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Ad-Hoc Query on 2022.62 Validity family reunification visa

Requested by EMN Belgium on 3 November 2022

Responses from Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden plus Georgia (21 in Total)

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1. BACKGROUND INFORMATION

Article 13(1) of the Family Reunification Directive 2003/86 requires that, as soon as an application for family reunification has been accepted, the Member State is obliged to grant family members every facility for obtaining the required visas.

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Article 1.2. of the EU-Regulation No 265/2010 of the European Parliament and of the Council of 25 March 2010, amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa, stipulates “Long-stay visas shall have a period of validity of no more than one year”.

In some situations, it can be difficult or impossible for the applicant to travel to the destination member state within the period of validity of the issued visa, due to general or personal circumstances. These circumstances can be interpreted as circumstances that fall under “force majeure”, but can also be interpreted more broadly and with a lower threshold, and can include all circumstances that can be considered as being outside of the will of the applicants. Under general circumstances, we understand for example, the impossibility to travel because of measures taken in the framework of the COVID-pandemic or restrictions to border crossing taken by the local authorities (i.e. in conflict zones). Under personal circumstances, we understand, for example, personal medical reasons that impede applicants to leave in time. Other circumstances can be the impossibility to obtain the necessary documents such as exit permits or travel documents, or general difficulties to cross borders.

We would like to ask the following questions:

- 1. Does your national law, regulations or practice determine the duration of the validity of the visa issued on basis of the FR-Directive 2003/86 and, if so, how long are these visas valid?**
- 2. For which reasons can the validity of the national visa issued on basis of the FR-Directive 2003/86 be extended? (i.e. explain or demonstrate that they could not travel to the MS within the period of validity of the visa due to general or personal circumstances not imputable to the individual)?**
- 3. If your answer to Q2 is yes, is there a maximum period of extension?**
- 4. Does your national law, regulations or practice allow for a possibility to issue a new visa based on the initial decision to accept the family reunification application on basis of the FR-Directive 2003/86? YES/NO. If you answer YES, can you explain which elements your MS takes into consideration in order to issue the new visa? In either case, does the applicant have to lodge a new formal application? YES/NO. (for example: is it necessary that family members explain or demonstrate they could not travel to the destination member state within the period of validity of the visa due to general or personal circumstances)?**

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5. Does your Member State continue to apply the more favorable regime for family reunification with beneficiaries of international protection (Article 12.1 of the FR Directive 2003/86), if the issuance of the new visa or the new visa application takes place after the time limit in which this more favorable regime was applicable, when the 1st application initially took place within this time limit? YES/NO. If you answer YES, is it a condition that the delay is not imputable to the applicant? If you answer NO, does it make a difference whether the reasons of the delay are imputable to the applicant?

6. Can applicants still exercise their right to family reunification when a condition of age of the applicant or the person of reference is not met anymore at the time of the issuance of or application for a new visa (he or she became 18 years old for example), whereas the condition of age was met at the time of the 1st application if the reasons of the delay are not imputable to the applicant? YES/NO. If you answer YES, is it a condition that the delay is not imputable to the applicant? If you answer NO, does it make a difference whether the reasons of the delay are imputable to the applicant?

We would very much appreciate your responses by **9 December 2022**.

2. RESPONSES

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		Wider Dissemination	
	EMN NCP Belgium	Yes	1. Yes. As a general rule, a visa for family reunification (D visa) is valid for 6 months. However, Belgium has recently decided to extend this period of validity for an initial visa to 12 months, for the reasons described in the background information. The instruction has not yet been given to the Belgian embassies and consulates (update expected in early

¹ 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.

