



Ad-Hoc Query on Assessment of resources of third-country national applicants

Requested by COM on 14th August 2014

Compilation produced on 28th November 2014

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (24 in Total)

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1. Background Information

Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents determines the terms for conferring and withdrawing long-term resident status granted by a Member State in relation to third-country nationals legally residing in its territory and the rights pertaining thereto. In particular, article 5(1)(a) foresees that Member States shall require third-country nationals to provide evidence that they have, for themselves and for dependent family members stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident status; Council Directive 2003/86/EC on the right to family reunification determines the conditions under which family reunification is granted, as well as the rights of the family members concerned. In particular, article 7(1)(c) foresees that when the application for family reunification is submitted, the Member

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State concerned may require the person who has submitted the application to provide evidence that the sponsor has: stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.

Therefore, the Commission would like to receive from Member States an answer to the following questions:

1. Is there a reference amount used by the competent authorities to assess whether the resources referred to in the Directives are sufficient?
 - 1.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC
 - 1.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC
2. Is there a reference time period used during which the resources should be maintained in order to be considered as being stable and regular according to the Directives?
 - 2.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC
 - 2.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC
3. When assessing the nature of the resources, what sources of income and means are taken into account?

In particular, to what extent are resources considered from permanent employment; non-permanent employment (e.g temporary contracts of limited duration); self-employed activities; private means available to the sponsor; payments based on entitlements built up by previous contributions made by the sponsor (e.g. retirement or invalidity payments); resources held abroad (in another EU Member State; outside of the EU); resources available to the family member(s) in question; resources made available by third parties; other factors or sources?

- 3.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC
 - 3.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC
4. How do you ensure the individual examination of each case when using reference amounts and periods for the calculation of the regularity and sufficiency of the resources?
5. How do you ensure the differentiation between general social assistance which compensates for a lack of stable, regular and sufficient resources, and special social assistance which enables exceptional or unforeseen needs to be addressed? In particular, how do you ensure that eligibility for long-term




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residence and family reunification purposes is not affected in case the applicant asks for special assistance in order to meet exceptional, individually determined, essential living costs, tax refunds granted by local authorities on the basis of his/her income, or income-support measures?



We would very much appreciate your responses by **19th September 2014**.

2. Responses

		Wider Dissemination?	
	Austria	Yes	<p>1. Yes.</p> <p>2. and 3. The resources of foreign nationals have to be secured for the intended duration of stay. Every payment which is at the disposal of the applicant is taken into account. Particularly, recurrent payments (i.e. payments from employment, Austrian or foreign pension or other insurance benefits) but also own capital (savings deposits, corporate investments, entrepreneurial profits earned abroad, income from assets, etc.) are being considered when assessing sufficient resources/secured subsistence. Subsistence is only regarded secured by own income but also through alimonies by third parties laid down in law or contract.</p> <p>4. If resources are insufficient, an individual assessment according to Article 8 ECHR has to be conducted in every case prior to rejecting the application. A residence title is issued despite insufficient resources if necessary to uphold private and family life according to Article 8 ECHR.</p> <p>5. Obtaining special social assistance is not detrimental to obtaining a residence title, but is rather considered under certain circumstances as part of the income. Also obtaining general social assistance does not automatically lead to a rejection of the application, but an individual assessment according to Article 8 ECHR is carried out and the title has to be issued despite insufficient resources if necessary to uphold private and family life according to Article 8 ECHR.</p> <p>Source: Federal Ministry of the Interior.</p>
	Belgium	No	<i>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</i>
	Bulgaria	Yes	According to Law on Foreigners in Republic of Bulgaria, art. 24d (2) “For granting of a long-term stay statute, the foreigner shall present evidence that he/she dispose for himself and members of his family sufficient funds for maintenance, without need to involve the system of social support, in amount not less than the minimal salary or minimal pension, as well as that he holds obligatory health insurance or insurance for the period of stay in accordance with the legislation of the Republic of Bulgaria”.

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			According to LFRB, art. 24f (1) and (2): “Family members of the long-term residing foreigner may be granted a durable residence permit with a period of validity of one year and with an option for renewal, without exceeding the permitted residence period for the title-holder. For the issuance of residence permit for the family members requirements of Art. 24, Para 2 shall be fulfilled – “For obtaining continuous residence permit, persons who have secured accommodation, obligatory health insurance and social insurance, sufficient funds for maintenance, without need to involve the social support system, in an amount not less than the minimal month salary, minimal scholarship or the minimal pension pursuant to the legislation of the Republic of Bulgaria for the time-term of stay”.
	Croatia	Yes	<p>1. Yes, there is a specified amount used by the competent authority to assess whether the resources for the purposes of Directive 2003/109/EC and Directive 2003/86/EC are sufficient, and is set out according to the Regulation on the calculation method and the amount of the funds sufficient to maintain a foreigner in the Republic of Croatia (Official gazette, 51/12).</p> <p>2. No.</p> <p>3. Sources of incomes and means sufficient to maintain a foreigner are prescribed in Ordinance on status and work of foreigners in the Republic of Croatia (Official gazette, 52/12 and 81/13), and are as follows: proof of three last payments if one is employed or self-employed, tax ruling, retirement payments, contract of employment (with contracted monthly salary) if a foreigner if working less than three months, proof of scholarship, registration certificate of family farms from the competent authority and proof of funds. Foreigner, who is legally residing in the Republic of Croatia for five years on the grounds of property ownership, when lodging an application for a long-term stay can prove his/her source of incomes with a bank certificate. Sources of incomes of a family member of a foreigner who applied for a long term stay can be taken into account if this is the case of a nearest family (spouses, common law partners, minor children); of if a person is living in the same household with a foreigner (household member gives a written statement of support and evidence as stated above).</p> <p>4. See answer to question no. 3.</p> <p>5. According to the Article 6. Paragraf 8. of the above said Ordinance, when assessing whether the resources for the purposes of Directive 2003/109/EC and Directive 2003/86/EC are sufficient, the following resources of funds are not taken into account: social assistance support, child support and support for the period of unemployment.</p>
	Czech Republic	Yes	<p>1. Is there a reference amount used by the competent authorities to assess whether the resources referred to in the Directives are sufficient? 1.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC</p> <p>Yes. The reference amount used to assess whether the resources referred to in article 5(1)(a) of Directive 2003/109/EC are sufficient is, according to the Section 83 (1) c) in relation to the Section 71 (1) of the Act No. 326/1999 Coll., On the Residence of Foreign Nationals on the Territory of the Czech Republic, (hereinafter referred to as “Act on the Residence of Foreign Nationals on the Territory of the Czech Republic”), the amount of the aggregate monthly income of the foreign national, together with all persons assessed with him/her, which</p>

