



**AD HOC QUERY ON 2021.70 Requirements of sufficient means of subsistence**

**Requested by EMN NCP Slovenia on 10 November 2021**

**Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (22 in Total)**

**Disclaimer:**

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**1. Background information**

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All EU legal migration Directives are consistent in requiring for the TCNs to have sufficient resources. As stated in [COMMISSION STAFF WORKING DOCUMENT FITNESS CHECK on EU Legislation on legal migration {SWD\(2019\) 1056 final} PART 2/2](#), page 319, Member States have different approaches to establishing this, ranging from employment contracts, pay slips to bank statements for a period of 6 to 12 months, tax returns, going back for up to the past 3 years, etc.

The general admission condition of sufficient means of subsistence (which applies in the procedures for the issuance of (temporary and permanent) residence permits for third country nationals) is regulated in the third paragraph of Article 33 of the Slovenian Foreigners Act (available on: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761>) and reads in full:

»A foreigner wishing to reside in the Republic of Slovenia must have (...) sufficient means of subsistence during his or her residence in the country, or other guarantees that his or her means of subsistence will be provided, on a monthly basis, in an amount corresponding to at least the basic minimum income in the Republic of Slovenia. For the issuance of his or her first temporary residence permit, a foreigner may demonstrate compliance with the requirement of sufficient means of subsistence by assets earned through work, by labour or insurance rights, except by reimbursement of work-related expenses, by income from property or capital and other sources, or with the help of those obliged to maintain him or her, by a scholarship, or by funds in an account open with a bank or a savings bank in the Republic of Slovenia or abroad.«

The manner in which compliance with the general admission condition of sufficient means of subsistence is to be determined is further specified in Executive regulation - Rules on the manner of determining sufficient means of subsistence in the procedure of issuing a residence permit (available on: <http://pisrs.si/Pis.web/pregledPredpisa?id=PRAV10849>), which inter alia further specifies the manner and way of proving the sources from Article 33(3) of the Foreigners Act (see table in the document attached).

Slovenia seeks information about the policy of other Member States regarding the conditions and examination of the sufficient means of subsistence with reference to the application for temporary and permanent residence permit. Slovenia intends to assess, on the basis of the Member States' responses, whether current Foreigners Act needs to be amended in the future.

In preparing the questions, we considered the answers to the following ad hoc queries:

- [EMN Ad-Hoc Query on Required resources in the framework of family reunification, requested by BE EMN NCP on 27th May 2016](#),
- [EMN Ad-Hoc Query on SI AHQ on verification of the reliability of potential students, requested by SI EMN NCP on 25th October 2016](#),
- EMN Ad-Hoc query on 2021.32 Period of validity of the residence permit for students, requested by FI EMN NCP on 7 May 2021.

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## **2. Questions**

- 1. Does your Member State lay down the general condition of sufficient means of subsistence in the same way (e. g. the same conditions applies to all the different procedures) for all categories of foreigners covered on legal migration by EU legislation or separately for each category of foreigners? YES/NO. Please explain.**
- 2. Does your Member State accept as part of the sufficient means reimbursement of work-related expenses (e. g. expenses for meals during work, for transport to and from work, and reimbursement of expenses incurred by a foreigner in performing certain work and tasks on a business trip) when applying for a single residence and work permit?**
- 3. In the procedure for the issue of a temporary residence permit for the purpose of study, can a student also demonstrate compliance with the condition of sufficient means of subsistence by means of a maintenance contract or a loan agreement concluded with a natural or legal person? YES/NO. Please explain.**
- 4. If you answer YES to previous question, are you checking the actual realization of the contract (e.g. did the student actually receive funds under the contract on his/her bank account) during the period of validity and in the process of renewing the temporary residence permit for study purposes? Can you please indicate how you check them (e.g. which proofs must be submitted, time period of verification etc.).**
- 5. Which sources of income does your Member State accept in family reunification procedures under Family Reunification Directive 2003/86/EC (excluding family reunification of refugees)?**
- 6. Can you please describe how you check them (e.g. which proofs must be submitted, do you for instance accept also a loan agreement with natural or legal person, which is concluded specifically for the purpose of demonstrating sufficient means of subsistence, time period of verification etc.).**



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We would very much appreciate your responses by **8 December 2021**.

**3. Responses**

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|   |                 | Wider Dissemination <sup>2</sup> |   |
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|  | EMN NCP Austria | No                               | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.   |
|  | EMN NCP Belgium | Yes                              | <p>1. No. Belgium applies a separate assessment of the concept of "sufficient means of subsistence" for each legal migration procedure. For each category and procedure, the national legislation sets out an approach that is tailored to the specific provisions of the relevant EU Directive.</p> <p>By way of example:</p> <ul style="list-style-type: none"> <li>• For <u>beneficiaries of the long-term resident status</u>, the national integration income or the national concept of "social assistance" is</li> </ul> |

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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|  |  |  | <p>used as a reference amount (in accordance with Art. 5(1) of Council Directive 2003/109/EC “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”);</p> <ul style="list-style-type: none"> <li>• The same reference amounts are used in the <u>procedure for family reunification with a third-country national who is the beneficiary of a right of residence of unlimited duration</u> (in accordance with Art. 7(1) of Council Directive 2003/86/EC);</li> <li>• For <u>students</u>, Belgium applies a reference amount that is adapted to the specific context and situation of students (in accordance with Art. 11 Directive 2016/801/EU: “sufficient resources to cover the study costs” and its general provisions under Art. 7(1)e) and Art. 7(3)).</li> </ul> <p>If the EU Directives require the Member States to take into account the individual situation of the applicant within the framework of the assessment of the means of subsistence, this is additionally provided for in the Belgian legislation. In those cases, an individual examination of the situation will be required if the general requirements regarding the means of subsistence are not met.</p> <p>2. In Belgium, applications for a single permit are introduced at the level of the regions. The competent regional authority takes a decision on the authorisation to work and, in case of a positive decision, transfers the file to the federal Immigration Office for a decision on the authorisation to stay. In the single permit procedure, it is therefore first of all the competence of the regional authorities to make a substantive assessment of the “sufficient means of subsistence” requirement with regard to the authorisation to</p> |
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|  |  |  | <p>work. The regions check whether there is an employment contract that meets the conditions for a residence permit within the framework of their regulations. In general, extra-legal benefits are included in their assessment of the "sufficient means of subsistence" requirement for each category of employed worker.</p> <p>After a positive decision by the competent regional authority, the Immigration Office only carries out a formal verification of the requirement of sufficient means of subsistence: given the fact that the regional authority already carried out this assessment within the framework of the authorisation to work, in practice the Immigration Office will only verify whether the application contains the employment contract, appointment letter or similar document included in the decision by the regional authority (see Article 61/25-2, §1, 2° Immigration Act <a href="http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel">http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel</a>; explanatory memorandum, p. 13 <a href="https://www.dekamer.be/FLWB/PDF/54/3014/54K3014001.pdf">https://www.dekamer.be/FLWB/PDF/54/3014/54K3014001.pdf</a>).</p> <p>3. Yes. A student can demonstrate compliance with the condition of sufficient means of subsistence by means of a scholarship, loan agreement, declaration of liability, escrow account at the university or any other proof of sufficient means of subsistence.</p> <p>4. Yes, the Immigration Office checks the actual performance of the contract. To this end, the third-country national needs to submit salary slips.</p> <p>5. The sponsor of family reunification should have stable, sufficient and</p> |
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|   |                             |            | <p>regular resources. Social benefits and family allowances are excluded in the assessment of this requirement. The unemployment allowance is only taken into account if the sponsor can prove that he is actively looking for a job or that he has been exempted from this obligation (Art. 10, §5 Immigration Act).</p> <p>6. The income has to be personally acquired by the foreign national who wants to be joined by his family members, unless otherwise stipulated by law for certain categories. Thus, as a rule, loan agreements or formal obligations by third parties are not accepted.</p> <p>Documents that can be provided include salary slips of the last six to twelve months, employment contract, tax return documents, annual accounts (for self-employed persons). For employed workers, the Immigration Office has direct access to the Social Security database and can verify the sponsor's employment history and duration of the current contract.</p> <p>Based on the submitted documents and information, the administration will assess whether or not: a) the source of income is stable and regular, and b) whether the amount is sufficient (120% of the integration income = currently 1 661 EUR per month). If the income is stable and regular but lower than 1 661 EUR per month, the Immigration Office proceeds to an individual analysis whereby it will check if the available amount will be sufficient in order to avoid that the sponsor and the family members become a burden on the social security system.</p> |
|  | <p>EMN NCP<br/>Bulgaria</p> | <p>Yes</p> | <p>1. Yes. Sufficient funds for maintenance, without need to involve the social support system, in an amount not less than the minimal month salary,</p>   |