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			<p>December).</p> <p>2. The validity of a visa can be extended (new visa will be issued for the reasons mentioned in the background information). See answer to Q1.</p> <p>3. Under the current Belgium system it is possible to extend the initial 6-month visa with another 6 months if the foreigner is prevented from travelling during the initial period of 6 months. After the initial 6-month visa, the Immigration Office performs a minimum check. Beyond 1 year (6 month initial visa + 6 month extension), it is possible to extend the period of validity of the visa if the foreigner is prevented from travelling and if the conditions for family reunification are still fulfilled. In this case, the Immigration Office will perform a thorough check. The maximum validity period for the second extension is 1 year. In the near future (see answer to Q1), The period of validity of the initial visa will be increased to 12 months. Beyond this year, it would still be possible to extend the validity period of the visa if the foreigner is prevented from travelling and if the conditions for family reunification are still met (thorough check).</p> <p>4. The extension of a visa always results in the affixing of a new visa sticker. Up to 1 year, the extension is granted after a minimum check of the conditions for family reunification (maintenance of the family link and willingness to carry out family reunification). If the family member has not travelled within one year, the period of validity of the visa can be extended (new visa), but with a more thorough check of the conditions for family reunification. In any case, the family member must explain (even briefly) why he or she was prevented from travelling within the period of validity of the visa.</p> <p>5. As a general rule, yes.</p> <p>6. As a general rule, yes.</p>
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	EMN NCP Bulgaria	Yes	<ol style="list-style-type: none"> 1. According to Article 12 (8) of the Rules on the Implementation of the Law on Foreigners in the Republic of Bulgaria, "The positive decision on the application for family reunification is a ground for the foreigner who is a family member, to be issued a visa under Article 15, Paragraph 1 of the Law on Foreigners in the Republic of Bulgaria under a simplified procedure. The foreigner shall submit an application for visa to the overseas representative office of the Republic of Bulgaria in the country of his permanent residence or to the overseas representative office accredited for the country of his permanent residence, within 6 months of his notification." We consider that the visa issued on the above grounds is subject to the general regime for the validity of long-term visas, specified in Article 15 of the Law on Foreigners in the Republic of Bulgaria. 2. Given the de facto separation of the processes for issuing visas from subsequent residence, in the narrow sense of the word, there is no mechanism provided for in the current legislation to extend the long-term visa. 3. 4. Every visa application must be registered in the visa system. The application is accompanied by the documents required for the purpose of the visit, including a family reunification decision. Once registered, the application receives a unique visa registration number under which the entire concertation process takes place. There is no a legally stipulated procedure of multiple issuance of a long-term visa with one application or on the basis of an initial family reunification decision. According to Article 12, Paragraph 8 of the Rules on the Implementation of the Law on Foreigners in the Republic of Bulgaria, the validity of the issued permit for family reunification is 6 months. 5. In case of exceeding the time limit specified in Article 12, Paragraph 8 of the Rules on the Implementation of the Law on Foreigners in the Republic of Bulgaria (regardless of the reason), a new procedure should be conducted and a new up-to-date decision by the State Agency for Refugees should be presented. 6. The conditions for recognising the status of a family member of foreigners are specified in Article 2 (3) of the Law on Foreigners in the Republic of Bulgaria. These are the persons who live in the same household with
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			<p>the foreigner. These persons are: spouses; children of the foreigner and of his/her spouse, including adopted children, who have not reached the age of 18 and are not married; children, including adopted children, of the foreigner who have not reached the age of 18 and have not entered into a marriage when he has parental rights and the children are dependent on him/her; children, including adopted children, of the spouse who have not reached the age of 18 and have not entered into a marriage when he/she has parental rights and the children are dependent on him/her.</p> <p>An exception to the rule is provided for in Paragraph 4 of the same provision, where the children of the foreigner or the children of his/her spouse who have reached the age of 18 and are not married, when serious health reasons require personal care for them or are incapable for such reasons to provide their own support, are also considered family members.</p> <p>Therefore, in the event of a delay in the implementation of a positive decision on family reunification in a period longer than 6 months from its issuance, during which period a minor has already become an adult, regardless of the reasons for the delay, after the date of reaching the age of majority, he/she will not meet the conditions of Article 2, Paragraph 3 of the Law on Foreigners in the Republic of Bulgaria – to be a family member up to 18 years old.</p>
	EMN NCP Croatia	Yes	<ol style="list-style-type: none"> 1. Yes, the Republic of Croatia issues long-term visas to third-country nationals who have been granted temporary residence and need a visa to enter Croatia. This includes residence permit for the purpose of family reunification according to Directive 2003/86. The validity period of a long-term visa cannot be longer than six months. 2. A long-term visa issued for the purpose of family reunification cannot be extended, a new visa must be requested. 3. N/A 4. No, if the citizen of a third country does not regulate his residence in Croatia within 30 days of the issued long-term visa, his temporary residence permit will be canceled and he must re-submit the application for the

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			<p>temporary residence permit and a new visa.</p> <p>5. Yes, in the family reunification process, more favorable conditions are applied to family members of third-country nationals who have been granted asylum or subsidiary protection, regardless of the time limit, and they do not have to submit proof of health insurance and proof of secured means of support.</p> <p>6. No, according to legal provisions, only minor children have the right to family reunification. However, according to the Aliens Act, another relative can exceptionally be considered a member of the immediate family, if there are special personal or serious humanitarian reasons for family reunification, and a person who has become an adult in the meantime can be granted temporary residence based on this provision.</p>
	EMN NCP Cyprus	Yes	<p>1. Cyprus does not issue long-stay visas. For family reunification purposes, entry permits from the Civil Registry and Migration Department are granted to family members, that can be valid up to 3 months.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A see q.1</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Czech Republic	Yes	<p>1. YES. The Czech Republic issues a long-term visa with 6 months validity for 60 days of stay.</p> <p>2. This type of visa is not possible to extend. In well-explained cases it is possible to issue a new visa.</p>

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			<p>3. N/A</p> <p>4. YES. The application for the new visa must be submitted within three months.</p> <p>5. NO. If the condition of the time limit had expired, the visa cannot be issued. Therefore, the application would be rejected.</p> <p>6. NO. Once the applicant reaches the age limit, the application is rejected without exception.</p>
	EMN NCP Estonia	Yes	<p>1. No. Aliens Act regulates the issuance of visas, however there is no separate visa for family reunification. In case of family reunification, third-country national can apply for long-term (D-type) visa which is issued and can be extended under conditions set in the Aliens Act (available here: https://www.riigiteataja.ee/en/eli/505092022004/consolide). Long-term visa is valid for 365 days (period of stay) within 12 consecutive months.</p> <p>2. The period of stay determined by a visa is generally not extended. However, as an exemption, the period of stay may be extended up to 90 days if a circumstance has arisen of which an alien was unaware before the entry into Estonia, or a new circumstance has arisen after the issue of a visa and the entry of an alien into Estonia (Aliens Act § 67 (3)). At least of the following facts is considered a circumstance mentioned above (Aliens Act § 67 (4)):</p> <ul style="list-style-type: none"> • force majeure; • a humanitarian ground; • a good occupational reason and • a good personal reason. <p>An alien can always submit a new visa application.</p>