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		<p>may not be lower than the sum amount of the subsistence minimum of the foreign national together with all persons assessed with him/her and residing in the Czech Republic (family members) and the highest amount of standard accommodation costs specified by the special legal regulation (or the amount which a foreign national can credibly prove as an amount of actual justified costs of accommodation for him/her and all other persons assessed together with him/her).</p> <p>The amount of the subsistence minimum The exact amounts of the subsistence minimum are defined by the Act No. 110/2006 Coll., On Living and Subsistence Minimum (hereinafter referred to as “Act on Living and Subsistence Minimum”). In case of an individual (who is not jointly assessed with other persons) the amount of the subsistence minimum is 3 410 CZK monthly. If the foreign national is jointly assessed with other persons residing with him in the Czech Republic, they must have at their disposal monthly a sum of subsistence minimums of all of them (the subsistence minimum of a person who is determined to be first in order is 3140 CZK, plus 2 830 CZK for a person over 15 years who is not a dependent child [e.g. foreigner’s husband/wife], plus 2 450 CZK for a dependent child from 15 to 26 years, plus 2 140 CZK for a dependent child from 6 to 15 years, plus 1 740 CZK for a dependent child under 6 years).</p> <p>Accommodation costs As mentioned above, the accommodation costs form part of a reference amount that the foreigner has to prove. According to the Government Regulation No. 440/2013 Coll. the highest amount of standard accommodation costs in case of an application submitted between 1st January 2014 and 31st December 2014 is 7 711 CZK for one person, 11 081 CZK for two-person family, 15 096 CZK for three-person family, 18 899 CZK for four-or-more person family. If the foreign national credibly proves that for his/her housing and, if needs be, that of the persons jointly assessed (family members), he/she invests a different amount than that determined as the amount of standard accommodation costs, the necessary (aggregate) monthly income is calculated by adding the amounts of the subsistence minimums (see above) and the actually proven accommodation costs.</p> <p style="text-align: center;">1.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC</p> <p>Yes. The reference amount used to assess whether the resources referred to in article 7(1)(c) of Directive 2003/86/EC are sufficient is, according to the Section 42b (1)(d) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic, the amount of the aggregate monthly household income of the family after its reunification which may not be lower than the sum amount of the subsistence minimum of all family members and the highest amount of standard accommodation costs specified by the special legal regulation (or the amount which a foreign national can credibly prove as an amount of actual justified accommodation costs of the family). In other words, the required aggregate monthly income for the purposes of the Section 42b (1)(d) of the Act No. 326/1999 Coll. (which corresponds to the article 7(1)(c) of Directive 2003/86/EC) is equal to the sum of all incomes of the applicant and his/her family, who will reside with him in the territory of the Czech Republic.</p> <p>The amount of the subsistence minimum The exact amounts of the subsistence minimum are defined by the Act on Living and Subsistence Minimum. In case of an individual (who is not jointly assessed with other persons) the amount of the subsistence minimum is 3 410 CZK monthly. In case of the family reunification,</p>
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			<p>the foreign national is jointly assessed with his family members; the family after its reunification must have at its disposal monthly a sum of subsistence minimums of all of its members (the subsistence minimum of a person who is determined to be first in order is 3140 CZK, plus 2 830 CZK for a person over 15 years who is not a dependent child [e.g. foreigner's husband/wife], plus 2 450 CZK for a dependent child from 15 to 26 years, plus 2 140 CZK for a dependent child from 6 to 15 years, plus 1 740 CZK for a dependent child under 6 years).</p> <p>Accommodation costs As mentioned above, the accommodation costs form part of a reference amount that the foreigner has to prove. According to the Government Regulation No. 440/2013 Col. the highest amount of standard accommodation costs in case of an application submitted between 1st January 2014 and 31st December 2014 is 7 711 CZK for one person, 11 081 CZK for two-person family, 15 096 CZK for three-person family, 18 899 CZK for four-or-more person family. If the foreign national credibly proves that for his/her housing and, if needs be, that of the persons jointly assessed (family members), he/she invests a different amount than that determined as the amount of standard accommodation costs, the necessary (aggregate) monthly income is calculated by adding the amounts of the subsistence minimums (see above) and the actually proven accommodation costs.</p> <p>2. Is there a reference time period used during which the resources should be maintained in order to be considered as being stable and regular according to the Directives?</p> <p>2.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC</p> <p>It is necessary to prove that the aggregate monthly income of a foreign national (see above) is a regular and continuous one. Thus, for example the submission of a single account statement on the account's balance cannot be considered sufficient proof of such an income. Besides that, no exact time period during which the resources should be maintained is defined.</p> <p>According to the Section 83 (1) (c) in relation to the Section 71 (1) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic an income of a foreign national shall be especially proved by a certificate on the amount of net income issued by an employer, concerning an income within the work contract, or by an income tax-return, in case of an income within the business undertaking. If the income cannot be proved by other reliable way, the bank account statements for the last 6 months showing that a foreign national can manage such funds or a payment order for an income tax can be used as a document proving the availability of funds.</p> <p>2.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC</p> <p>It is necessary to prove that the aggregate monthly income of a foreign national (see above) is a regular and continuous one. Thus, for example the submission of a single account statement on the account's balance cannot be considered sufficient proof of such an income. Besides that, no exact time period during which the resources should be maintained is defined.</p> <p>3. When assessing the nature of the resources, what sources of income and means are taken into account?</p>
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		<p>In particular, to what extent are resources considered from permanent employment; non-permanent employment (e.g temporary contracts of limited duration); self-employed activities; private means available to the sponsor; payments based on entitlements built up by previous contributions made by the sponsor (e.g. retirement or invalidity payments); resources held abroad (in another EU Member State; outside of the EU); resources available to the family member(s) in question; resources made available by third parties; other factors or sources?</p> <p align="center">3.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC</p> <p>According to the Section 83 (1) (c) in relation to the Section 71 (1) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic, the income that the foreign national must have at his/her disposal is deemed such an income that is in accordance with the Act on Living and Subsistence Minimum, with the exception of a one-off salary, child benefits, unemployment benefits, requalification benefits and benefits within the system of assistance in material need.</p> <p>The Section 7 of the Act on Living and Subsistence Minimum lists what is considered to be the income that the foreign national must have at his/her disposal. All the resources mentioned in the question 3 can be taken into account for the purposes of the assessment of the income that the foreign national must have at his/her disposal. That is: the resources from permanent employment, non-permanent employment (e.g. temporary contracts of limited duration); self-employed activities (e.g. income from business, income from a trade or profit shares, income from the company's profit); private means available to the sponsor - provided that the sponsor is jointly assessed with the foreign national and resides with him in the Czech Republic; payments based on entitlements built up by previous contributions made by the sponsor (e.g. retirement or invalidity payments) - provided that the sponsor is jointly assessed with the foreign national and resides with him in the Czech Republic; resources held abroad (in another EU Member State; outside of the EU); resources available to the family members – provided that these family members are jointly assessed with the foreign national and reside with him in the Czech Republic; resources made available by third parties – provided that they are regular or continuous ones.</p> <p>Except for these resources, other sources can also be taken into account for the purposes of the assessment of the income that the foreign national must have at his/her disposal, such as income from lease, sickness allowances, retirement benefits etc. (the detailed list is available in the Section 7 of the Act on Living and Subsistence Minimum).</p> <p align="center">3.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC</p> <p>According to the Section 42b (1) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic, the income that the foreign national must have at his/her disposal is deemed such an income that is in accordance with the Act on Living and Subsistence Minimum, with the exception of a one-off salary, child benefits, unemployment benefits, requalification benefits and benefits within the system of assistance in material need.</p> <p>The Section 7 of the Act on Living and Subsistence Minimum lists what is considered to be the income that the foreign national must have at his/her disposal. All the resources mentioned in the question 3 can be taken into account for the purposes of the assessment of the income that the foreign national must have at his/her disposal. That is: the resources from permanent employment, non-permanent employment (e.g.</p>
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		<p>temporary contracts of limited duration); self-employed activities (income from business, income from a trade or profit shares, income from the company's profit); private means available to the sponsor; payments based on entitlements built up by previous contributions made by the sponsor (e.g. retirement or invalidity payments); resources held abroad (in another EU Member State; outside of the EU); resources available to the family members – provided that these family members are jointly assessed with the foreign national and reside with him in the Czech Republic; resources made available by third parties - provided that they are regular or continuous ones.</p> <p>Except for these resources, other sources can also be taken into account for the purposes of the assessment of the income that the foreign national must have at his/her disposal, such as income from lease, sickness allowances, retirement benefits etc. (the detailed list is available in the Section 7 of the Act on Living and Subsistence Minimum).</p> <p>4. How do you ensure the individual examination of each case when using reference amounts and periods for the calculation of the regularity and sufficiency of the resources?</p> <p>The individual examination of each case is ensured. First of all, the threshold of reference amount is set at the lowest possible level, so as not to become a burden for the vast majority of foreign nationals. Subsequently, there is one general provision and two special provisions according to the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic, which ensure the individual examination of each case.</p> <p>The general provision According to the Section 174a of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic: "While measuring that a decision made under this Act is adequate to its impact, the administrative body respects in particular the severity or type of foreigner's offence, duration of foreigner's stay on the Territory, his/her age, state of health, family and economic situation, social and cultural integration into the Territory and the extent of his/her links with the country of origin, or in the case of a stateless person with the country of his/her last permanent residence. "</p> <p>The special provisions a) For the purposes of article 5(1)(a) of Directive 2003/109/EC According to the Section 75 (2) (b) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic: "The Ministry shall reject an application for a permanent residence permit if a foreign national fails to present a document confirming the availability of the funds to cover his/her permanent residence on the Territory upon the condition that such a decision is adequate with respect to its impact on the foreign national's private or family life."</p> <p>b) For the purposes of article 7(1)(c) of Directive 2003/86/EC The same condition, as it is in case of article 5(1)(a) of Directive 2003/109/EC (see above), applies for the purposes of article 7(1)(c) of Directive 2003/86/EC. Thus, according to the Section 46 (1) in relation to the Section 56 (2) of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic: "considering the adequacy, the Ministry shall in particular take into account the consequences of this denial [of the long-term residence permit] for the private and family life of the foreign national concerned".</p>
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			<p>By applying these three provisions, we are able to ensure the individual examination and individual-based approach in every case.</p> <p>5. How do you ensure the differentiation between general social assistance which compensates for a lack of stable, regular and sufficient resources, and special social assistance which enables exceptional or unforeseen needs to be addressed? In particular, how do you ensure that eligibility for long-term residence and family reunification purposes is not affected in case the applicant asks for special assistance in order to meet exceptional, individually determined, essential living costs, tax refunds granted by local authorities on the basis of his/her income, or income-support measures?</p> <p>There is no special provision for this purpose. However the differentiation between general social assistance and special social assistance which enables exceptional or unforeseen needs to be addressed is ensured by applying the same provisions as mentioned above with respect to the individual examination of each case (see our answer to the question 4).</p> <p>It is especially the general provision in the Section 174a of the Act on the Residence of Foreign Nationals on the Territory of the Czech Republic which applies in case of any decision made under this Act, thus enabling the individual-based approach in every case.</p>																								
	<p>Estonia</p>	<p>Yes</p>	<p>1.1. -1.2. Yes, the amount of income is calculated based on the number of all family members. Upon application for a long-term residence permit or temporary residence permit for settling with close relative residing in Estonia the total legal income of the sponsor family and the applicant must meet at least the following rates¹:</p> <table border="1" data-bbox="629 922 1384 1342"> <thead> <tr> <th>Size of your family</th> <th>Family's legal income per month EUR</th> <th>Family's legal income during the past 6 months EUR</th> </tr> </thead> <tbody> <tr> <td>1 member</td> <td>90</td> <td>540</td> </tr> <tr> <td>2 members</td> <td>162</td> <td>972</td> </tr> <tr> <td>3 members</td> <td>234</td> <td>1404</td> </tr> <tr> <td>4 members</td> <td>306</td> <td>1836</td> </tr> <tr> <td>5 members</td> <td>378</td> <td>2268</td> </tr> <tr> <td>6 members</td> <td>450</td> <td>2700</td> </tr> <tr> <td>7 members</td> <td>522</td> <td>3132</td> </tr> </tbody> </table>	Size of your family	Family's legal income per month EUR	Family's legal income during the past 6 months EUR	1 member	90	540	2 members	162	972	3 members	234	1404	4 members	306	1836	5 members	378	2268	6 members	450	2700	7 members	522	3132
Size of your family	Family's legal income per month EUR	Family's legal income during the past 6 months EUR																									
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¹ According to regulation no 82 of the Government of the Republic of Estonia, dated 17th June 2010 Prescription of the rates of legal income.