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|   |                            |            | <p>minimal scholarship or the minimal pension pursuant to the legislation of the Republic of Bulgaria for the time-term of stay. No documents for the necessary funds are required from the persons of Bulgarian origin. For foreigners applying for residence and work in the Republic of Bulgaria, the employment contract is accepted, in which the remuneration is indicated.</p> <p>2. N/A</p> <p>3. Yes. A notarized declaration is accepted by a person to provide sufficient funds.</p> <p>4. NO.</p> <p>5. We accept a notarized declaration from the spouse to provide sufficient funds.</p> <p>6. No, N/A</p> |
|  | <p>EMN NCP<br/>Croatia</p> | <p>Yes</p> | <p>1. Yes.<br/>The general admission condition of sufficient means of subsistence (which applies in the procedures for the issuance of (temporary and permanent) residence permits for third country nationals) is regulated in the Article 59 of the Croatian Foreigners Act, and reads in full:<br/>(1) A third-country national shall be granted temporary stay if he:<br/>1. justifies the purpose of temporary stay<br/>2. holds a valid foreign travel document</p>  |




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|  |  |  | <ol style="list-style-type: none"><li>3. has means of subsistence</li><li>4. has health insurance</li><li>5. when applying for temporary stay for the first time, provides a document proving that he has not been convicted of criminal offences by a final ruling, which has been issued by his home country or a country in which he has resided for more than a year immediately prior to arriving in the Republic of Croatia, unless he is a posted worker, or a student, a researcher or an intra-corporate transferee utilising mobility, arriving from another EEA Member State</li><li>6. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry</li><li>7. does not pose threat to public policy, national security or public health.</li></ol> <p>The same applies also for EU-long term residence (Article 153);<br/>Conditions for granting long-term residence<br/>Article 153</p> <p>(1) Long-term residence shall be granted to a third-country national who, in addition to the conditions referred to in Article 150 of this Act:</p> <ol style="list-style-type: none"><li>1. holds a valid foreign travel document</li><li>2. has means of subsistence</li><li>3. has health insurance</li><li>4. knows the Croatian language and the Latin script</li><li>5. does not pose threat to public policy or national security.</li></ol> |
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|   |                           |            | <p>2. Yes, if according to national legislation this expenses form a part of salary.</p> <p>3. No.<br/>Student can demonstrate compliance with the condition for sufficient means of subsistence via bank statement or proof of scholarship.</p> <p>4. n/a</p> <p>5. In line with Ordinance regarding the status and work of third-country nationals in the Republic of Croatia, proof of compliance with with the condition of sufficient means of subsistence includes: - six payslips, - tax ruling, - pension statement, - employment contract, i.e a written confirmation of the concluded employment contract or appropriate proof of work from which the amount of the salary of the third-country national must be evident, if the third-country national has been working for less than 3 months, - proof of scholarship, - decision on entry in the Register of Family Farms from the competent ministry and proof of realization of funds on the stated basis.</p> <p>6. In case of doubt, income on the basis of work contract can be checked ex officio via REGOS system (centralized pension system) or via tax system.</p> |
|  | <p>EMN NCP<br/>Cyprus</p> | <p>Yes</p> | <p>1. No, the procedure differs, depending on the status/type of residence permit (student, work-related etc.) a TCN will apply for.</p>  |

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|   |                                       |            | <p>2. Yes.</p> <p>3. Yes. A student can prove sufficient means of subsistence through (student) loan agreement, sponsorship, scholarship etc.</p> <p>4. No. However, during the renewal process the student must again provide sufficient means of subsistence through recent bank statements.</p> <p>5. There is no exclusive list of sources that are accepted. Most often, sources of income are in the form of paid employment in Cyprus or/and bank deposits in Cyprus banks. However, it should be noted that each case is examined on its own merits, hence the particulars of each case are taken into consideration upon each individual examination.</p> <p>6. Usually through valid contracts of employment and recent bank statements.</p> |
|  | <p>EMN NCP<br/>Czech<br/>Republic</p> | <p>Yes</p> | <p>1. NO.<br/>E.g. third-country nationals who apply for a long-term residence for the purpose of the study can prove their means of subsistence, for example, by submitting a bank account statement in the foreigner's name or an electronic banking statement, but also by proving that their total monthly income will not be lower than the amount of the subsistence minimum and the maximum amount of the normative housing costs, or the real amount of justified housing costs, or documents showing that the associated costs of the stay will be paid by the public authority, legal entity or a domestic</p>   |

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|  |  |  | <p>host organization.</p> <p>However, e. g. foreigners - third-country nationals who apply for a long-term residence for the purpose of family reunification, must provide proof that the total monthly income of the family after reunification will not be less than the subsistence minimum of all family members (ie not only subsistence minimum of the applicant) and the highest amounts of normative housing costs, resp. the actual amount that the foreigner proves as the cost of the family's housing (ie not only his or her own housing costs).</p> <p>2. In case that a foreigner applies for an employment card or blue card (ie special types of long-term residence for the purpose of employment), a document ensuring the provision of means of subsistence is not required. Submitting the application is conditioned only by the fact that a foreigner's wage for the work performed will not be lower than the basic rate of the monthly minimum wage resp. that the agreed gross monthly wage will correspond to at least 1.5 times the average gross annual wage announced by the Ministry of Labor and Social Affairs of the Czech Republic. For other types of residence permit, if a foreigner proves means of subsistence by income from the dependent activity, he/she proves it with an employer's certificate or payslips for the relevant period, which is the last calendar quarter preceding submission of the application, or the last three months.</p> <p>There is no reason not to accept if a foreigner gets a commuting allowance. It is stated in the employment contract and it is reflected in a salary. However, the case of travel allowances (or reimbursements for expenses incurred on a business trip) is different - these are not subject to personal</p> |
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|  |  |  | <p>income tax and cannot be considered as computable income.</p> <p>3. PARTIALLY YES.<br/>A third-country national who applies for a long-term residence for the purpose of study may provide proof of subsistence by documents showing that all costs associated with his/her stay will be covered by a public authority, legal entity or domestic host organization. This is also possible for a foreigner who applies for a visa for a stay of over 90 days (so-called long-term visa) for the purpose of the study. Alternatively, it is possible to submit an obligation of a public authority or legal entity to certify the provision of funds in the amount of the subsistence minimum for one month of the intended stay, resp. proof that all costs associated with his/her studies and stay will be covered by the host organization (school). The law does not mention the possibility of securing the means of subsistence for a person other than the applicant.</p> <p>4.<br/>The implementation of the obligation of a public authority, legal entity or domestic host organization during the stay of a foreigner (during the validity of the long-term residence) is not being a subject of verification unless there is a reasonable suspicion that obligations are not fulfilled. The foreigner certifies the provision of means of subsistence again when submitting the application for extension of validity of visa for a stay of over 90 days for the purpose of study or when applying for a validity extension of the long-term residence for the same purpose. As a part of the residence validity extension process, the means of subsistence are proved by the above-mentioned ways.</p> |
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|   |                            |            | <p>5. In general, income specified in the Act on Living and Existence Minimums is accepted in the application for a long-term residence, such as income from the dependent activity, income from the independent activity, income from capital assets (if it is not a benefit from statutory insurance), rental income and other income specified in the Income Tax Act. Other types of income are also eligible, such as sickness insurance benefits, state unemployment benefits, alimony, etc.</p> <p>6. The way how income from the dependent activity is proved has already been outlined in answer to question 2.<br/>Income from the independent activity of an individual is most often proved by a payment assessment of the income tax for the previous taxation period. This payment assessment is accompanied by a statement from the relevant Social Security Administration which proves the amount of social security and state employment policy premiums, paid in this previous period, and proof of the number of costs paid for general health insurance, issued by the relevant health insurance company. Income from the business is usually proved by the original or an officially certified copy of minutes of the General Meeting and at the same time proof of tax payment.</p> |
|  | <p>EMN NCP<br/>Estonia</p> | <p>Yes</p> | <p>1. No. Different sufficient means of subsistence must be provided for each type of residence permit application:</p> <ul style="list-style-type: none"> <li>• Residence permit for working – proved through an employer obligation to pay a remuneration in a certain amount. Requirements for remuneration to be paid by the employer are set in § 106, § 107, §178 and §192 of the Aliens Act. An employer is required to pay</li> </ul>   |