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			<p>3. Period of stay may be extended up to 90 days and two times (180 days) so that the maximum period of long-stay visa may be up to 548 days (within 730 consecutive days).</p> <p>4. The procedure for family reunification in Estonia is as follows: for identification of the right to family reunification of the applicant, the applicant can submit data about his or her family ties, including about his or her partner during the proceedings of international protection. The process itself is not regulated by law. Act on granting international protection to aliens (AGIPA, available here: https://www.riigiteataja.ee/en/eli/530082022008/consolide) sets conditions on issuing residence permits of family members of aliens who have been granted international protection (§ 46). After submitting the application for family reunification, the Police and Border Guard Board (PBGB) will make a decision whether family members qualify as family members under the relevant law within 30 days. Then the person as well as the relevant Estonian embassy is informed about the decision made so that the applicant/family member(s) can submit a visa application. Family members organize their travel to Estonia and are obliged to submit an application for international protection after arrival. During the procedure, PBGB will examine whether family members need international protection or just a family member's residence permit is sufficient. According to AGIPA § 46 (5), a family member should submit an application for a residence permit at the earliest opportunity but not later than six months as of the date of issuing a residence permit to the one applying for family reunification. If the period of 6 months is exceeded, PBGB may impose additional conditions. In practice, additional conditions have not been implemented.</p> <p>5. Yes. As stated above, Estonian PBGB has not imposed additional restrictions or conditions when the 6 months' time limit has been exceeded. Reasons for delay are taken into account individually.</p> <p>6. Yes. However, it is difficult to answer whether a difference is made if reasons for the delay are imputable to the applicant or not. All cases are evaluated individually and Estonian PBGB does not have many cases to draw a practice.</p>
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+	EMN NCP Finland	Yes	<p>1. Finland issues a residence permit on the basis of family ties (not visas). Based on the Family Reunification Directive, Finland specifically grants residence permits based on family ties. These permits are issued for one year or for the validity period of the sponsor's permit, if the sponsor's permit is valid for less than one year. Usually, the family members, who have been granted a residence permit based on family ties, have time to travel to Finland during the validity period of the permit. If they don't make it, they can apply for a permit again. The Finnish Immigration Service tries to process the new application in an accelerated manner if travel to Finland has been prevented for a valid reason. However, this only concerns the first residence permit and not extended permit, which a person can only apply for in Finland. This new first-time residence permit is granted in the same way as the previous one, i.e. for one year or according to the permit of the sponsor. Finland also grants D visas based on family ties. However, the D visa is only used in a very small number of family tie cases and even then it is issued together with a residence permit. The D visa is issued for 100 days from the decision date and its advantage is, that the applicant does not have to wait for a physical residence permit card abroad, but can travel to Finland with a D visa as soon as the permit has been granted. Of course, even then a visa sticker is needed in passport. As a main rule, however, family tie applicants have to wait for a residence permit card for approximately 2 weeks, because the D visa is only possible for this limited group. However, the granting of D-visa to family members is not directly based on the Family Reunification Directive, but with the aim of speeding up the arrival of specialists and their families to Finland.</p> <p>2. Based on the Family Reunification Directive, Finland specifically grants residence permits based on family ties. These permits are issued for one year or for the validity period of the sponsor's permit, if the sponsor's permit is valid for less than one year. Usually, the family members, who have been granted a residence permit based on family ties, have time to travel to Finland during the validity period of the permit. If they don't make it, they can apply for a permit again. The Finnish Immigration Service tries to process the new application in an accelerated manner if travel to Finland has been prevented for a valid reason. However, this only concerns the first residence permit and not extended permit, which a person can only apply for in Finland. This new first-time residence permit is granted in the same way as the previous one, i.e. for one</p>
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			<p>year or according to the permit of the sponsor.</p> <p>3. Finland directly grants residence permits based on family ties (not visas). The residence permits are granted for a year or for the validity period of the sponsor's permit, if the sponsor's permit is valid for less than a year. Usually, the family members, who have been granted a residence permit based on family ties, have time to travel to Finland during the validity period of the permit. If they don't make it, they can apply for a permit again. The Finnish Immigration Service tries to process the new application in an accelerated manner if travel to Finland has been prevented for a valid reason.</p> <p>4. Yes, these permits are issued for one year or for the validity period of the sponsor's permit, if the sponsor's permit is valid for less than one year. Usually, the family members, who have been granted a residence permit based on family ties, have time to travel to Finland during the validity period of the permit. If they don't make it, they can apply for a permit again. The Finnish Immigration Service tries to process the new application in an accelerated manner if travel to Finland has been prevented for a valid reason. Yes, the applicant has to lodge a new formal application.</p> <p>5. Yes, but according to Section 114 of the Aliens Act, the livelihood of the refugee's family member does not have to be secured if the application for residence permit based on family ties is submitted 3 months after the sponsor has been informed of the decision on the granted asylum. If the application is submitted more than 3 months after receiving the asylum decision, it will be taken into account if there are objectively accepted reasons for the delay. If the person does not have time to travel to Finland while the permit is valid, the reasons for the delay can be taken into account when considering a new permit.</p> <p>6. No. The general rule in Finland is that the applicant is treated as a minor if she/he was a minor when the residence permit application was submitted. The minimum age requirement cannot be waived, even if coming to Finland with the first permit has been delayed for reasons that are not imputable to the applicant. If she/he has reached the age of majority, she/he is a so-called other relative, to whom a permit can be granted if the sponsor is a Finnish citizen or has received international protection.</p>
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	EMN NCP France	Yes	<ol style="list-style-type: none"> 1. When family reunification has been authorised by the Prefect, the family members (beneficiaries) must have a long-stay visa valid as a residence permit (VLS-TS) issued by the French consulate in their country of origin. This visa is valid for one year but the family must enter within three months after the visa(s) being issued. The long-stay visa issued is valid as a residence permit for the first year of residence in France once the visa has been validated by the French Office for Immigration and Integration - OFII (dematerialised procedure) within three months of arrival in France. At the end of this first year, an application for renewal must be submitted and a multi-annual residence permit for "private and family life" is issued to the spouse who is the beneficiary of family reunification, as long as he or she continues to meet the conditions for the issuance of the VLS-TS initially obtained. 2. The validity of the visa cannot be extended. If the consulate accepts the application, the family has three months to come to France from the date the visa was issued, otherwise the family reunification authorisation will lapse and the whole procedure will have to be started again. In this case, the applicant must once again submit a complete file to the OFII, which will inform the competent consular authority to verify the civil status documents. When the Prefect grants authorisation for family reunification, he or she informs the OFII and the consular authority. After receiving the said authorisation, the consular authority issues the entry visa for the applicant's family. 3. n/a 4. No. Yes, the applicant must make a new formal application. The applicant will be asked to justify why he or she could not come to France under the original visa. The authorities will consider the reason for issuing a new visa on a case-by-case basis and will check that the conditions for family reunification are still met. 5. The application may be submitted as soon as protection is granted and without any condition of resources or accommodation. The family members of a refugee or beneficiary of subsidiary protection or a stateless person must apply for an entry visa for a stay of more than three months from the diplomatic or consular authorities
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			<p>in order to enter France, which will decide on this application as soon as possible. The family members have three months (duration of validity of the long-stay visa) to arrive in France. Once in France, the family members must present themselves to the French Office for the Protection of Refugees and Stateless Persons (OFPRA). They will receive a certificate and can then apply for a residence permit.</p> <p>If the family members have not entered France within three months, they must submit a new application. If, between the submission of the first application and the submission of the new visa application, the persons concerned obtain the benefit of protection, the rules on family reunification applicable to beneficiaries of international protection may be applied to them (absence of resource and housing conditions).</p> <p>6. The age of the children is examined on the date on which the initial application for family reunification was submitted.</p> <p>This applies to children who have not passed their nineteenth birthday and are not married.</p>
	EMN NCP Germany	Yes	<p>1. National visas are in general issued with a validity of three months. Depending on the circumstances, the visa can also be issued for a longer period. After the entry, the foreigner has to apply for a residence title at the local foreigners office within the validity period of the visa. The length of the validity period is determined by general administrative provision.</p> <p>2. As a general rule, if the entry to Germany has not taken place within the validity period of the visa, a new application has to be filed. During travel restrictions due to COVID-19, special regulations were put into place regarding the validity of visa which had already been issued but could not be used to enter Germany because of the travel restrictions.</p> <p>3. n/a</p> <p>4. Generally, a new formal application has to be submitted. However, depending on the circumstances, the diplomatic mission may base their examination and decision on the decision of the former visa application.</p>