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			<table border="1" data-bbox="622 296 1384 421"> <tr> <td>8 members</td> <td>594</td> <td>3564</td> </tr> <tr> <td>9 members</td> <td>666</td> <td>3996</td> </tr> <tr> <td>10 members</td> <td>738</td> <td>4428</td> </tr> </table> <p>A person staying in Estonia with a long-term residence permit no longer requires the follow-up inspection of sufficient legal income.</p> <p>2.1. Yes, the amount of income of 6 months prior to the submission of an application has to be proved.</p> <p>2.2. Yes, an applicant should submit a document certifying the permanent and legal income of the family member ensuring maintenance of the applicant during the six months preceding the submission of the application, indicating the amount, regularity and sources of the income.</p> <p>3.1. The following are deemed to be permanent legal income: remuneration earned lawfully under a contract of employment, contract of service, civil law contract or membership; income obtained from lawful business activity or property; pensions; grants; maintenance allowance; benefits paid under law.</p> <p>3.2. Additionally to mentioned maintenance provided by a family member with a permanent legal income in Estonia.</p> <p>4. All applications are assessed individually within 3 months from the time submitting the application.</p> <p>5. Legal income (meant by p 3.1) does not include subsistence benefit and needs-based family benefit paid in Estonia. Therefore, if an applicant has been received subsistence benefit and needs-based family benefit from social benefits in last 6-month period, TCN does not meet requirements to grant a long-term resident's residence permit.</p>	8 members	594	3564	9 members	666	3996	10 members	738	4428
8 members	594	3564										
9 members	666	3996										
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+	Finland	Yes	<p>1.1 ja 1.2: Yes. Indicative monthly reference amounts have been defined.</p> <p>2.1 ja 2.2: Resources have to be sufficient for the entire period of validity of the residence permit. Indicative monthly reference amounts have been defined and are used to assess whether the resources are sufficient. However, issuing residence permit does not require that the resources are sufficient for a certain time period prior to the issuance of the residence permit.</p> <p>3.1 and 3.2: A person has to have a sufficient income to fund his/her and his/her family's stay in Finland. Income could come from, for example, employment, private enterprise, own capital or pensions.</p> <p>In addition to permanent employment income from fixed-term employment is taken into consideration when assessing whether the resources are sufficient for the period of residence in Finland. The level of income is calculated from the net income, i.e. income that remains after tax and employer's and employee's pension and insurance contributions. Requirement for the property is that it is easily transferable to Finland (for example income from the property).</p>									

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			<p>A clarification of income has to be provided when an application for a first residence permit, an extension of residence permit, a permanent residence permit or a long-term resident's EC residence permit is filed.</p> <p>Certain social benefits reduce the level of income demanded and are described as expense offsetting social security benefits. Such benefits are, for example: child benefit, child care support, maintenance support, educational grants and housing subsidy.</p> <p>When issuing a first residence permit on the grounds of family ties, generally the sponsor, meaning the family member that moves to Finland first, is responsible for means of support. The assessment therefore focuses on his/her income and capacity to fund the residence in Finland of other family members.</p> <p>Resources made available by third parties are not accepted.</p> <p>4. The reference amounts for a secure income in Finland are indicative only and it is been assessed separately in each individual case whether the resources are sufficient. Pursuant to Section 39 of the Finnish Aliens Act, an exemption may be made from the requirement for means of support in individual cases if there are exceptionally weighty reasons for such an exemption or if the exemption is in the best interest of the child.</p> <p>In case of families with several children the amounts required for a secure income are flexible in order to avoid situations in which the amount required for is unreasonably high. The need for adjustment is always assessed case by case. The possibility for adjustment depends, for example, on whether both or one of the parents are/is working.</p> <p>5. When considering the issuing of a first residence permit, means of support are generally not considered secure if the income is based on social assistance or guarantee pension. When issuing an extended permit, temporary reliance on social assistance or other similar benefit to secure means of support is not considered an obstacle to granting the permit. However, means of support may not be based on repeatedly granted social assistance or other benefits related to minimum resources.</p> <p>However, each individual case is assessed comprehensively by taking into consideration the reasons leading to the lack of funds: is the reason for relying on social assistance beyond the person's control such as illness or an accident. Mitigating circumstances are particularly significant in the case of foreign nationals who have resided in Finland for a long time. The overall assessment also takes into consideration the person's links with Finland.</p>
	<p>France</p>	<p align="center">Yes</p>	<p>1. Yes. 1.1. According to Articles L. 314-8 and R.314-1-1 paragraph 3 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA), the amount of resources should at least be equal to the minimum wage (SMIC). In 2014, the minimum monthly gross salary is set at €1 445,38.</p>