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|  |  |  | <p>remuneration to a foreigner that is at least equal to the annual average wages in Estonia last published by Statistics Estonia (currently 1448 euros). Top specialists are required to be paid in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2. Regarding business and start-ups, criteria is set through equity capital, sales revenue and investments.</p> <ul style="list-style-type: none"><li>• Residence permit for studying or for settling with a spouse - applicant must have sufficient income (double the subsistence level) for subsistence in Estonia, which is confirmed by signing the application. The subsistence level is established each year in the State Budget Act (150 euros per month per person in 2021).</li><li>• For settling with a close relative or for settling permanently in Estonia and on a basis of legal income. Legal income is defined in § 9 of the Aliens Act and involves lawfully earned remuneration for work, parental benefits, unemployment benefits, income received from lawful business activities or property, pensions, scholarships, means of subsistence, benefits paid by a foreign state and the subsistence ensured by family members earning legal income. Legal income must enable the maintenance of the alien and his/her family members in Estonia. Requirement for legal income is a single subsistence level in Estonia for every month of stay in Estonia, depending on the size of the family (150 euros per month per person in 2021).</li></ul> <p>Requirements for sufficient financial resources are regulated in Aliens Act and the expected rates of resources are defined in subordinate statute given by the Minister of the Interior.</p> |
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|   |                    |     | <p>2. No.</p> <p>3. Yes, sufficient legal income for the issue of a residence permit for study, the maintenance ensured by a family member includes maintenance of an adult child or grandchild studying full time by a parent or grandparent.</p> <p>4. By signing an application, a person confirms that he/she has not provided false information or added falsified evidence upon application. An administrative authority which is conducting the proceedings may process personal data, including specific type of personal data in the proceedings concerning the application.</p> <p>5. Please see the answer for Q. 1.</p> <p>6. The subsistence ensured by family member <u>earned legal income</u> is deemed to be sufficient means of subsistence of an applicant. Please see the answer for Q. 4.</p> |
|  | EMN NCP<br>Finland | Yes | <p>1. YES. There are general conditions of sufficient means of subsistence, but not all permit types have a requirement for sufficient means of subsistence. Section 39 of the Finnish Aliens Act lays down the general requirements for sufficient financial resources when issuing a residence permit:</p> <p>1) Issuing a residence permit requires that the alien has sufficient financial resources unless otherwise provided in the Act. In individual cases, a derogation may be made from the requirement if there are exceptionally serious grounds for such a derogation or if the derogation is in the best</p>   |




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|  |  |  | <p>interest of the child.</p> <p>2) When an alien's first residence permit is issued, the alien's financial resources are considered sufficient if the alien's residence is financed through gainful employment, pursuit of a trade, pensions, property or income from other sources considered normal so that the alien cannot be expected to become dependent on social assistance referred to in the Act of Social Assistance or on other similar benefits to secure his or her financial resources. Social security benefits compensating for expenses are not regarded as such a benefit.</p> <p>3) When issuing extended permits, the alien's financial resources shall be sufficient as provided in subsection 2, provided, however, that temporary resort to social assistance or other similar benefits securing the alien's financial resources does not prevent the issue of the permit.</p> <p>4) The applicant shall submit to the authorities a statement on how his or her financial resource will be secured in Finland.</p> <p>2. Yes, the reimbursement of work-related expenses is generally accepted as part of sufficient means, unless the reimbursements make up an exceptionally high share of the income of the applicant.</p> <p>3. NO</p> <p>4.</p> <p>5. The income assessment considers the disposable income and assets of the applicant and the sponsor. The income can consist of gainful employment, entrepreneurship or cost-reimbursing social benefits.</p> |
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|   |                           |            | <p>6. Loan agreements are generally not considered. Subsistence is most often checked by asking the applicant to submit bank statements and payslips for the last 6 months. If the income is based on entrepreneurship, the applicant is asked to provide a statement of the company's financial situation (i.e. the most recent financial statement). The Finnish Immigration Service also has access to the customer register of Kela (The Social Insurance Institution of Finland) to see whether the applicant has received any social benefits.</p>   |
|  | <p>EMN NCP<br/>France</p> | <p>Yes</p> | <p>1. NO.</p> <p>The conditions and the amount of resources differ depending on the grounds for stay. It may be a salary threshold (this is the case for most residence permits for salaried employment), or an amount of own resources defined according to the purpose of stay and/or the professional activity carried out in order to ensure that the third-country national is able to meet their needs throughout the duration of their stay in France.</p> <p>2. NO.</p> <p>3. YES.</p> <p>In order to obtain a "student" or "student mobility" temporary residence permit, third-country nationals must prove that they have "sufficient means of subsistence" (article L. 422-1 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum, CESEDA). These monthly financial resources must be equal to or greater than 70% of the amount of the basic</p> |