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			<p>5. In general, the decision is to be made on base of the circumstances of the current application. However, in order to still meet the deadline, the date of the first application can be used. The final decision depends on the circumstances of the individual case.</p> <p>6. Yes, if the circumstances are not imputable to the applicant.</p>
	EMN NCP Greece	Yes	<p>1. For family reunification of third country nationals (not of beneficiaries of international protection), is issued a national visa of category “ΣΤ1. Members of family of a third country national” (according to the Joint Ministerial Decision nr. 30825/6-6-2014, G.G. B’ 1528, as valid). The duration of a national visa is from 91 to 365 days (as per art. 1 of the Ministerial Decision nr. Φ.3497.3/ΑΠ 24245/2014, G.G. B’ 2014).</p> <p>2. Law 4251/2014 (Migration Code) does not provide the possibility for the extension of national visas.</p> <p>3. -</p> <p>4. No. According to Law nr. 4251/2014 (G.G. A’ 80), there is no provision for the extension of the national visas. However, third country nationals concerned, are able to submit a new application for the issuance of a national visa for Greece, after the expiry of their national visa. Furthermore, the aforementioned persons, as holders of a Greek national visa, are obliged to enter Greece before/or up to the expiry of their visa, in order to apply for the issuance of a residence permit (as per art. 7 & 8 of Law nr. 4251/2014).</p> <p>5. YES. The Joint Ministerial Decision nr. 47094/28.8.2018 (G.G. B’ 3678) determines the required documents and the procedure for the granting of national long-stay visas for third country nationals or stateless persons within the framework of family reunification <u>with refugees</u>. The aforementioned Decision is complementary to the provisions of articles 4 and 13-18 of Presidential Decree 131/2006 as in force, concerning family</p>