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			<p>1.2. According to Articles L.411-5 and R.411-4 of the CESEDA, the required amount of resources of the candidate and his/her spouse depends on the size of the family. It should at least be equal to:</p> <ul style="list-style-type: none"> - the minimum wage (SMIC) for a family of 2 or 3 persons; - the minimum wage plus one tenth for a family of 4 or 5 persons; - the minimum wage plus one fifth for a family of 6 persons or more. <p>2. Yes.</p> <p>2.1. According to Article R.314-1-1 paragraph 3 of the CESEDA, a foreign national applying for a long-term residence permit shall provide evidence that he/she has stable and regular resources for a five-year period preceding his/her application. If the resources are not sufficient or not stable and regular on the basis of the examination of the five-year period preceding the application, the foreign national may still be eligible for a long-term residence permit. In this case, the favorable evolution of his/her situation will be examined, even after submission of the application.</p> <p>2.2. A foreign national submitting an application for family reunification shall provide evidence that he/she has stable and regular resources on the basis of the examination of a period of 12 months before the application.</p> <p>3.</p> <p>3.1. All resources of the applicant are taken into account, except family benefits and some social benefits (active solidarity income, temporary waiting allowance, specific solidarity allowance, equivalent retirement benefit). Only disabled adult allowance and solidarity allowance for the elderly are included in the calculation of resources. Only own resources of the applicant are taken into account, which means that resources from third parties are not eligible, except those from the spouse.</p> <p>3.2. All resources of the applicants are taken into account (For example: incomes from salaried work or self-employment, private asset, old-age pension, etc.). Resources of the spouse are also taken into account, provided that it will still be paid when he/she will leave his/her country. However, the following social benefits are not taken into account: family benefits, solidarity allowance for the elderly, active solidarity income, temporary waiting allowance, specific solidarity allowance, equivalent retirement benefit.</p> <p>4. Each applicant shall provide evidence of resources, which are examined by the administrative authority. Conditions relating to housing and resources are examined by the municipality of the applicant's place of residence.</p> <p>5. See 3. Only specific social benefits, which are set in the above-mentioned articles of the CESEDA, can not be taken into account. A foreign national submitting an application for family reunification may be exempted from the condition of resources if he/she receives the disabled adult allowance or the supplementary invalidity allowance.</p>
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	<p>Germany</p>	<p align="center">Yes</p>	<ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> 1.1. No, there is no fixed financial reference amount. Adequate means of subsistence are deemed to apply when the income is above the individual level of social benefits which would be claimable in case of proven need according to the conditions pertaining to the individual case concerned. 1.2. See 1.1. 2. <ol style="list-style-type: none"> 2.1. No, there is no fixed reference timeframe. The legal definition for "fixed and regular" income in Section 9 c of the Residence Act stipulates as essential criteria the fulfilment of tax obligations, contributions for an old-age pension, safeguarding against the risk of illness and the need for nursing care and possession of all permits required in order to perform an economic activity. 2.2. No. "Adequate means of subsistence" as a general precondition for the issuance of any residence title and the corresponding legal definition are specified without a fixed reference timeframe (cf. Residence Act, Section 5 (1), no. 1 in conjunction with Section 2 (3)). 3. <ol style="list-style-type: none"> 3.1. As a general principle, all income of the foreigner and his/her family members is taken into consideration, as are binding payment obligations of third parties. Public benefits to assist in bringing up children or undertaking training or which are based on contributions effected by the foreigner or have been granted in order to enable residence in Germany count in the foreigner's favour (that is, such public benefits do <u>not</u> constitute an obstacle to issuance of the residence title). Regarding the requirement for the income to be fixed and regular, see the reply to 2.1. 3.2. See reply to 3.1, first and second sentence. 4. Notwithstanding the absence of an explicitly stipulated financial and reference amount and reference timeframe, in reaching its discretionary decision the competent foreigners authority carries out an individual assessment in which it considers the respective special aspects of the individual case concerned. The competent social security office may be involved with regard to the question as to whether an entitlement to social benefits applies which would preclude issuance of the residence title. 5. In reaching its discretionary decision, the foreigners authority takes into consideration whether the claiming of social benefits is of a temporary nature only on the basis of a special, exceptional situation for the individual case concerned. Unemployment benefits based on the foreigner's contributions and granted in case of temporary unemployment belong to the scope of public benefits which have no detrimental effects as regards residence entitlements (see reply to 3.1, second sentence).
	<p>Greece</p>	<p align="center">Yes</p>	<p>1) 1.1 Since 1/6/2014, when the new National Law has been enforced, there is a transitional beneficial provision regarding the necessary amount for all the applications of long term residents until 31.12.2014, which has been defined at the total amount of 8.500 euros for the last two years prior the application.</p>

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			<p>From 1/1/2015 the income, which must not accrue according to national legislation from any recourse to the Country's social support system, may not be less than the annual earnings of an unskilled worker, increased by 10% for every member of the family thereof, that is dependent on the same. The contributions of the family members shall be taken into consideration in the calculation of the income.</p> <p>1.2. The income, which must not accrue from any recourse to the Country's social support system, cannot be less than the annual reward of an unskilled worker, increased by 20% for the spouse and 15% for every child. Such increase of 15% for each child is not required in the case that both spouses legally live in Greece.</p> <p>2) The reference time period is the last two years prior the application.</p> <p>3) The resources should be from employment of stable character or retirement. No income from property leasing and fellowship can be considered as being stable and regular. The income should not accrue from any recourse to the Country's social support system. The contributions of the family members shall be taken into consideration in the calculation of the income.</p> <p>4) The regularity of the said income shall be evidenced in particular from the fulfilment of the insurance and tax obligations of the applicant.</p> <p>5) According to national legislation, special social assistance must not be taken into account for the necessary income. Although, due to the financial crisis, unemployment benefit can be taken into account only for the purposes of article 5(1)(a) of Directive 2003/109/EC.</p>
	<p>Hungary</p>	<p align="center">Yes</p>	<p>1. There is no reference amount set out in the Hungarian legislation concerning residence or long-term residence permit applications. It is only set out that a third-country national shall be construed to have sufficient resources to cover his/her subsistence for residence for a period of longer than three months if his/her income or assets or his/her family member's income or assets is sufficient to cover their living expenses, including accommodation, return travel, and if necessary, health care. In practice it is the assessment of the Central Statistical Office about the yearly subsistence level for different types of households that is taken into account in case of residence permit cases. In case of applications for long-term residence permit practice shows that it is already a stable existence in Hungary that needs to be proved.</p> <p>2.1 Although there are a number of possibilities to prove stable and sufficient resources, in case an income is referred to in the application, in case of long-term residence permit cases the amount of monthly income shall be calculated as the monthly average of the sums:</p> <p>a) in the case of regular income:</p> <p>aa) taxed income received during the one-year period prior to the date of submission of the application if lawful residence exceeds one year, plus any income received during the three-month period prior to submission;</p> <p>ab) in all other cases the income received during the three-month period prior to submission of the application;</p>