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|  |  |  | <p>monthly maintenance allowance allocated to the French government scholarship holders, i.e. 615 euros.</p> <p>As for the possibility of taking out a loan, the French regulations do not explicitly provide for this possibility. However, since the student must have a sufficient credit balance in their bank account, it is possible that they may take conclude a loan agreement with a natural or legal person, in order to fulfill this resource requirement.</p> <p>The CESEDA indicates that the following types of resources can be taken into account:</p> <ul style="list-style-type: none"><li>- A certificate of regular monthly bank transfer of 615 euros, a sufficient credit balance (of at least 6 000 euros), or the last 5 French bank statements;</li><li>- If the resources are provided by a third party, a declaration on their honor that they provided the sums which allowed the student to reach the required amount, or the bank attestations of regular transfers;</li><li>- Other (for example, if the student is employed, they must provide their last 3 pay slips).</li></ul> <p>For students receiving a scholarship, if the third-country national receives a scholarship from the French government or is a beneficiary of an European program, they will be considered as having sufficient means of existence, regardless of the amount of the scholarship, and will only have to provide proof of their situation. However, if the student is receiving a grant from the government of their country of origin, they will have to produce a certificate of the grant specifying its amount and duration of payment.</p> |
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|  |  |  | <p>4. Regarding the proofs third-country nationals must provide in order to check whether they complied with the resources conditions, see the answers to Q3. Concerning the applications to renew student residence permits, the required supporting documents are the same as for the first application.</p> <p>5. In the context of the family reunification procedure, third-country nationals must provide proof of stable and sufficient resources to support their family (article L. 434-7 of the CESEDA). The resources taken into account include all of the applicant's resources as well as those of their spouse (provided that they continue to be received after their arrival in France). This may include incomes from salaried or non-salaried work, incomes from asset management, retirement pensions, etc.</p> <p>However, certain sources of income are not taken into account when assessing compliance with the resource requirement: family benefits, the retirement equivalent allowance and the allowances provided for in article L. 262-1 of the Code for Social Action and the Family, article L. 815-1 of the Social Security Code, and articles L. 5423-1 and L. 5423-2 of the Labor Code.</p> <p>In addition, certain third-country nationals are exempt from this resource requirement:</p> <ul style="list-style-type: none"><li>- Third-country nationals who receive the allowance for disabled adults (articles L. 821-1 or L. 821-2 of the Social Security Code) or a supplementary disability allowance (article L. 815-24 of the Social Security Code) ;</li></ul> |
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|  |  |  | <p>- Third-country nationals who are over 65 years old, who have been legally staying in France for at least 25 years, and who have been married to their spouses for at least 10 years.</p> <p>6. Supporting documents concerning the resources of the applicant and, if applicable, their spouse, may include a work contract, a certificate of activity from the employer, pay slips for the last 12 months, the last income tax notice (if the length of time the third-country national has been in France allows them to provide such a document), or the last income tax return. Proof of non-wage income is established by any means (article R. 421-4, 3° of the CESEDA). It is possible that the third-country national may take out a loan to have a sufficient credit balance on their bank account. However, the repayment schedule could reduce the monthly income available to them.</p> <p>All supporting documents submitted in support of the application for family reunification must be accompanied by a translation into French by a translator/interpreter approved by a Court of Appeal (article R. 421-6 of the CESEDA).</p> <p>Resources are assessed over a period of 12 months preceding the application for family reunification. The amount varies according to the size of the family:</p> <ul style="list-style-type: none"><li>- The average net monthly minimum growth wage ("salaire minimum de croissance", Smic), around 1 219 euros, for a family of two or three persons;</li><li>- On average 1 322 euros (equivalent to the average Smic plus one tenth)</li></ul> |
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|   |                 |     | <p>for a family of four or five people;<br/>                     - On average 1 442.56 euros (equivalent to the average Smic plus one fifth) for a family of six or more people.</p>  |
|  | EMN NCP Germany | Yes | <p>1. YES, section 2 of the German Residence Act includes a legal definition of the term "secure subsistence". According to this, foreigners have a secure subsistence if they are able to earn a living, including sufficient health insurance coverage, without recourse to public funds. The foreigner's subsistence is therefore already considered unsecured if the foreigner is entitled to public benefits that are not based on his or her own contributions, regardless of whether he or she actually uses these services. Roughly speaking, the determination of the foreigner's subsistence means that the respective entitlement to unemployment benefits of the person in question has to be calculated.</p> <p>According to Section 5 of the German Residence Act a residence title (this includes residence permit and visa but, no Schengen visa) as a rule, is only granted subject to the secured foreigner's subsistence.</p> <p>But, the application of the requirement of subsistence is to be waived in the cases of granting a residence title for temporary protection and residence on humanitarian grounds. (section 5 German Residence Act)</p> <p>The application of the requirement of subsistence may be waived in the cases of granting a residence for other reasons of international law or on humanitarian or political grounds. (section 2 German Residence Act)</p> <p>Likewise, in derogation from the foreigner's secure subsistence the temporary residence permit is to be granted to the minor, unmarried child of a German and the foreign spouse of a German (section 28 Residence</p> |

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|  |  |  | <p>Act).</p> <p>The application of the requirement of subsistence may also be waived in the case of the spouse and the minor, unmarried child of a foreigner who possesses a temporary residence permit in accordance with residence granted for reasons of international law or on humanitarian or political grounds (section 29 German Residence Act). Furthermore, the temporary residence permit may be extended for as long as the marital cohabitation continues for a foreigner's spouse (section 30 German Residence Act). As well, in derogation from the foreigner's secure subsistence, the temporary residence permit granted to a child is to be extended as long as a parent possessing the right of care and custody holds a temporary residence permit, permanent settlement permit or EU long-term residence permit and the child live together with the said parent as part of a family unit, or if the child would have a right of return if he or she left Germany.</p> <p>2. All income in money or of monetary value, after taxes, compulsory social security contributions, certain insurances and pension contributions are to be considered as income. However, certain social benefits are excluded from income (e.g. unemployment benefits, basic pension, compensations). In contrast, the following benefits are regarded as a means of subsistence in terms of residence law: Child benefits; children's allowances; child-raising benefits; parental allowances; educational and training assistance or the Upgrading Training Assistance Act; public funds based on own contributions or granted in order to enable residence in Germany; payments made in accordance with the Act on Advance Maintenance Payments.</p> |
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|  |  |  | <p>3. In the legal definition of the term „secure subsistence“ according to Section 2 of the German Residence Act, it further states that if issuing a temporary residence permit for the purpose of vocational training, advanced vocational training, further education, mobility of students, for study-related EU training programs, for language courses and school attendances, excluding participants in language courses not in preparation for a course of study, the subsistence of foreigners is deemed to be secure if they have funds in the amount of the monthly requirement as determined pursuant to sections 13 and 13a (1) of the German Federal Education Assistance Act. If issuing a temporary residence permit for the purpose of measures regarding the recognition of foreign professional qualifications, for participants in language courses not in preparation for a course of study, and for seeking a vocational training place or a place in higher education, the subsistence of foreigners is deemed to be secure if they have these funds plus an additional 10 per cent of said funds. The German Federal Ministry of the Interior announces the minimum amounts in the German Federal Gazette annually by 31 August for the following year. The funds required for the subsistence of these students is deemed to be secure when derived either from his or her own savings, grants from relatives, public grants from the home country or other types of scholarships.</p> <p>A bank guarantee by itself does not secure subsistence, only in connection with any kind of declaration of commitment.</p> <p>Saved expenses are to be considered like income. Free accommodation and free meals, which are provided permanently and reliably are to be considered as remuneration in kind.</p> <p>Blocked accounts that are designed in such a way that the account-keeping</p> |
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|  |  |  | <p>bank undertakes to only pay out the money deposited there to cover subsistence costs in reasonable, previously determined monthly installments, are usually secure subsistence security, provided that the monthly payout rate is set appropriately.</p> <p>4. Proof of covering the secure subsistence can be provided by any suitable document. The foreigner is required to put forward his or her interests and any circumstances in his or her favour which are not evident or known, specifying verifiable circumstances, and to produce forthwith the necessary evidence relating to his or her personal situation, other required certificates and permits and other required documents which the foreigner is able to furnish. This is usually to be checked with the following evidence: salary statements; account statements; tax assessments; certificates from an auditor or tax advisor on the salary situation. In the case of grants from relatives, a declaration of commitment with evidence of regular payments is needed. Typically, receipts are not accepted if there is evidence that they were issued as a courtesy. In the case of transfers, the authorities can rule out the fact that remittances have taken place by having all bank statements presented for the period in question. It is permissible to assume a courtesy transfer in the case of unusually high cash withdrawals from the account, the amount of which is then returned in cash. Anyone who has provided the competent foreigners authority or a German diplomatic mission abroad with a declaration of commitment to bear a foreigner's living expenses is required for a period of five years to reimburse all public funds expended to cover the foreigner's living expenses, including the provision of living space, medical care in case of</p> |
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|   |                  |     | <p>illness and any required nursing care, and including any such expenditure which is based on a legal entitlement of the foreigner.<br/>                 In the case of students, the requirements should not be overstretched. It is to be assumed that a payment is made in the case of proof of actual academic achievements and the submission of evidence of the maintenance payment by relatives living in Germany (this may be different with supporters living abroad).</p> <p>5. All of the above mentioned (see in particular answer to question 2). As well other family members' contributions to household income are taken into account when issuing or renewing a temporary residence permit allowing the subsequent immigration of dependants.</p> <p>6. See answer to question 4.</p> |
|  | EMN NCP<br>Italy | Yes | <p>1. Italian law generally requires the possession of a minimum income from lawful sources not less than the minimum social allowance. In case of family reunification this income must be increased by half of this allowance for each family member to be reunited.</p> <p>2. Income is defined as income derived from taxable income.</p> <p>3. N.A</p> <p>4. N.A</p>   |