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			<p>reunification of refugees.</p> <p>The regime applied to family members of <u>refugees</u> for the granting of the national visa type “F1.3 Humanitarian reasons-Family members of refugee”, according to the aforementioned Decision nr. 47094/2018 and further according to the relevant residence permit (article 15(2) of Presidential Decree 131/2006) is more favorable.</p> <p>6. According to relevant document of the Asylum Service (nr 412942/14-7-22), based on relevant case- law of the Court of Justice of EU, critical time during which all the preconditions must be fulfilled, in order to be accepted a request for family reunification of a beneficiary of international protection with his/her minor (art. 4 (1) point c of Directive 2003/86/EC), is the time of submission of the application for international protection of the beneficiary in the host country (asylum country) and not the time of submission of the application for family reunification, nor the time of issuance of the decision on family reunification.</p> <p>In cases of family reunification with minors (according to art. 69-77 Law nr. 4251/2014) and, in order to be avoided cases of abusive requests, which had been noted within the framework of the legislation previously in force, given that these applications were submitted during a time when the remaining time before adulthood was too short, as reasonable time for the submission by a third country national of an application for family reunification with a minor to the Decentralised Administration is considered the period of nine (9) months, that is the maximum period for the completion of the relevant procedure (pursuant to art. 72 (3) of l.4251/2014).</p>
	EMN NCP Hungary	Yes	<p>1. In the case outlined in the questionnaire, the validity period of a visa for a stay exceeding 90 days within 180 days is maximum one year. The visa in question is a visa for entitlement to receive a residence permit, for single entry into the territory of Hungary for the purpose of collecting the residence permit and for stay for a period not to exceed thirty days.</p> <p>2. The validity period of a visa for a stay exceeding ninety days within one hundred and eighty days cannot be extended.</p> <p>3. -</p>

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			<p>4. In practice, it is uncommon that a foreign national is unable to enter Hungary within the validity period of the visa; however, we do not rule out issuing a new visa after the expiry date of the visa, provided that the decision authorising the stay has not been revoked.</p> <p>5. Yes, and it is not a condition that the delay is imputable to the applicant. However, the immigration authority may verify the conditions of entry and residence at any time after the authorisation.</p> <p>6. See the answer to Question 5.</p>
	EMN NCP Latvia	Yes	<p>1. According to the national legislation a visa is issued for 90 days.</p> <p>2. According to the national legislation a decision on issuing any residence permit (including those for a family reunification) is valid for 3 months (and a visa is issued for the same period). If a person missed this deadline due to some exceptional circumstances, the validity of the decision can be prolonged and in this case new visa for 90 days will be issued. A pattern for granting the right to family reunification is such that upon the first application the right is granted for 1 year, upon the second application – 4 years and after that a person has right to apply for a permanent residence permit. An extension of visa for more than 1 year would not be feasible as the term for which the right was granted has expired.</p> <p>3. Please see answer to Q2</p> <p>4. Yes. As explained above, Latvia issue a new visa in all cases where a person did not meet the deadline and due to the exceptional circumstances couldn't enter the country. New application will be required and it will be checked if the person still has sufficient financial resources, if the family relations still exist.</p> <p>5. Family members of refugees are granted a permanent residence permit upon the first application, so in these cases the deadlines can be extended for longer periods.</p>

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			6. Age criteria will not be considered if the decision is still in force. Age criteria is evaluated only at the moment of submission of an application for a family reunification. If a person was a minor at that time and if the decision is still valid, s/he can exercise his/her right to family reunification.
	EMN NCP Lithuania	Yes	<p>1. In Lithuania, visas are not issued on the basis of the FR-Directive 2003/86. Lithuania issues temporary residence permits on the grounds of family reunification. The general procedure for the issuance of visas applies to all categories of foreigners who apply for residence permits. Thus, a foreigner who submits an application for a temporary residence permit on the basis of family reunification can apply for a national visa for the period when his/her residence permit application is examined (up to 5 months). This way, the foreigner can stay in the country awaiting the Migration Department's decision on the residence permit. Another type of visa is available after the Migration Department has already made the decision to issue a temporary residence permit. This type of visa can be issued for up to 6 months. Thus, a foreigner may apply for a visa both during the period when his/her application for a residence permit is being examined and after the decision to issue a residence permit has been made.</p> <p>2. According to Order No. 1V-899/V-330 of 28 December 2017 of the Minister of the Interior and the Minister of Foreign Affairs Regarding the Approval of the Procedure for Issuing a Visa, the maximum term of validity of a visa issued on the basis of a submitted application for a temporary residence permit on the grounds of family reunification may not exceed 6 months. This term may not be extended.</p> <p>3. N/A</p> <p>4. No. This would only be possible if the first visa was issued for a period shorter than the maximum term of 6 months. In such a case, the application for a new visa not exceeding the cumulative period of 6 months could be submitted. A formal application is required in all cases.</p> <p>5. No. A more favorable regime is applied only to those family members of beneficiaries of international</p>