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		<p>b) income received during the twelve-month period prior to submission of the application in the case of non-regular income.</p> <p>2.2 No. As family reunification can be requested even together with the sponsor's first residence permit application, there is no reference period set out to be used when making a calculation about the existence of sufficient resources.</p> <p>3.1 (1) The following shall, in particular, be accepted as proof of subsistence in Hungary in case of long-term residence permit application:</p> <p>a) a statement from a Hungarian financial institution concerning the applicant's savings account;</p> <p>b) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;</p> <p>c) a certificate on the applicant's taxable income from employment or other similar relationship performed on a regular basis under Hungarian law;</p> <p>d) an authentic instrument or other proof for the applicant's income from other gainful activity performed in Hungary on a regular basis;</p> <p>e) a certificate issued by a Hungarian financial institution as proof of regular income received from abroad;</p> <p>f) a notarized statement made by a family member with the right of residence in Hungary promising support to the applicant along with a document in proof of the family member's ability to provide such support.</p> <p>(2) The examination of subsistence in Hungary shall cover, in particular, the following criteria:</p> <p>a) number of family members of the household with any income or assets;</p> <p>b) number of dependant persons living in the household;</p> <p>c) as to whether the applicant is the owner of the real estate property in which they reside.</p> <p>(3) The assets referred to in Paragraph b) of Subsection (1) may not comprise:</p> <p>a) articles of everyday use and household equipment and accessories;</p> <p>b) any property serving as the residence of the third-country national and his dependant family members;</p> <p>c) the vehicle of handicapped persons; and</p> <p>d) any assets which are required for the third-country national's gainful activity.</p> <p>(4) The amount of monthly income shall be calculated as the monthly average of the sums:</p> <p>a) in the case of regular income:</p> <p>aa) taxed income received during the one-year period prior to the date of submission of the application if lawful residence exceeds one year, plus any income received during the three-month period prior to submission;</p> <p>ab) in all other cases the income received during the three-month period prior to submission of the application;</p> <p>b) income received during the twelve-month period prior to submission of the application in the case of non-regular income.</p> <p>3.2 In proceedings for the issue of visas for a validity period of longer than three months and for residence permits, the requirement of subsistence may be verified by the following:</p> <p>a) the national currency of Hungary, or the national currency of any other country that may be converted at a Hungarian financial institution;</p> <p>b) documentary evidence entitling the third-country national to withdraw cash at a Hungarian financial institution (bank account contract, deposit book, etc.) and a statement from the financial institution to certify the availability of funds;</p> <p>c) cash substitute payment instruments which are accepted in commercial circulation in Hungary (check, credit card, etc.) and a statement from the financial institution to certify the availability of funds;</p> <p>d) a valid letter of invitation with an official certificate affixed;</p>
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			<p>e) documentary evidence to verify the reservation of accommodation and payment;</p> <p>f) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;</p> <p>g) a certificate of income from lawful gainful employment in which the applicant plans to engage in the territory of Hungary or is already engaged;</p> <p>h) a certificate in proof of regular income received from abroad;</p> <p>i) a notarized statement made by a family member with the right of residence in Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising support to the applicant along with a document in proof of the family member's ability to provide such support; or</p> <p>j) other reliable means.</p> <p>4. As there is a long list of documents, which can be used to prove having the sufficient amount of resources, and there is no specific reference amount, the documents attached to the application are examined both individually and as a whole.</p> <p>5. Third-country nationals applying for a residence permit or a long-term residence permit do not yet have a permanent residence in Hungary; therefore they do not have access to many of the social benefits. In the majority of cases they only enjoy equal treatment with Hungarian nationals concerning contributory benefits until they gain the long-term residence status and therefore can establish a permanent residence in Hungary. Consequently the question raised does not necessarily come up when adjudicating long-term residence or residence permit applications.</p>
	<p>Italy</p>	<p align="center">Yes</p>	<p>1. and 2</p> <p>In Italy, a TCN applying for family reunification or for a EU long-term residence permit must provide evidence, inter alia, that he or she has a yearly minimum income - from legal sources – that is not lower than the yearly amount of the Social allowance (Article 29.3b of the Consolidated Act on Immigration. See below for allowance amounts). In order to determine the applicant's income, the overall yearly income is also taken into account of the family members who live with the applicant. The beneficiaries of the refugee and subsidiary protection statuses do not have to provide evidence that they meet this income requirement.</p> <p>According to INPS Circular Letter No. 19 of 4 February 2014, in 2014 the yearly Social allowance amounts to € 5,818.93. The income required for family reunification and for being granted a EU long-term residence permit in 2014 is indicated hereinafter (the yearly amount is calculated on the basis of thirteen monthly amounts): € 5.818,93 € per year – € 447.61 per month; with 1 family member: € 8,728,395 per year - € 671.415 per month; with 2 family members: € 11,637.86 per year – € 895.22 per month; with 3 family members: € 14,547.325 per year – € 1,119.025 per month; with 4 family members: € 17,456.79 per year – € 1,3242.83 per month; with 2 or more children under 14: € 11,637.86 per year – € 895.22 per month; and with 2 or more children under 14 and a family member: € 14,547.325 per year – € 1,119.025 per month.</p> <p>3.</p>




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			<p>In Italy, the type and duration of the applicant’s employment are taken into account when calculating the minimum income needed for family reunification and for being granted a EU long-term residence permit.</p> <p>An employed worker is required to produce his/her latest income tax return, a photocopy of the employment contract or a certified photocopy of the pay roll, and a statement by the employer that the employment relationship is currently in place (two copies of each document). If the employment relationship has been in place for less than one year and, hence, the employed worker does not have an income tax return, the employer’s statement must also indicate the worker’s expected income.</p> <p>A domestic worker is required to produce his/her latest income tax return (if available, otherwise the notification of hiring to the Employment Centre/INPS), the INPS social security contribution payment slip of the latest quarter before the application date, and a statement by the employer indicating the current employment relationship.</p> <p>For Self-employed workers there is an additional distinction: one-person businesses, companies, project workers, worker cooperatives and freelancers. The owner of a one-person business is required to produce a registration certificate from the Chamber of Commerce; a photocopy of the VAT registration document; a photocopy of the municipal license, if required; and the income tax return with the filing receipt, if the business is more than one year old; otherwise an accounting report made by a professional accountant for the period of operation. For companies, a recent certificate of incorporation (visura camerale) issued from the Chamber of Commerce is required, which indicates the company’s legal information and its main economic and administrative information; a photocopy of the company’s VAT registration; and the income tax return with the filing receipt, if the company is more than one year old; otherwise an accounting report made by a professional accountant for the period of operation. A project worker is required to produce a photocopy of the contract indicating the duration of the project and the compensation; a statement by the client that the contract is currently in place; a statement that he/she is registered with the Social Security fund for self-employed workers; and a photocopy of his/her income tax return. A member of a worker cooperative has to produce the cooperative’s certificate of association (visura camerale) issued by the Chamber of Commerce; a photocopy of the cooperative’s VAT registration; a statement by the cooperative’s president that the work relationship is currently in place; a photocopy of the register of members and his/her income tax return. A freelancer has to submit his/her registration at the professional register; and his/her income tax return with the filing receipt.</p> <p>4.</p> <p>a. The application for family reunification must be submitted at the Single Desk for Immigration of the place of residence, filling the specific forms electronically using the application (nullaostalavoro.interno.it) available on the Ministry of the Interior website (www.interno.gov.it). The Single Desk for Immigration is responsible for checking the objective requirements for family reunification, income included. It is worth reminding that each Prefect’s Office has a Single Desk for Immigration, which was set up by Article 18 of Law 189 of 30 July 2002 (Amendment to the regulation on immigration and asylum).</p> <p>b. The responsibility to assess the application for a EU long-term residence permit lies with the police headquarters of the applicant’s place of residence, which also verifies relevant requirements, including the minimum income requirement.</p> <p>5. See No. 3. Depending on the type of work, the applicant must enclose the required documentation providing evidence that his/her income comes from actual working activities and not from income-support measures.</p>
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	Latvia	Yes	<ol style="list-style-type: none"> 1. The financial means in amount that equals the minimum monthly salary (EUR 320 per month) in the country is considered sufficient for receiving a residence permit in both cases. 60% of minimum salary is the amount required for each minor child, applying for a residence permit. 2. <ol style="list-style-type: none"> 2.1. – stable and regular resources should be proved for last 12 months <u>prior</u> the application for residence permit; 2.2. - resources should be proved for the <u>next</u> (not previous) period, their stability and regularity is not evaluated. 3. All sources, mentioned by the Commission are considered acceptable. 4. During the examination of documents, individual approach and the principle of proportionality is applied according to the Administrative Procedure Law. Persons who are third-country nationals with a temporary residence permit, are not eligible for a social assistance in Latvia. Tax refund is not considered as a social assistance.
	Lithuania	Yes	<ol style="list-style-type: none"> 1. Yes. In both cases the reference amount is 1 minimal monthly salary; with the exception of students, trainees, pupils, TCNs participating in vocational trainings, and minors (below the age of 18) – 0,5 minimal monthly salary. At the moment, the minimal monthly salary is 1035 LTL (300 Euro). 2.1. Yes, 12 months. 2.2. Yes, the period of the residence permit which is being asked for. Note that temporary residence permits are issued for 1 year at the most, and then they can be renewed. 3. In both cases, any sort of proof which can be provided by the applicant. Usually it is either money in a bank account or salary. 4. Each case is examined individually. If the person responsible for the examination of the case deems it necessary, s/he may contact the applicant and ask for additional information. The applicants have the right of appeal in courts against the decisions taken. 5. National legal acts do not provide for possibility to not to take into account resources whose source is the social system of the state.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. Yes. <ol style="list-style-type: none"> 1.1. In Luxembourg article 81 (1) 1 of the amended law of 29 August 2008 on free movement of persons and immigration establishes that for receiving the long-term residence status the applicant must produce evidence showing that he/she has stable and regular resources sufficient to maintain him/herself and his/her dependant family members without having recourse to the social assistance system. Article 8 (1) of the amended grand-ducal regulation of 5 September 2008 establishing the criteria of resources and housing foreseen by the Law of 29 August 2008 establishes in regard to the resources that must be proved by the third-country national applying for the long-term