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|           |                           |            | <p>5.<br/>The applicant's income from work, which may be supplemented by the income produced by cohabiting family members</p> <p>6. The Italian procedure requires that income be proven through the production of tax returns or financial statements or pay stubs.</p>   |
| <p>==</p> | <p>EMN NCP<br/>Latvia</p> | <p>Yes</p> | <p>1. No. There are several income thresholds applicable for various categories of third-country citizens:<br/>                     Employment – average salary in the country in a previous year.<br/>                     Board members of enterprises – double average salary in the country in a previous year.<br/>                     EC Blue card – 1,5 average salaries (in some cases - 1.2).<br/>                     Other cases – an amount corresponding to the minimum monthly salary.<br/>                     Minors who obtain a residence permit together with parents – 30% of a minimum monthly salary.</p> <p>2. No. In case of employment only the salary that is a subject of tax payments qualifies as a source of sufficient financial means.</p> <p>3. In case of studies a person can prove his/her financial means if they are guaranteed by person's parents. If financial means will be provided by other physical person, this person shall have legal status in Latvia (e.g., citizen of Latvia, a third-country citizen with a residence permit). Legal person cannot guarantee financial means.</p> |

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|   |                              |            | <p>4. The actual implementation of the guarantee is not subject to checks unless there is an information that student actually does not have means of subsistence and has applied for some kind of social assistance.</p> <p>5. In case of family reunification, a person can prove the financial means by:</p> <ul style="list-style-type: none"> <li>- Document confirming a balance of a bank account. Later checks are not performed. During the process or repeated application, a person can show the balance of a bank account again.</li> <li>- Document from future employer who guarantees that a person will be hired after the issuance of a residence permit. Checks will be performed after one year in order to establish a fact of employment.</li> <li>- Guarantee of the sponsor (spouse). In this case an application shall be supported by adding a document proving a source of income of the spouse (information on employment, bank account etc.); Checks are performed immediately – by checking an information in taxpayers register and after one year.</li> <li>- Guarantee of any physical person residing in Latvia (used very rarely, sometimes provided by some relatives in-law). After one year the source of income will be checked again.</li> </ul> <p>6. See the answers for Q.5.</p> |
|  | <p>EMN NCP<br/>Lithuania</p> | <p>Yes</p> | <p>1. The amount that is considered sufficient means of subsistence differs between different categories of foreigners. The amount is determined by the minimum monthly wage (MMW) fixed by the government. In 2021, the</p>   |

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|  |  |  | <p>MMW was 642 euros (planned to be raised to EUR730 in 2022). According to <a href="#">Order No. A1-22 of 29 January 2007 of the Minister of Social Security and Labor</a>, foreigners who intend to come for the purposes of studying, internship, traineeship or improving qualification need to have 0.5 MMW; foreigners under the age of 18 need to have 0.5 MMW; while other foreigners must have 1 MMA in order to show sufficient means of subsistence when applying for a residence permit. The applicant must show sufficient means of subsistence for the duration of the requested temporary residence permit or for at least one year (if longer). Parts 2, 3, and 5 of Article 26 of the <a href="#">Law on the Legal Status of Foreigners</a> also specify some exceptions when the requirement to have sufficient funds or receive sufficient income does not apply.</p> <p>2. The acceptance of work-related expenses is not a relevant issue in Lithuania. According to the requirements, foreigners must have at least 1 MMW of income. According to Article 141 of the Labor Code, the minimum monthly wage is the lowest permissible wage allowed for monthly work that does not require qualifications or special professional skills. Thus, as long as the foreigner can show that their monthly wage will be at least 1 MMW (as is required by law), the reimbursement of work-related expenses is not relevant.</p> <p>3. Yes.<br/>A loan agreement or a maintenance contract concluded with a natural or legal person can be accepted as proof of sufficient means of subsistence.</p> |
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|  |  |  | <p>Students can also submit the pledge of the parents or one of them to ensure the provision of sufficient subsistence funds along with their bank statement. The signature of the pledging person must be confirmed by the notary, elder of the township of the municipality of the Republic of Lithuania or employee of the Migration Department.</p> <p>4. No.<br/>The lack of sufficient means of subsistence and, in general, the failure to meet the requirements for the residence permit can result in the refusal to extend the residence permit.</p> <p>5. As part of the application for a temporary residence permit on the grounds of family reunification, third-country nationals must submit a document showing sufficient means of subsistence either in the form of funds in their possession and/or in the form of regular income. Typically, this would be the applicant's bank account statement or employment contract. However, it can also be a pledge by the spouse to ensure sufficient means of subsistence and his/her bank account statement and/or employment contract.</p> <p>6. To facilitate the verification of documents, documents issued abroad must be translated into the Lithuanian language and translations must be duly certified by a person or an institution authorized to certify translations. Bank account statements may be submitted in the original English language or translated into English and certified by an authorized person or institution.<br/>There are no other particular requirements for the verification of documents</p> |
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|   |                               |            | <p>showing sufficient means of subsistence. Documents are verified individually. According to <a href="#">the rules for the issuing of residence permits</a>, if there are questions regarding the submitted documents, officials may request clarifications and additional documents or invite the foreigner for an interview. If the evidence for the possession of sufficient means of subsistence is an employment contract, the information system of the State Social Insurance Management Fund under the Ministry of Social Security and Labor may be checked to verify the wage, etc. In general, residence permit applications must be examined and the decision must be made within 4 months from their receipt by the Migration Department. Applications for residence permit extension must be examined and decided upon within 2 months from their receipt.</p> |
|  | <p>EMN NCP<br/>Luxembourg</p> | <p>Yes</p> | <p>1. No. In Luxembourg, each category of residence permit has its own threshold of how to calculate the sufficient means of subsistence.</p> <p>In the case of a salary worker residence permit the third-country national when applying for the residence permit must present a copy of the employment contract (compliant with Luxembourg law), dated and signed by both the applicant and his future employer in Luxembourg. In the case of a non-qualified salaried worker the minimum social salary will be of 2.256,95 EUR per month and for a qualified worker 2.708,35 EUR per month (beginning on 1st October 2021).</p> <p>The amended Grand ducal regulation of 5 September 2008 defining the resources and housing criteria provided for by the law of 29 August 2008 on</p>  |