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			<p>protection who apply for a residence permit within 3 months of the award of international protection to their family member.</p> <p>6. No. The relevant age is the age at the time of the submission of the application for a temporary residence permit on the grounds of family reunification. Since a visa is issued for the duration of the examination of the residence permit application or following the decision to issue the residence permit, it does not matter whether the family member reaches majority age after the submission of the residence application. For visa-issuing purposes, what matters is the fact of the submission of an application for the residence permit OR the fact of the presence of a positive decision to issue the residence permit.</p>
	EMN NCP Luxembourg	Yes	<p>1. In the Luxembourgish context, a differentiation has to be made between an authorization of stay granting family reunification and a long-term visa (D-visa) for entering the country. Once the family member receives a positive decision on the family reunification decision, the applicant receives a temporary authorisation of stay that has to be used in a deadline of 90 days from the notification of the decision (article 39 (1) of the amended law of 29 August 2008 on free movement of persons and immigration – Immigration Law). If it is not used during this period for entering the territory it will expire and theoretically, the applicant should begin the procedure again. In practice, however, it is sufficient to request the renewal of the AST, which frequently happens. This authorisation of stay facilitates the issue of a visa for those third-country nationals who require a visa for entering the Schengen area. In this case the validity of the visa is of 3 months.</p> <p>2. The Immigration Law does not foresee an extension of the maximum duration foreseen in article 39 (1) of the Immigration Law (see answer to Q1) so theoretically the applicant should apply again for family reunification. In practice, however, it is sufficient to request the renewal of the AST, which frequently happens. It should also be noted that in the context of family reunification for beneficiaries of international protection, there is no requirement to reapply.</p> <p>3. N/A.</p>