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		<p>residence permit, that they must be assessed on the previous five year-period to the introduction of the application by reference to the amount of the minimum social salary of a non-qualified worker. Article 8(4) establishes that when the resources of the applicant are not sufficient or they are not stable and regular during the five-year period before the introduction of the application, a favorable decision can be taken by the Minister, if the applicant proves that s/he is the owner of a house or that s/he uses it free of charge.</p> <p>1.2. In Luxembourg article 69 (1) 1 of the amended law of 29 August 2008 requires that the applicant for family reunification provides proof of stable, regular and sufficient resources to cover his or her own needs and those of dependent family members without using the social security system. Article 6 (1) of the modified Grand-ducal regulation of 5 September 2008 requires that the resources of the applicant are assessed by reference to the average monthly amount of the minimum social salary of a non-qualified worker. If the income is less, family reunification can be authorized by the Minister using his discretionary power. The authorities will consider the evolution of the situation in relation to the job security, the stability of the income in regard to the fact that the applicant owns a house or that s/he use it free of charge.</p> <p>2. Yes</p> <p>2.1. Five years (See answer to question 1.1.)</p> <p>2.2. The proof of stable, regular and sufficient resources must cover the 12 month period before the introduction of the application.</p> <p>3.</p> <p>3.1. Article 8 (3) of the amended grand-ducal regulation of 5 September 2008 mentions that the assessment will include all income that comes from salaried employment or independent activity. Also replacement incomes will be taken into account (i.e. unemployment benefits, invalidity pensions) as well as income derived from his/her own wealth. The documents that will be analysed for the long-term residence permit are in principle: the labour contract or tax return. Any other proof of regular income is admissible (i.e. bank statements). In addition, besides the income from the personal income from the applicant, the resources of the spouse that feed in a stable manner the family budget will be taken into account. Finally the certificate of affiliation to the Joint Centre of the Social Security for the last 5 years is required.</p> <p>3.2. The main documents that the individual must provide are: pay slips or tax return. Article 8 (3) of the amended grand-ducal regulation of 5 September 2008 mentions that the assessment will include all income that comes from salaried employment or independent activity. Also replacement incomes will be taken into account (i.e. unemployment benefits, invalidity pensions) as well as income derived from his/her own wealth. Any other proof of regular income is admissible (i.e. bank statements).</p> <p>4. See answers to questions 1, 2 and 3. As the reference is the minimum social salary for a non-qualified worker the assessment is made in accordance with the social parameters published by the Ministry of Social Security .</p> <p>5. In Luxembourg, in both cases the distinction will be made between replacement income, tax refunds and other benefits provided by the State (i.e. “boni” for children - that can be considered as a tax credit-) or applying for the social assistance (i.e. applying for the guaranteed minimum income (RMG)). In the first case this will not affect the application for long-term residence or family reunification. In the second case both applications will be refused. It should be noted that in principle the possibility of an annual payment of a “dearness allowance” (allowance in favour of households with modest income) does not affect the applications.</p>
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			<p>In the case of family reunification if the applicant loses his/her job, in principle the fact of having a replacement income (unemployment benefits) does not affect the possibility of family reunification. However, there can be a problem: depending if he/she has children or not, the person will receive between 80 and 85% of its previous salary. If this amount does not fulfil the minimum threshold established by the amended grand-ducal regulation of 5 September 2008 in principle the family reunification will not be accepted.</p> <p>In the case that the TCN applicant is benefiting from social aid the family reunification is excluded because it will be considered an unreasonable burden for the social assistance system.</p>
*	Malta	Yes	<p>1. For the purposes of Directive 2003/109 (which is transposed in Maltese law by means of subsidiary legislation 217.05, in Regulation 5(2)(a)), the following resources apply:</p> <p>“stable and regular resources which have subsisted for a continuous period of two years immediately prior to the date of application, declared with the pertinent tax authorities in Malta, which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta or to any benefits or assistance of any type payable under the Social Security Act, the Housing Authority Act and any other law providing any assistance of a social nature and which would be equivalent to, at least, the national minimum wage in Malta with an addition of another twenty percent of the national minimum wage for each member of the family;”</p> <p>For the purposes of Directive 2003/86 (which is transposed in Maltese law by means of subsidiary legislation 217.06, in Regulation 12(d)):</p> <p>(d) stable and regular resources which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta and which would be equivalent to, at least, the average wage in Malta with an addition of another twenty percent income or resources for each member of the family who will be the subject of the family reunification application.</p> <p>2. Is there a reference time period used during which the resources should be maintained in order to be considered as being stable and regular according to the Directives?</p> <p>2.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC – two years</p> <p>2.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC – no reference period applies</p> <p>3. As long as they are stable, all evidence of resources is taken into consideration.</p> <p>4. Applications, when submitted, are assessed by officials of the relevant department on a case by case basis and are processed individually. Cross checking of such applications is conducted at the processing stage.</p>


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			<p>5. In so far as differentiation is concerned, guidance is sought from the Ministry responsible for Social Welfare. On the basis of such feedback, the eligibility of the applicant is determined after examining whether the said benefits are indeed special assistance to meet the exceptional circumstances mentioned in the second question.</p>
	<p>Netherlands</p>	<p align="center">Yes</p>	<p>1. Yes, there is a reference amount, referred to in article 3.74 of the Aliens Decree. Sponsors should have independent, sustainable and sufficient means of support. Either the applicant or the sponsor (i.e. the person whom the applicant wants to stay with) must meet these income requirements. Article 3.74 of the Aliens Decree states that means of support are at least sufficient if they equal the applicable percentage of the gross “WML” (Minimum Wage and Minimum Holiday Allowance Act”). For first admission applications for the purpose of family reunification, it is the sponsor who must meet the income requirements.</p> <p>2. Yes, there is a reference time period during which the resources should be available. This is laid down in article 3.75 of the Aliens Decree and article 3.20 of the Aliens Regulations. The general rule states that resources should be available for at least a year from the date of application. If this condition is not met, the employment history is taken into account. This applies for example to sponsors who have temporary contracts or sponsors who generate income from work on a self-employed basis.</p> <p>3. Resources should be independent, and all obligatory premiums and taxes should be paid for. See also article 3.73 of the Aliens Decree, and B1/4.3 to B1/4.3.3.4 of the Aliens Act Implementation Guidelines for sources of income that are taken into account. The following sources of income are always taken into account: income from (temporary) paid employment; income from self-employment and private means. For each of the sources, specific rules may apply. Different sources of income may be combined as long as each individual source meets the requirements of independence and sustainability.</p> <p>For the purpose of family reunification, exemptions from the income requirements exist. They are described in B7/2.1 of the Aliens Act Implementation. In short, it concerns those who have reached the pensionable age under Dutch Law; those who are unfit for work; and those who are exempted from the legal obligations as mentioned in article 9 of the Work and Social Assistance Act.</p> <p>4. Directive 2003/86/EG states that member states may decide on a reference amount, but may not adhere to a minimum amount of income under which family reunification is not allowed without an individual assessment of the situation of the applicant.</p> <p>In cases in which the applicant/sponsor does not meet the reference amount, a further check will be done to see if the applicant/sponsor has means that are above the (net) amounts laid down in the Act on work and assistance. In general, an income below the amounts laid down in the Act on work and assistance is also considered to be below the subsistence minimum and therefore undesirable. This does not mean that all applications in which the latter is the case, are automatically rejected. Special individual circumstances put forward by the applicant/sponsor may - in individual cases - lead to the conclusion that the applicant/sponsor meets the income requirements (independent, sustainable and sufficient) even though the reference amounts have not been met..</p> <p>Concerning the question of the regularity of the resources (sustainable means of support), we refer to the answer on question number 2.</p>


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			<p>5. Applications for special assistance do not have impact on the status of legal residence. It is only the application for general social assistance that may have consequences for the status of legal residence.</p>
	<p>Poland</p>	<p align="center">Yes</p>	<p>1. 1.1, 1.2</p> <p>A prerequisite for granting a temporary residence permit for the purpose of family reunification as well as for granting a long-term EU resident's permit is to have a source of stable and regular income sufficient in order to cover the costs of living of both the foreigner and family members he/she supports.</p> <p>The amount of monthly income should exceed the amount of income giving entitlement to social assistance cash benefits referred to in the Act of 12 March 2004 on social assistance (Dz. U. of 2013, item 182, as amended) with respect to the foreigner and each family member he/she supports. Currently, this amount must exceed PLN 542 (ca. EUR 133) for a single person or PLN 456 (ca. EUR 112) for each person in the family.</p> <p>2.</p> <p>2.1 The provisions of the Act on Foreigners do not specify a period of time during which it is required to demonstrate the stability and regularity of income. Account is taken of all the circumstances of the case.</p> <p>2.2 The provisions on granting a long-term EU resident's permit provide for examining the stability and regularity of income over a period of 3 years of residence in the territory of the Republic of Poland, preceding the submission of the application and in case of a holder of the EU Blue Card, who stayed previously in another Member State on the basis of the EU Blue Card – over a period of 2 years of residence in the territory of the Republic of Poland, preceding the submission of the application.</p> <p>3.</p> <p>3.1, 3.2</p> <p>The required income comprises a sum of monthly revenue from the month preceding the filing date of the application or in case of loss of income, from the month in which the application was filed, irrespective of the title and source of income, unless the law provides otherwise, reduced by:</p> <ul style="list-style-type: none"> 1) monthly personal income tax burden, 2) health and social insurance contributions, 3) the amount of maintenance paid to other people. <p>Therefore, account is taken of various sources of income, employment contracts, permanent and temporary contracts, income from business activity, savings accumulated in bank accounts in the proper amount, old-age pensions, pensions, foreign sources of income etc.</p> <p>3.1 When granting a long-term EU resident's permit, account is also taken of a source of stable and regular income held by a spouse or by a parent of a minor foreigner.</p>