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|  |  |  | <p>free movement of persons and immigration establishes the rules for:</p> <ol style="list-style-type: none"><li>1. Students (article 4): proof of sufficient resources to cover for living expenses and return-travel costs. The monthly resources must amount to at least 80 % of the current social inclusion income. The following may be used as proof:<ol style="list-style-type: none"><li>a. the original document of the certificate of scholarship or student loan stating the amount and its duration;</li><li>b. an original bank certificate and a bank statement for the past 6 months;</li><li>c. attesting that the student has enough financial resources on their account; or</li><li>d. in case the student is supported by the parents: attesting that the student's parents have enough financial resources and that they are financially solvent and capable to cover subsistence costs, medical and study costs for at least one year (12 months) as well as return travel costs;</li><li>e. the original financial statement of support for the intention of the Luxembourg State and the student, signed by a sponsor of Luxembourgish nationality or staying legally in Luxembourg, and regarding subsistence costs, medical and study costs for at least one academic school year as well as return travel costs, established in the correct</li></ol></li></ol> <p>Material advantages granted to the student (such as free accommodation) or the remuneration from a work contract (maximum 15 hours per week) are also considered.</p> <ol style="list-style-type: none"><li>1. Non-remunerated trainee (article 5 (1): The exact conditions and documents apply to students apply to non-remunerated trainees.</li></ol> |
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|  |  |  | <p>2. Family reunification of family members of a third-country national legally residing in the territory (article 6 (1) point (1)): the third-country national legally residing in the territory must provide proof that they have stable, regular and sufficient resources (salary, wages, income from assets) to support themselves and the family members under their care, without having to resort to social welfare. The level of the resources of the third-country national who is applying for family reunification for members of their family is assessed with reference to the average monthly minimum social salary of a non-qualified worker over a period of 12 months. The resources of the third-country national must be at least equivalent to this reference level. If the resources are below this level, the Minister may nonetheless issue a favourable decision, having taken into account the current situation of the third-country national (such as the stability of their job and income, access to home ownership or having free accommodation).</p> <p>3. Resident permit for private reasons (article 7): a) In the case of a third-country national that can prove that they can leave from their own resources (autonomous residence permit – article 78 (1) a) of the Immigration Law), the applicant must prove that their income is at least the social minimum salary. In the case that the resident permit for private reasons is granted to other individuals with family links with the sponsor (article 78 (1) b and c) of the Immigration Law) the sponsor has to prove that they have resources at least of the minimum social salary. When assessing the resources the authority shall consider and take into account all the resources of the applicant and, where appropriate, of their spouse or other family</p> |
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|  |  |  | <p>member, as well as of the payment of their living expenses by a third party as establishes in article 4 of the grand ducal regulation.</p> <p>4. Blue card holders (article 3bis and article 1 of the amended grand ducal regulation of 26 september 2008 establishing the level of minimum remuneration for a high-skilled worker in execution of the law of 29 August 2008 on free movement of persons and immigration). The applicants must have an offer for a remuneration:</p> <ul style="list-style-type: none"><li>• at least equivalent to 1.5 times the amount of the Luxembourg average gross annual salary (EUR 78,336 in 2019); or</li><li>• at least equivalent to 1.2 times the Luxembourg average gross annual salary (EUR 62,668.80 in 2019) for work in one of the following professions and for which the government has noticed a particular need to employ third-country nationals.</li></ul> <p>When renewing the residence permit the resources of the EU Blue Card holder shall be assessed in relation to their nature and regularity, as well as by reference to the monthly amount of the minimum social wage of an unskilled worker. The Minister may take into account the number of family members of the person concerned. This assessment does not take place during the period of unemployment.</p> <p>1. Researchers (article 5bis): The amount of resources that the researcher has to prove is the equivalent of the monthly social minimum social salary for a qualified worker. The proof of the resources is done with the resources from the host convention or the contract between the research institute and the researcher. The appreciation is done by an individual examination of the documentation</p> |
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|  |  |  | <p>2.<br/>No. See answer to Q.1.</p> <p>3. See answer to Q.1 related to the requisites for international students.</p> <p>4. The Foreigners department of the Directorate of Immigration conducts an individual verification of the documentation submitted by the third-country nationals (article 4 (2) of the grand ducal regulation of 5 september 2008 mentioned above). There is no specific deadline for conducting the verification. If there is a doubt on the veracity of one of the documents submitted the Foreigners department will send the documents for verification to the Central Unit of the Airport Police (UCPA) which are the specialists in detecting document fraud.</p> <p>5. See answer to Q.1 related to the requisites for family reunification as well as related to the residence permit for private reasons.</p> <p>6. As it was mentioned before, the documents in all these cases are submitted to the Foreigners department of the Directorate of Immigration which will assigne an agent that will proceed with an individual verification of all the documentation. All the amounts mentioned in the answer to Q.1 are analysed for a period of 12 months. In case of doubt of the information provided the agent can further information to the applicant and in case there is a doubt regarding the authenticity of the documents they can be transfered to the UCPA (see answer to Q.4).</p> |
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|  | <p>EMN NCP<br/>Netherlands</p> | <p>Yes</p> | <p>1. Yes and no. In the Netherlands, a general condition of sufficient means of subsistence applies for all regular migrants, but for some categories a higher threshold applies (see below).<br/> <u>Explanation:</u><br/>                     As a preliminary note, the general condition(s) regarding the required means of subsistence for regular migrants applying for a temporary residence permit is that the foreigner or the person with whom the foreigner will stay:</p> <ul style="list-style-type: none"> <li>• Has independent means of subsistence;</li> <li>• Has sustainable means of subsistence; and</li> <li>• Has <u>sufficiently high</u> means of subsistence.[1]</li> </ul> <p>The required height of the means of subsistence or the 'required amount' (normbedragen) is defined in accordance with the Dutch Minimum Wage and Minimum Holiday Allowance Act (Minimumloonwet – WML). In most cases, the income of the foreigner or his/her sponsor must at least be equal to the minimum wage as defined in the WML, and in some cases the required amount constitutes 150% of the minimum wage. In the case of students, the required amount is calculated from the Student Finance Act (Wet Studiefinanciering).[2]</p> <p>The categories of migrants to which the 150% wage threshold applies are specified in the Aliens Act Implementation Guidelines.</p> <p>[1] Art. 16(1)(c) of the Aliens Act (Vw), section B1/4.3 of the Aliens Act Implementation Guidelines (Vc) 2000.<br/>                     [2] See Art. 3.74 of the Aliens Decree (Vb), and Art. 3.19 of the Regulations of Aliens (VV) 2000 in the case of single(s) (parents).</p> |
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|  |  |  | <p>2. In the Netherlands, surcharges and reimbursements from paid employment may count towards income if they are contractually fixed and the required premiums and taxes have been paid.[1]</p> <p>[1] Section 4.3.3.1 of the Aliens Act Implementation Guidelines (Vc) 2000.</p> <p>3. A student can also demonstrate compliance with the condition of sufficient means of subsistence by means of a scholarship, or by receiving financial support from a company (i.e. a legal person) or from a natural person from within the Netherlands or abroad.[1]</p> <ul style="list-style-type: none"><li>• In case of a scholarship, the student must submit a so-called scholarship declaration (beursverklaring) including the details of the scholarship agreement.</li><li>• In case the student is supported by a company (i.e. a legal person) or by a private 'financer' (i.e. natural person) outside of the Netherlands, the student must demonstrate that the former has 12 times the normal amount of monthly study costs on their bank account.</li><li>• In case the student is supported by a natural person within the Netherlands, this person must earn at least the minimum wage (or 70% of the minimum wage in case of a single (parent)).</li></ul> <p>It should be noted that the respective educational institution (i.e. the 'recognised sponsor') applies for a residence permit on behalf of the (prospective) student, and is therefore responsible for checking whether the third-country national meets all the requirements for a permit (including sufficient means of subsistence).[2]</p> |
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|  |  |  | <p>[1] Immigration and Naturalisation Service (IND), 'Condition for a residence permit for study: income', <a href="https://ind.nl/Paginas/Inkomenseisen-studie.aspx">https://ind.nl/Paginas/Inkomenseisen-studie.aspx</a>, last accessed 1 December 2021.</p> <p>[2] This information was provided by the IND (Strategy and Implementation Advice Directorate) on 1 December 2021.</p> <p>4. The educational institution (i.e. the recognised sponsor) is responsible for checking on a yearly basis whether the student complies with the requirement of sufficient means of subsistence. Specifically, the student must prove that he/she has sufficient means of subsistence for the upcoming year through a declaration (see attachment).[1]</p> <p>[1] Immigration and Naturalisation Service (IND), 'Condition for a residence permit for study: income', <a href="https://ind.nl/Paginas/Inkomenseisen-studie.aspx">https://ind.nl/Paginas/Inkomenseisen-studie.aspx</a>, last accessed 1 December 2021; this information was supplemented by the IND (Strategy and Implementation Advice Directorate) on 1 December 2021.<br/>eigen_verklaring_inkomen_student.pdf</p> <p>5. In family reunification procedures, income from various sources may be combined, whereby the total sum must amount to the minimum wage as defined in the WML (or 70% in cases of single(s) (parents)). This income may be generated and evidenced through paid employment, self-employment including freelance, equity capital, or allowances (if the required premiums and taxes have been paid). The income of the applicant's partner may also be added to this (e.g. when applying for a residence permit for an (adopted) child), but only if he/she lives together</p> |
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|   |                           |            | <p>with the applicant and holds the Dutch nationality or has a valid residence permit.<a href="#">[1]</a></p> <p><a href="#">[1]</a> Immigration and Naturalisation Service (IND), 'Condition for a residence permit for your family member: income', <a href="https://ind.nl/Paginas/Inkomenseisen-familie.aspx">https://ind.nl/Paginas/Inkomenseisen-familie.aspx</a>, last accessed 1 December 2021; Immigration and Naturalisation Service (IND), 'How does the IND calculate the height of my income?', <a href="https://ind.nl/Paginas/berekening-hoogte-inkomen.aspx">https://ind.nl/Paginas/berekening-hoogte-inkomen.aspx</a>, last accessed 1 December 2021.</p> <p>6. No information available.</p>   |
|  | <p>EMN NCP<br/>Poland</p> | <p>Yes</p> | <p>1. In principle in order to receive a temporary residence permit, similarly to the status of a long-term EU resident in Poland, a foreigner must document that he or she has a source of income that covers the costs of living of the applicant as well as any dependants, and the source should display features of stability and regularity, i.e. relative continuity and stability allowing to adopt a positive prognosis in relation to the possibility of having the means for sustenance in the period of validity of the permit, in excess of the social intervention threshold set at PLN 701 per month for a single person household and at PLN 528 per each person in the family.</p> <p>In case of permanent residence permits, i.e., national permits granted for an indefinite period, the requirement to have a source of income meeting the aforementioned criteria is not used in practice. In the current legal environment, this requirement is used solely towards the nationals of the</p> |