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		<p>4. No. As it was mentioned in the answer to Q1, the Immigration Law foresees a deadline of 90 days for the individual to enter the territory. If the individual cannot do it, then they will have to apply again. Nevertheless, if the expiration of the deadline is due to force majeure (i.e. border closure by other Member States or by Luxembourg as it happened during COVID-19 pandemic) or for a reason that it is not imputable to the applicant, the new visa can be taken based on the previous decision taking into account that all the requirements are fulfilled. If you answer YES, can you explain which elements your MS takes into consideration in order to issue the new visa?</p> <p>N/A.</p> <p>In either case, does the applicant have to lodge a new formal application? YES/NO.</p> <p>Yes. In this case, they will have to fulfil all the requirements but must explain the reason why they cannot use the authorisation of stay in the 90-day period.</p> <p>5. Yes.</p> <p>If you answer YES, is it a condition that the delay is not imputable to the applicant?</p> <p>Yes. The importance of the filing of the application in the original deadline is what triggered the more favorable regime (see article 69 (3) of the Immigration Law). In that case if the applicant cannot use the temporary authorization of stay because of reasons that are not imputable to him/her, the administration will not punish the applicant as it was not a fault based on the legal principle that nobody is obliged to do the impossible.</p> <p>6. Yes, applicants can still exercise their right to family reunification... at the condition that the delay is not imputable to them.</p> <p>If you answer YES, is it a condition that the delay is not imputable to the applicant? If you answer NO, does it make a difference whether the reasons of the delay are imputable to the applicant?</p> <p>Yes, see answer to question 6.</p>
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	EMN NCP Netherlands	Yes	<p>1. The Netherlands does not issue residence permits to applicants abroad. Residence permits are only issued by the Dutch Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst – IND) in the Netherlands.^[1] Most third country nationals require a provisional residence permit (machtiging tot voorlopig verblijf – MVV), the Netherlands' equivalent of the Schengen visa type D, in order to travel to the Netherlands.^[2] However, some third country nationals are exempted, an exhaustive list of MVV exemptions can be found on the website of the IND.^[3]</p> <p>A residence permit (for example family reunification) and an MVV are applied for jointly by means of the Entry and Residency (Toegang en Verblijf – TEV) application procedure.^[4] In case of a positive decision by the IND, the Dutch diplomatic mission will receive a notification from the IND that the MVV can be issued at the Dutch diplomatic mission. Then the applicant has three months to pick up the MVV.^[5] When there is no Dutch representation present in the country of residence, this period will be extended with another three months.^[6] When the MVV has been picked up it is valid for 90 days.^[7] The applicant can then travel to the Netherlands and pick up the residence permit at an IND office.^[8] The residence permit itself is granted for a period up to 5 years, and can be extended. As mentioned, the D Visa is valid for a period up to three months.</p> <p>^[1] Article B1/3.3.5. Aliens Act Implementation Guidelines (Vc) 2000. ^[2] IND, 'Provisional residence permit (MVV)', https://ind.nl/en/provisional-residence-permit-mvv, last accessed 20 October, 2022. ^[3] IND, 'Mvv exemptions', https://ind.nl/en/mvv-exemptions, last accessed on 29 September, 2022. ^[4] Article B1/3.3.3 Aliens Act Implementation Guidelines (Vc) 2000. ^[5] Art. 2r(1) Aliens Act (Vw) 2000; Art. 2s(1)(a) Aliens Acts (Vw) 2000. ^[6] Art. 2r(1) Aliens Act (Vw) 2000. ^[7] Art. 2r(2) Aliens Act (Vw) 2000; 3.3.4.(b)Vreemdelingencirculaire 2000 (B). ^[8] Article B1/3.3 Aliens Act Implementation Guidelines (Vc) 2000.</p> <p>2. No, the validity of the MVV cannot be extended.^[1] However, due to the outbreak of the COVID-19 pandemic, between June 2020 and November 2022 a leniency arrangement was in place which allowed for new MVVs to be issued ,provided that the MVV had not expired for longer than 90 days and it was not possible to enter the</p>
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			<p>country during the period that the MVV was valid. The MVV has to be picked up within three months after a positive decision. However provided that the third country national was not able to pick up the MVV due to COVID-19 pandemic, e.g. due to closure of embassies, the third country national was allowed to still pick up the MVV within six months after a positive decision. This is stipulated in the Dutch Aliens Act.[2]</p> <p>[1] Art. 2r(2) Aliens Act (Vw) 2000. [2] Art. 2r(1) Aliens Act (Vw) 2000; Art. 2s(1)(a) Aliens Acts (Vw) 2000.</p> <p>3. See under 2.</p> <p>4. Yes, but the applicant has to lodge a new formal application for the MVV.[1] No specific criteria are taken into account to be able to apply for a new MVV. [1] 3.3.4.(b)Vreemdelingen circulaire 2000 (B).</p> <p>5. Yes, the Netherlands requires refugees to meet the conditions set out in art. 7.1 of the FR Directive 2003/86 when the application for family reunification is not submitted within a period of three months after international protection has been granted. According to paragraph C2/4.1.1. of the Aliens Act Implementation Guidelines (Vreemdelingen circulaire, Vc), the more favorable conditions for beneficiaries of international protection as laid down in article 29(2) Aliens Act 2000 are secured when the beneficiary has applied for family reunification within three months after the person concerned has been granted international protection status. Therefore, the application for family reunification is important for applying the more favorable regime rather than whether the MVV has been used.</p> <p>6. Yes applicants can still exercise their right to family reunification when a condition of age of the applicant or the person of reference is not met anymore at the time of the issuance of or application for a new visa, whereas the condition of age was met at the time of the 1st application if the reasons of the delay are not imputable to the applicant. It is required that the delay is not imputable to the applicant. When the delay is not imputable to the applicant he has to make a new request. The decision will be based on the facts and circumstances at the time of the new request.[1]</p>
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			[1] This information was provided by the Immigration and Naturalisation Service on 20 December 2022.
	EMN NCP Poland	Yes	<p>1. The visa issued on basis of the FR-Directive 2003/86 can be a Schengen or national visa, depending on the period of stay. The duration of the validity of the national Polish visa varies between 91-365 days.</p> <p>2. According to Art. 82 of the Act on Foreigners dated 12 December 2013, extending the period of validity of an issued national visa or period of stay covered by this visa to a foreigner residing on the territory of the Republic of Poland may take place if the following conditions are jointly met:</p> <ol style="list-style-type: none"> 1) there is an important professional or personal interest of the foreigner, or for humanitarian reasons he/she cannot leave Poland before expiration of the national visa or before the end of the period of stay covered by this visa; 2) events that are the reason for applying for a national visa extension, occurred independently of the foreigner's will and were not possible to foresee on the day of submitting the application for a national visa; 3) the circumstances of the case do not indicate that the purpose of the foreigner's stay on the territory of the Republic of Poland will be different than declared; 4) there are no circumstances for which a national visa is refused. <p>3. Yes, the extended visa cannot be valid longer than 365 days in total.</p> <p>4. YES. If the first visa with a view of family reunification was not used, there are no legal obstacles to issue another visa. There are no legal provisions that would make it impossible for legal reasons to issue a visa one more time.</p> <p>5. Family reunification visa is always issued upon provision of the decision (permission for temporary stay) of the voivodeship office.</p> <p>6. N/A</p>