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			<p>3.2. When granting a temporary residence permit for the purpose of family reunification, the requirement to have a source of stable and regular income is considered met also when costs of living of the foreigner are covered by a family member who is obliged to support the foreigner and resides in the territory of the Republic of Poland.</p> <p>4. Each case is considered on an individual basis, and upon its consideration all relevant occurring circumstances are taken into account, e.g. temporary difficulties in obtaining income, good predictions for the future. The authority decides on the case pursuant to the provisions of the Code of Administrative Procedure and takes all steps necessary to explain the facts in an accurate manner and to resolve the issue, with a view to the public interest and legitimate interest of an applicant.</p> <p>5. All listed types of assistance are granted under social assistance scheme. The applicant has to only have an amount of monthly income (see: answer to question no. 1) which exceeds the amount of income giving entitlement to social assistance and the title or source of such income is not verified. However, in connection with the essence of the income criterion adopted, social assistance benefits should not be taken into account because qualifying for such assistance a foreigner would have a lower income than required.</p>
	Portugal	Yes	<p>According to the Portuguese legal framework legislation on this matter (articles n.ºs 1 and 2 of Ordinance N.º. 1563/2007, of 11st December) the "means of subsistence" are stable and regular resources which are sufficient for the essential needs of the foreign national and, where appropriate, their family, particularly for food, shelter, health care and hygiene.</p> <p>The criterion for determining livelihood is made by reference to the minimum wage in accordance with paragraph n.º 1, article n.º 266º of the Labour Code, attentive to their nature and regularity, net of deductions for social security the following valuation per capita in each household, namely, first adult 100%; second or more adults 50%; children and young people under 18 and over 30% dependent children age.</p> <p>The foreign citizen requesting family reunification must have in your household, livelihood determined under paragraphs 1 and 2 of Article 2º, secured by not less than 12 months.</p> <p>In procedural terms we distinguish between the issue for family reunification for those who already stay and live in Portugal (and in this case there are greater flexibility) and for those who asks in the country of origin (in this situation the Immigration and Borders Service opinion is binding), in which case the legal provisions of the Ordinance are followed.</p> <p>Remarkably, the analysis is done on a case-by-case basis and is always taken into account situations that involve minors or the right to a family, notwithstanding the rigor that the law imposes.</p>


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	Slovak Republic	Yes	<p>1.1 No.</p> <p>1.2 Yes; According to the Article 32 (15) of the Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts, financial resources shall be demonstrated by a third country national in the amount of subsistence minimum for each month of residence. A minor third country national shall demonstrate a half of the financial resources.</p> <p>2.1 A third country national demonstrates stable and regular financial resources at the time of submitting residence permit application.</p> <p>2.2 A third country national demonstrates stable and regular financial resources at the time of submitting residence permit application.</p> <p>3.1 According to the Article 53 (4) of the Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts, stable and regular resources can be demonstrated by a third country national especially by means of an employment contract, confirmation of an employer about the height of salary, statement of a personal account kept at the bank with the name of the third country national, pension confirmation. This is just an example of ways how to prove stable and regular financial resources. Long-term residence permit applications are assessed on individual basis and it is also possible to prove stable and regular financial resources by other credible means.</p> <p>3.2 According to the Article 32 (6) (g) of the Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts, financial coverage can be demonstrated by a solemn declaration of a third country national with whom the applicant is to be united and who has been granted permanent or temporary residence permit or who is an applicant for permanent or temporary residence permit (the sponsor). In the declaration it is stated that the sponsor would provide financial and material resources for the third country national during his/her residence in the territory of the Slovak Republic. Furthermore, the sponsor also provides his/her employment contract, employer's confirmation about the height of salary, statement of personal account kept at the bank in the name of the third country national with whom the applicant is to be united and who has been granted permanent or temporary residence permit or who is an applicant for permanent or temporary residence permit (the sponsor).</p> <p>4. A reference amount is taken into account only in case of temporary residence permit for the purpose of family reunification. Demonstration of financial resources is one of the legal conditions for granting a residence permit. Non-compliance with this condition shall result in rejection of an application for temporary residence permit.</p> <p>5. The Slovak Republic has transposed the Article 7 (1) (c) of the Council Directive 2003/86/EU as follows: on the one hand a reference amount was set within the national legal code of the Slovak Republic, on the other hand the subsistence minimum was set. According to the Act No. 601/2003 Coll. on Subsistence Minimum as amended, subsistence minimum is defined as a socially recognised minimum income level of a natural person, below which the person is considered to be in material need. In practice, a residence permit of a third country national who applies for benefit in material need would be withdrawn. This is due to the fact that his/her financial resources are under subsistence minimum (subsistence minimum in the Slovak Republic currently amounts to 198,09 €). In case a third country national applies for special assistance in order to meet exceptional, individually determined, essential living costs, tax refunds granted by local authorities</p>
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			<p>on the basis of his/her income or income-support measures, it does not necessarily mean that he/she is not able to demonstrate that his/her financial resources are above subsistence minimum, i.e. it would not lead to a withdrawal of his/her residence permit.</p> <p>When assessing the application for a long-term residence permit, it is examined whether the applicant is not a burden for the social security system of the Slovak Republic. This condition is also examined after granting a long-term residence permit. The only exception is when it is proved that the third country national did not comply with this condition already during the assessment of his/her application. This would mean that obtaining his/her residence permit was fraudulent, which is one of the reasons for a withdrawal of a long-term residence permit. (Note: A third country national becomes a burden for the social security system of the Slovak Republic if he/she is dependent on a benefit in material need similarly as in the case described above.)</p>
	<p>Slovenia</p>	<p align="center">Yes</p>	<p>1.1. Yes. In case of application for residence permit for family member reference amount is applicable as one of required condition for issuing a residence permit. Sufficient means of subsistence is calculated as sum of basic minimum income per month and number of person (a third-country national and their family members). In order to meet the requirement of sufficient means of subsistence for family member(s), the third-country national may provide different evidences of the assets earned by himself, his employment or insurance rights, income related to property, income from capital and from other sources.</p> <p>1.2. Yes. In case of sponsor based on Directive 2003/86/EC a contract in which the alien receives a certain amount of resources from a natural or legal person may be used to prove no more than one half of the necessary means of subsistence. For the rest of amount of necessary means other evidence needs to be demonstrated (see 1.1.). Calculations of sufficient means of subsistence are the same as in 1.1.</p> <p>2.1. In case a third-country national fulfils all required conditions prescribed by legislation, which contains also sufficient resources for their family member(s), a competent authority issued a residence permit for family member with valid period up to one year. After one year residence permit could be renewed and extended up to two years. Each time when a third-country national applies for issuing or/and renewing a residence permit for family member competent authorities assess his/her "sufficient resources" based on different evidences depends on third-country national occupation and residence status. Usually a third-country national needs to demonstrate evidence of regular and stable income (regular monthly salary, etc.) for the period of the last 3 months plus a month of considering application and evidence such as employment contract which need to be valid a minimum of one year from time of considering application.</p> <p>2.2. A contract or any other evidence on the basis of which a natural or legal person is paying the alien a certain amount for subsistence need to be valid on time of considering application and for minimum of one year. See also 2.1.</p> <p>3. In order to meet the requirement of sufficient means of subsistence for family member(s) a third-country national may provide different evidences of the assets earned by himself, his employment or insurance rights, income related to property, income from capital and from other sources.</p> <p>3.1. For permanent employment (valid employment contract, monthly salary, tax payment, other evidences based on the employment and insurance right, etc.); non-permanent employment (valid employment contract at least minimum of one year, monthly salary, tax payment, other evidences based on the employment and insurance right etc); self-employment activities (different evidences of the assets earned by himself, income related to property, income from capital etc. for period one year before application and time when application is considering,</p>