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|  |  |  | <p>United Kingdom, referred to in Article 10 section 1(b) and (d) of the Withdrawal Agreement, who serve as posted employees in Poland.</p> <p>In the case of a residence permit for a long-term EU resident in Poland, this requirement is assessed in the perspective of 2 years of stay in the territory of the Republic of Poland directly prior to the submission of the application – in the case of a foreigner, who has been remaining in Poland for at least 2 years on the basis of a Blue Card, and 3 years – in other cases.</p> <p>In the case of temporary residence permits for the following purposes: university education / for the purpose of conducting scientific research / for long-term mobility of a scientist / for a trainee / for a volunteer / the foreigner must document that he or she has enough funds to covers the costs of sustenance and return trip to the country of origin or residence, or the costs of transit to a third country which is going to grant entry approval. The owned financial resources do not have to be characterised by stability and regularity, but they can be deposited, for instance, on a bank account. They can therefore be finite assets, however they must be sufficient to cover the costs of stay in Poland, or, in the case of a university student – also the costs of university course if the studies are paid after deducting the costs of travel (PLN 200 – in the case of countries which neighbours with Poland, PLN 500 – in the case of a EU country which does not neighbour with Poland and PLN 2500 in the case of a non-EU country – per foreigner and in the same amounts for each depended, in accordance with the country of origin or permanent residence).</p> <p>The amount of monthly financial resources, which the foreigner possesses after deducting the resources allocated to cover the costs of living must exceed the amount of income entitling to cash benefits from social assistance with regard to the foreigner and each dependent family member</p> |
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|  |  |  | <p>(as indicated above – PLN 701 for a single person household and PLN 528 per each family member).</p> <p>Costs of living are defined as costs which include at least the amount of the fixed charges related to the occupied premises, calculated according to the number of occupants, as well as charges for the supply of energy, gas, water and collection of sewage, waste and liquid waste. The legal regulations provide for the possibility of issuing an implementing act to the law listing the countries whose citizens will not have their costs of living deducted from their resources when determining whether they have sufficient resources. Such regulation has been issued with respect to citizens of Belarus.</p> <p>2. According to the regulations in force in Poland, the aforementioned work-related expenses are not taken into account when applying for a temporary residence and work permit.</p> <p>The legal provision regulating the issue of granting temporary residence and work permit contains a double guarantee of the foreigner's income from work. In order to obtain the permit, the foreigner's remuneration indicated by the entity commissioning work in an appendix to the application for a permit must not be lower than the remuneration of employees performing work of a comparable type or on a comparable post for the same period of time, and at the same time it must not be lower than the minimum remuneration for work (regardless of the number of hours worked).</p> <p>Additional sources of income, other than from remuneration, provided that they are obtained in a lawful manner and are not exhaustive in nature, must be regarded as stable and obtained on a regular basis, must also be regarded as means of subsistence, provided that they are sufficiently</p> |
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|  |  |  | <p>documented and the authority does not dispute that they are actually obtained, e.g., relating to apartment rental, etc.</p> <p>3. Documents which confirm the possibility of obtaining funds to cover subsistence and return expenses in the case of university students include:</p> <ol style="list-style-type: none"><li>1. a traveller's cheque;</li><li>2. a statement of the credit card limit issued by the bank which issued the credit card;</li><li>3. a certificate confirming that the foreigner or his or her dependent has funds in a bank or a cooperative savings and credit union with its registered office in the territory of the Republic of Poland or another European Union Member State, Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation</li><li>4. a document confirming the award of a national or foreign scholarship;</li><li>5. a certificate of employment and the amount of earnings of the foreigner or the person the foreigner is dependent on.</li></ol> <p>4. Answer to questions 4 and 5 below.</p> <p>5. Q4 and Q5<br/>In order to obtain a residence permit for a fixed period for the purpose of family reunion, a foreigner must document that he or she has a source of income that covers the costs of living of the applicant as well as any dependants, and the source should display features of stability and regularity, i.e. relative continuity and stability allowing to adopt a positive</p> |
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|   |                             |            | <p>prognosis in relation to the possibility of having the means for sustenance in the period of validity of the permit, in excess of the social intervention threshold set at PLN 701 per month for a single person household and at PLN 528 per each person in the family. The source of income may be provided by a family member who resides in Poland and is legally obliged to support the foreigner.</p> <p>The law does not specify (does not list) the type of evidence that may be presented to document this requirement. In accordance with the procedural regulations, all documents that may contribute to clarifying the case and are not contrary to the law can be admitted as evidence of the foreigner having a stable and regular source of income. In particular, documents, witness testimonies, expert opinions and visual inspections may constitute evidence. The authority conducting the proceedings on legalising the stay of a foreigner individually assesses the evidence presented by the foreigner to prove that the aforementioned prerequisite has been met.</p> <p>6. All documents that may contribute to clarifying the case and are not contrary to the law can be admitted as evidence of the foreigner having a stable and regular source of income. In particular, documents, witness testimonies, expert opinions and visual inspections may constitute evidence. The authority conducting the proceedings on legalising the stay of a foreigner individually assesses the evidence presented by the foreigner to prove that the aforementioned prerequisite has been met.</p> |
|  | <p>EMN NCP<br/>Portugal</p> | <p>Yes</p> | <p>1. General conditions are set for foreigners who want to enter and stay in Portugal namely for the granting of visas and extension of stay, and the</p>   |


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|  |  |  | <p>granting and renewal of residence permits. There is a general rule concerning the amounts however different conditions apply for different situations.</p> <p>2. No.<br/>Sufficient means concerning work permit are proven by presenting a work contract or a promissory work contract, bank statements. All types of income may be considered as long as the worker prove he/she has the amounts established for the period of time he/she wants to stay in the country.<br/>The calculation is made according to the established guaranteed minimum monthly salary as follows:<br/>First adult – 100%<br/>Second or more adults: 50%<br/>Children and young people under 18 and dependent adult children: 30%</p> <p>3. Yes, if the student complies with the following:<br/>The applicant of a residence visa/residence permit for study or for participation in a student exchange programme must have certain means of subsistence guaranteed for a period of 12 months or for the number of months of the applicant's stay, when participating in an exchange programme. The amount of the income may be reduced to half when he proves to have ensured, in any way, accommodation, or up to 90% when he proves to have also ensured food.<br/>Students may present a statement of responsibility from someone who has the sufficient means of subsistence.</p> |
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|   |                             |            | <p>4. Checking is made by presenting the concerned documents to SEF, as mentioned in 3.<br/>Documents such as contracts, bank statements or other proof of income must be presented also in the process of renewing.</p> <p>5. A foreign citizen applying for family reunification must have in his family household certain means of subsistence which are guaranteed for a period of not less than 12 months. The sources of income considered are work income, social</p> <p>6. The check is done when the foreign citizen applies for the visa to enter and as applying for the concerned permits.<br/>According to the situation, the documents required are the work contracts, social bank statements</p>   |
|  | <p>EMN NCP<br/>Slovakia</p> | <p>Yes</p> | <p>1. In the Slovak Republic is the condition to prove the sufficient means of subsistence for both temporary and permanent residences regulated by the Act on Residence of Foreigners and is the same for all categories of foreigners and all residences for which is this condition required by the law. In case of the long-term residence the law does not explicitly states the sum, which has to be proved/provided. The sufficient means of subsistence is in this case proved by the TCN by documents proving regular and stable resources for him/her and his/her family members so he/she does not become a burden for the social support system in the SR. In case of the temporary residence for the purpose of business the TCN apart of the obligation to prove the sufficient means of subsistence has to prove also the</p> |