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	EMN NCP Portugal	Yes	<ol style="list-style-type: none"> 1. For the purposes of the provisions of Directive 2003/86 - family reunification of citizens residing in Portugal, the national law (Law no. 23/2007, of July 4, as last amended by Law no. 18/2022, of August 25) determines the granting of a residence visa to the reunited family members: type D, valid for a period of four months (article 64 and no. 2 of article 58). 2. No. When the reunification application is approved, a communication is sent to the holder of the right of residence indicating the competent consular post, the deadlines and how to obtain visas for his/her family members, beneficiaries of the reunification. Family members have up to 90 days to apply for visas at the respective consular post. Once issued, they can only be extended once, up to 90 days, but only when the family members are already in national territory. 3. 4. In accordance with the provisions of paragraphs 2 and 3 of the diploma that regulates the national law - Regulatory Decree 84/2007, family members must go to the diplomatic mission or career consular post of their respective area of residence, within 90 days, in order to formalise the application for the issuing of a residence visa. Failure to submit the application for the issuance of a residence visa in accordance with the terms of paragraph 2 will lead to the expiry of the decision recognising the right to family reunion. Exceptionally, this recognition may be revalidated in a new summary examination of the application by confirming the maintenance of the family requirements/relationship. 5. The rules already mentioned in points 2 and 4 apply to family reunification of beneficiaries of international protection, with regard to visas and the deadline for applying for them: in the absence of a timely application for visas, recognition of the right to reunification may be revalidated in a new summary examination of the application, in this case by confirming that the family ties have been maintained. 6. Yes. Recognition of the right to reunification of minors is assessed by the national central immigration authority - SEF, taking the date of the application as the reference date for the age requirement. From then on,
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			age is irrelevant: if, in the meantime, the family member reaches the age of majority, this fact does not prevent the application to be approved or the issue of the visa and, once in Portugal, the granting of the residence permit.
	EMN NCP Slovakia	Yes	<p>1. In the Slovak Republic, based on the Act on the Residence of Foreigners, the application for temporary residence (including temporary residence for the purpose of family reunification) has to be submitted at the Embassy of the Slovak Republic accredited for the applicant's country of citizenship or residence. Subsequently, if the application for temporary residence is approved, the diplomatic mission will issue a national visa to the third country national, which entitles him to enter the territory of the Slovak Republic. If a person does not enter the territory of the Slovak Republic during the validity of the national visa, it is possible to grant him another national visa, if the residence permit (which he applied for and was granted) is still valid.</p> <p>However, there is also the possibility to first apply for a national visa (type D) at the Embassy of the Slovak Republic in order to apply for temporary residence directly on the territory of the Slovak Republic. The visa is issued for 90 days. While applying for national visa the purpose of stay has to be proved, and thus all the necessary documents must be submitted as for the application for temporary residence (family reunification). If the person does not use the national visa in the mentioned case for some reason, he can submit another application for the granting of a national visa. However, updated/valid documents proving the purpose of the application must be submitted.</p> <p>2. The visa can not be extended.</p> <p>3. NA</p> <p>4. See response to question 1.</p> <p>5.</p>

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			<p>This is an optional provision that the Slovak Republic did not apply.</p> <p>6. For the temporary residence for the purpose of family reunification to be granted the conditions of the Act on Residence of Foreigners have to be fulfilled.</p>
	EMN NCP Slovenia	Yes	<p>1. The Republic of Slovenia does not issue a long-stay visa (visa D) to family members of the third country nationals (sponsor) in accordance with Article 13(1) FRD, as the family member must obtain the first temporary residence permit for the purpose of family reunification before entering the country.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Sweden	Yes	<p>1. No, we do not issue national visas for the purpose of family reunification. Once an application for family reunification is granted, a residence permit - and a residence permit card - is issued. The applicant can travel to Sweden and the territory of the member states with the residence permit card and a valid passport.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. No, we do not issue visas for the purpose of family reunification, but a residence permit. A residence permit may be extended, normally provided that the family ties still exist. Under certain circumstances the residence</p>

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			<p>permit may be extended even when the family ties no longer exist. The applicant has to lodge a formal application.</p> <p>5. The more favourable regime may be applied when the applicant applies for a prolonged residence permit based on the same family ties as in the initial application.</p> <p>6. We are not aware of such cases, but it would probably not be possible to issue a new residence permit if the first permit has not been used, when the family members have not entered the territory of the MS/Sweden and the person is 18 years or older when the second application is submitted. An assessment of the individual circumstances in the case have to be made. Under certain circumstances a residence permit may be granted on other grounds.</p>
	EMN NCP Georgia	Yes	<p>1. According to the “Law of Georgia on the Legal Status of Aliens and Stateless Persons” (Art. 6, Par. 8), the long-term visa (including D4 category - for family reunification purpose) shall be issued with the right of multiple entry and 90 days validity period and duration of stay. A long-term visa shall be a precondition for obtaining relevant residence permit in Georgia.</p> <p>2. The Legislation of Georgia does not provide extension procedures of D4 category - family reunification visas. The holder of D4-visa is entitled to apply for the respective residence permit 40 calendar days before his/her lawful stay in the territory of Georgia expires.</p> <p>3. N/A</p> <p>4. No. If validity period of the issued D4 category visa expires, a new formal application and relevant documents should be re-submitted and reviewed once again. A new decision on issuing D4 category visa may not coincide with the initial decision.</p> <p>5. The legislation of Georgia does not provide with any different procedures to issue D4 visa for the applicant</p>

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			<p>who is a family member of a beneficiary of international protection in Georgia.</p> <p>6. According to the “Law of Georgia on the Legal Status of Aliens and Stateless Persons” (Art. 2), family member is defined as - „a spouse, minor child of an alien or of a person having a status of stateless person in Georgia, as well as a person under guardianship or custody of an alien or of a person having a status of stateless person in Georgia and/or a fully dependent minor, and a beneficiary of support or a disabled person; parent of minor alien or minor person having a status of stateless person in Georgia; foreign spouse, minor child of a citizen of Georgia, as well as a person under guardianship or custody of citizen of Georgia and/or a fully dependent minor and a beneficiary of support or a disabled person; parent of minor citizen of Georgia.” At the time of submitting application on issuing D4 category visa, an applicant should represent one of the abovementioned categories and meet age conditions (minor is considered as a person under 18), regardless of previous application and its status.</p>
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