

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Sweden	Yes	
United Kingdom	Yes	
Croatia	Yes	
Norway	Yes	Norway is not bound by Directive 2003/86 EC. The following answers are based on the provisions in the Norwegian Immigration Act.
		For the purpose of <u>family reunification</u> the law requirements that a sponsor who is a Norwegian national are the same as that need to be satisfied by a sponsor who is not a Norwegian national.
		In case of reunification with a spouse (includes also same sex spouses):. The sponsor (referanseperson) must show sufficient capacity to support the applicant, c.f. the Immigration Act section 58 and the Immigration Regulations section 10-8 to 10-10. There is a requirement for future income, and a requirement for previous income, currently NOK 251 856,- (approximately 30 thousand Euro) per year. It is also a requirement that the sponsor has not received any needs based financial support from the social services for the past 12 months. Exceptions can be made, such as in the case of particularly weighty humanitarian considerations, c.f. the Immigration Regulations section 10-11.
		There are also several other conditions that must be met: Unmarried children (including adopted children) under the age of 18 are entitled to a residence permit when both, or one of the parents is a Norwegian national. If only one of the parents holds a valid residence permit (or a Norwegian nationality), it is a condition that this parent has or shares parental responsibility. If the parental responsibility is shared, the other parent must, as a main rule, give his or her consent c.f. the Immigration Act section 42.
		If the national sponsor is <b>a</b> child under the age of 18 then the parent is entitled to a residence permit if: the applicant has parental responsibility for the child, and lives permanently with the child in Norway, c.f. the Immigration Act section 44. Further, an applicant who is the mother or father of a <b>Norwegian</b> child under the age of 18 who lives permanently with the other parent in Norway shall be entitled to a residence permit if the applicant has lived with the child or has exercised right of access of a certain extent in the last year outside Norway, has right of access of a certain extent in the realm, and renders it probable that right of access will be exercised, c.f. the Immigration Act section 45.
		A Norwegian sponsor over 18 years can be reunited with a parent who is over 60 years old when this parent is single, or lacks a cohabitant, or descending or ascending relatives in the country of origin.
		2) The law does not specify particular integration requirements when the sponsor is a Norwegian national. However, one of

the purposes of the requirements concerning income is to improve integration.
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