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			<p>tax payment, etc.). Resources available to family member himself, resources held abroad, etc. could be also recognised as sufficient evidence but depends from other evidences and on each individual case. See also Q.4.</p> <p>3.2. A contract needs to be valid minimum of one year. See more Q.2., 3.1.</p> <p>4. Competent authorities examine each individual case separately. Third-country national who applying for family member(s) is obliged to provide required evidences. When applicable responsible authority provide evidence upon ex officio. See also 2.1.</p> <p>5. We do not differentiate between general and individual social assistance. When applying or renewing residence permit for family member, a social assistance (general and individual) may be counted as part of the income when circumstance speaks in favour of such decision.</p>
	<p>Spain</p>	<p align="center">Yes</p>	<p>1.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC Yes. It varies according to the number of family members: sponsor+1= 150 IPREM* For each additional member= 50% IPREM*</p> <p>1.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC Yes. It varies according to the number of family members: sponsor+1= 150% IPREM* For each additional member= 50% IPREM*</p> <p>2.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC No</p> <p>2.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC Yes. A year, at least, calculation being based on the previous six months evolution.</p> <p>3 Any source of legal and regular income available to the sponsor or family members: salaries, bank deposits, regular bank transfers, invesment revenue, business revenue, etc.</p> <p>3.1 For the purposes of article 5(1)(a) of Directive 2003/109/EC: We consider all of the above.</p> <p>3.2 For the purposes of article 7(1)(c) of Directive 2003/86/EC: We consider all of the above.</p> <p>4 Each case is examined separately and reference amounts are calculated according to the circumstances related to the application and the number of family members. All income from any resident family member is taken into consideration, and special consideration is given to any case where minors are involved. Regarding periods of calculation the law requires to consider the previous six months prior to the date when the application has been submitted.</p>

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			<p>5 In Spain the differentiation is based on previous contributions to the system. As a rule we take into consideration any social assistance that it is based on a contribution scheme, while other types of social assistance to compensate lack of stable, regular and sufficient resources which are not based on previous contributions to the system are not taken into account for the purpose of long-term residence or family reunification. In these situations eligibility is therefore conditioned by the type of social assistance the sponsor is granted.</p> <p>* (Public Multi-purpose Income Index)</p>
	Sweden	Yes	<p>1.1 There is no specific numerical amount but the resources must exceed the national standard for income support. The way to calculate the standard is statutory but the result can differ due to individual circumstances.</p> <p>1.2 No specific numerical amount. The resources must exceed the subject amount for distraint determined by law. The result can differ due to individual circumstances.</p> <p>2.1 No, but according to practice the applicant must show maintained resources for the previous 1-2 years.</p> <p>2.2 No, but there must be sufficient resources when the application is examined and they must not be of a temporary nature.</p> <p>3.1 There are no actual limitations as long as the resources are maintained without recourse to the social assistance system.</p> <p>3.2 See the answer above (3.1).</p> <p>4. Reference amounts and periods are not used and there is always an individual examination.</p> <p>5. Since there are individual examinations it is always possible to consider if the exploitation of social assistance enables from exceptional or unforeseen needs.</p>
	United Kingdom	Yes	<p>Q1)The UK has not opted into the Council Directive 2003/86/EC on the right to family reunification.</p> <p>However the UK does require the third country national family members to meet a financial requirement when making an application to enter or remain in the UK under the Immigration Rules. This requirement also applies to applications in the family route for permanent residence (indefinite leave to enter or remain) in the UK..</p> <p>For the partner of a third country national who is a permanent resident in the UK or the post-flight partner of a third country national who is a refugee or a person granted humanitarian protection, the financial requirement is to have a minimum income of £18,600. An additional amount is required if the partner is accompanied by a child (£3,800 for the first child and £2,400 for each additional child). This requirement also applies to partners of British citizens and has been in place since 9 July 2012.</p> <p>On 11 July 2013 the UK Court of Appeal determined that the minimum income threshold was lawful in the case of MM & Others. The judgment can be found at the link below.</p>

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			<p>http://www.bailii.org/ew/cases/EWCA/Civ/2014/985.html</p> <p>On 9 July 2012 new rules for third country nationals who are adult dependent relatives seek to ensure that only those who have a genuine need to be physically close to and cared for by a close relative in the UK are able to settle here.</p> <p>For a third country national adult dependent relative, whose sponsor relative is a permanent resident in the UK or a third country national who is a refugee or a person granted humanitarian protection, the financial requirement is to provide evidence that they can be adequately maintained, accommodated and cared for in the UK without recourse to public funds. If their relative in the UK is a British Citizen or settled in the UK, the applicant must also provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period of 5 years from the date the applicant enters the UK if they are granted permanent residence (indefinite leave to enter) in the UK.</p> <p>On 9 July 2012 new rules were also introduced for third country nationals to enter or remain in the UK on the basis of their family life as a parent of a child in the UK. It is a route intended for a parent who has responsibility for or access to their child following the breakdown of their relationship with the child's other parent. The route is for single parent applicants who: have sole parental responsibility for their child; or do not live with the child (who lives with a British or settled parent or carer), but they have access rights to the child; or (for a leave to remain application) are the parent with whom the child normally lives, rather than the child's other parent who is British or settled.</p> <p>For a third country national parent of a child living in the UK the financial requirement is for the applicant parent to provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds.</p> <p>Q2) The minimum income threshold allows a wide variety of sources to be taken into account. The time periods over which income and savings are assessed will vary depending on the circumstances of the case. Further details can be found at the link below.</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337420/Annex_FM_1_7_Financial_Requirement.pdf</p> <p>Q3)The minimum income threshold financial requirement can be met in a number of ways in addition to or instead of income from employment. They can rely on the following sources:</p> <ul style="list-style-type: none">• Income from salaried or non-salaried employment of the partner (and/or the applicant if they are in the UK with permission to work).• Non-employment income, e.g. income from property rental or dividends from shares.• Cash savings of the applicant's partner and/or the applicant, above £16,000, held by the partner and/or the applicant for at least 6 months and under their control.• State (UK or foreign) or private pension of the applicant's partner and/or the applicant.
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			<ul style="list-style-type: none"> • Income from self-employment, and income as a director of a specified limited company in the UK, of the partner (and/or the applicant if they are in the UK with permission to work). <p>There are some restrictions on combining the different sources.</p> <p>Employment can be full-time or part-time. Employment can be permanent, a fixed-term contract or with an agency. Certain resources held abroad can be taken into account. For example the rules take account of the overseas employment income of sponsor returning to the UK where they have a confirmed offer of salaried or non-salaried employment in the UK, starting within 3 months of their return. Savings held abroad in overseas bank accounts which meet the general savings requirements can be relied upon where they meet requirements relating to regulation. The overseas financial institution must not appear on the list of excluded institutions.</p> <p>Promises of support from a third party cannot be counted towards the financial requirement. The applicant and their partner must have the required resources under their own control, not somebody else's. Any subsidy or financial support from a third party (other than child maintenance or alimony payments, academic maintenance grants/stipends or gifts of cash savings do not count towards the financial requirement.</p> <p>Q4) Each application is examined on a case by case basis. The Immigration Rules set out compulsory documents such as payslips and bank statements that must be submitted to support their application. Decision-makers can take steps to verify those documents and may request missing evidence from the applicant if appropriate.</p> <p>Q5) The Government recognises that some sponsors will have a reduced earning capacity as a result of caring for someone with a disability or because they have a disability. Therefore, an applicant whose sponsor is in receipt of a specified benefit such as Carer's Allowance or Disability Living Allowance will be exempt from meeting the minimum income threshold. However, they will still need to meet a maintenance requirement (equivalent to Income Support level). They can use their disability-related benefit towards meeting the adequate maintenance requirement. They will also need to show that they remain exempt from the income threshold at the next application stage. All applicants, unless their sponsor falls within the exemption for those in receipt of a specified disability-related benefit, are required to meet the income threshold.</p> <p>Applicants granted residence in the UK who are subject to the minimum income threshold or adequate maintenance are not eligible to apply for income support or a range of other social assistance benefits.</p>
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