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|  |  |  | <p>financial coverage of the business.<br/>The financial coverage proves the TCN in the amount of the <b>subsistence minimum for each month of residence</b> (as of July 2021, the amount of subsistence minimum is <b>EUR 218.06/month</b>). If the length of stay <b>exceeds one year</b>, the amount of <b>12 times the minimum subsistence level</b> is required (as of July 2021 this adds up to <b>EUR 2 616.72</b>). Minor TCN has to prove the financial coverage in a sum representing half of the sums provided in the text above.</p> <p>2. No. In the decision making process on the temporary residence for the purpose of employment the salary provided in the employment contract is taken into account.</p> <p>3. No.<br/>In case of the application for temporary residence for the purpose of study the financial coverage is documented by any of the following:</p> <ul style="list-style-type: none"><li>• Bank account balance confirmation in the name of the applicant;</li><li>• Confirmation on the provision of a scholarship;</li><li>• Confirmation of a legal person's statutory body on the provision of financial coverage during applicant's residence; or</li></ul> <p>Affidavit of a person (e.g. applicant's parent) on the provision of financial coverage, accompanied by a bank account balance confirmation of that person.</p> <p>4. NA</p> <p>5. In case of temporary residence for the purpose of family reunification the</p> |
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|  |                             |            | <p>financial coverage is documented by an affidavit of the person with temporary or permanent residence (sponsor) with whom the applicant is applying for family reunion on the provision of financial and material coverage during his/her stay in Slovakia, together with:</p> <ul style="list-style-type: none"> <li>• a contract of employment;</li> <li>• employer´s confirmation on the sponsor´s salary; or</li> <li>• bank account balance confirmation in the name of the sponsor;</li> </ul> <p>6. More information on documents proving financial coverage which has to be submitted with the application for different types of temporary or permanent residence together with the relevant sum are available here:<br/> <a href="https://www.mic.iom.sk/en/download/info-cards/itemlist/category/73-temporary-residence.html">https://www.mic.iom.sk/en/download/info-cards/itemlist/category/73-temporary-residence.html</a><br/> <a href="https://www.mic.iom.sk/en/download/info-cards/itemlist/category/74-permanent-residence.html">https://www.mic.iom.sk/en/download/info-cards/itemlist/category/74-permanent-residence.html</a></p> |
|  | <p>EMN NCP<br/>Slovenia</p> | <p>Yes</p> | <p>1.YES. In the Republic of Slovenia, the above-described Article 33(3) ZTuj-2 applies in the procedures for all types of residence permits, unless an individual provision stipulates otherwise or adds any additional source of income. Ways of proving and checking the sources of income are described in the attached table.</p> <p>2. In the Republic of Slovenia, the Act on Amendments to the Foreigners Act - ZTuj-2F (Official Gazette of the Republic of Slovenia, No. 57/21) deleted the reimbursements of work-related expenses as a source to be taken into account in the procedure for issuing (temporary and permanent)</p>   |

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|  |  |  | <p>residence permits, because there were many abuses (e.g. fictitiously showing high business trip costs in order to meet the condition) and because these funds are not intended for subsistence.</p> <p>3. No. In the Republic of Slovenia, a maintenance contract or a loan agreement are not accepted, the sources from the above-described Article 33(3) ZTuj-2 plus study grants are accepted. Ways of proving and checking the sources of income are described in the attached table.</p> <p>4. Not applicable.</p> <p>5. The general admission condition of sufficient means of subsistence (which applies in the procedures for the issuance of (temporary and permanent) residence permits for third country nationals) is regulated in the third paragraph of Article 33 of the Slovenian Foreigners Act</p> <p>6. In the Republic of Slovenia, the sources from the above-described paragraph 3 of the Article 33 ZTuj-2 are accepted.<br/>A foreigner who is obliged by law of the country of which he/she is a citizen to support family members who are foreigners and who intend to reside or are already residing in the Republic of Slovenia must provide sufficient means of subsistence for himself and for each family member whom is obliged to survive. In determining the means of subsistence, all the means from the above described Article 33(3) of the Foreigners Act, which are received by a foreigner and family members, shall be taken into account. Ways of proving and checking the sources of income are described in the attached table.</p> |
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|    | EMN NCP Spain  | Yes | <ol style="list-style-type: none"> <li>1. No. There are three general categories: non-profit temporary residence, study visa or temporary residence by family reunification.</li> <li>2. No</li> <li>3. No. On the other hand, in the case of students, their administrative situation is that of stay and not that of residence.</li> <li>4.</li> <li>5. Any economic resource. In the regulation it is expressed in euros, also admitting in its legal equivalence in foreign currency.</li> <li>6. Supporting documentation and duly verified by the official immigration services.</li> </ol> |
|  | EMN NCP Sweden | Yes | <ol style="list-style-type: none"> <li>1. Different minimum requirements as concern financial resources apply to different categories of residence permit applicants. For example, workers (third-country nationals intending to come to Sweden for work purposes) have to earn at least SEK 13,000 per month. Students have to show that they can support themselves while in Sweden (currently at least 8,568 SEK per month). If a student receives free housing</li> </ol>   |

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|  |  |  | <p>or food (for example from the hosting education institution), this minimum amount can be reduced.</p> <p>In family reunification / family formation cases, the sponsor (the person in Sweden) has to show that he/she can support himself/herself and the person(s) he/she wants to be joined by. Depending on whether the person is an adult or a child, different minimum sums are used, and the person must also be able to pay for his/her housing (e.g., rent). (For more information as regards family members, please see this website: <a href="#">For close relatives of someone who is applying for a residence permit to live with you in Sweden - Swedish Migration Agency (migrationsverket.se)</a>). There are certain exceptions from the financial support requirement regarding family reunification cases. For example, there is a grace period of three months for refugees and beneficiaries of subsidiary protection.</p> <p>2. For people coming to Sweden for work purposes, there is a requirement that the minimum salary per month is 13,000 SEK.</p> <p>3. Students must be able to show that they have the required financial resources available through bank assets, stipends, scholarships or the like (such as student finance from their home country). If bank assets are used to show the necessary financial resources, this means that the student must have money in a bank account that belongs to him/her and from which only he/she and, if any, his/her spouse can withdraw money. If a student is under the age of 18, their parents'/guardians' accounts may also be used as a basis for showing the existence of sufficient financial resources. Credit, funds or shares are not counted as a person's own bank assets.</p> |
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|  |  |  | <p>4. The person must show that he/she has secured the financial support for the time for which he/she is applying for a residence permit. This means, as described above, that the person must show that he/she has money available through bank assets, stipends, scholarships or the like (such as student finance from their home country).</p> <p>5. The person in Sweden needs to show that he/she has regular, work-related income that allows him/her to support himself/herself, other people in the household, and the family members who are applying for a residence permit for family reunification. Work-related income includes, for example, salary/wages from work; unemployment benefits; sickness benefits; and income-based old-age pensions.<br/>The person may also fulfil the maintenance requirement (be considered able to support him/herself) if he/she has enough money/taxable assets to support him/herself, other persons in the household and the family members who are applying for a residence permit for at least two years.</p> <p>6. There is a questionnaire/form that applicants have to fill in. The Swedish Migration Agency can require additional information or documentation. Please see the website regarding details on the financial support requirement for family members and how sufficient financial resources have to be proven - <u><a href="#">For close relatives of someone who is applying for a residence permit to live with you in Sweden - Swedish Migration Agency (migrationsverket.se)</a></u>.</p> |
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AD HOC QUERY ON 2021.70 Requirements of sufficient means of subsistence

Disclaimer:

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

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