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EMN European Migration Network

Ad-Hoc Query on 2023.26 Family reunification for beneficiaries of international protection

Requested by the European Commission on 7 July 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden plus Norway, Serbia (24 in Total)

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

1. BACKGROUND INFORMATION

Family reunification has long been an important right of beneficiaries of international protection to restore part of the normalcy of their lives by reuniting with family members, as well as one of the main reasons for immigration to the EU.[1] In many EU Member States, family reunification accounts for the largest share of legal migration. The conditions under which family reunification can take place, as well as the

rights of the family members are laid down in the Family Reunification Directive (2003/86/EC) and has been transposed and implemented (often somewhat differently) by the EU Member States.[2]
With the aim to harmonise and monitor policy and legislative choices that need to remain within the margins of discretion offered by the Family Reunification Directive (EC/2003/86), the Commission published a Communication on guidance for application of the Family Reunification Directive (2003/86/EC) in 2014.[3] These aspects were notably researched in the 2017 EMN study on Family reunification of third-country nationals. Recently, in 2019, the EU Commission published a report on the implementation of the Family Reunification Directive (2003/86/EC), in which it referred extensively to the EMN Study of 2017.[4]
The Family Reunification Directive (2003/86/EC) will have been in place for 20 years in 2023. In those 20 years, the climate regarding migration and asylum has evolved and relevant jurisprudence by the CJEU and, where relevant, the ECtHR, has provided further precisions for national policy and practice on family reunification.

[1] EU Commission, "Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/86/EC on the right to family reunification", March 2019, COM (2019) 162 final, p. 1.
[2] Ireland does not participate in the directive.
[3] Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification, /* COM/2014/0210 final */, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52014DC0210
[4] Ibid.

We would like to ask the following questions:

1. In your country, what are the modalities (where, how, by whom) to submit an application for family reunification with beneficiaries of international protection?

2. Does your national legislation or administrative procedure allow for alternative ways of submission of an application of family reunification with beneficiaries of international protection, including in exceptional circumstances?

3. How does your national practice or legislation implement the exact starting point for the time frame to issue the decision on the application for family reunification with beneficiaries of international protection (where relevant, see Article 5(4) of the Family Reunification Directive)? If Article 5(4) is not applicable, please also specify the time frame applicable in your country.
For example, (i) if an external contractor, such as a visa application centre, receives the necessary documents, does the time frame start to run when the documents are received by the external contractor or when the responsible government authority receives the documents, or; (ii) if a file is considered incomplete, when does the reference point for the time frame start; or (iii) when the files are sent by diplomatic mail, does the time frame start when the documents are received in the country where the application is lodged or when the documents are received outside of the country where the application is lodged; or (iv) other situations in which there may be several reference points for when the application was lodged?

4. Under what conditions, if any, does your country consider a late submission objectively excusable in the context of an application for family reunification with beneficiaries of international protection (see above rationale in CJEU C-380/17 for the meaning of 'objectively excusable')?

5. What is the role of different actors (i.e. state actors – such as diplomatic/consular posts – and other actors, such as international organisations, NGOs, Visa application centres) when assisting applicants/governments during the application process?
In your answer, consider procedures such as interviewing, DNA-testing (where relevant), collection of documentary evidence.

6. What are the minimum documentary requirements for submission of an application for family reunification with beneficiaries of international protection?

7. Do the documentary requirements referred to in Q6 change in case of a late submission of an application for family reunification with beneficiaries of international protection that is not 'objectively excusable'? If yes, please explain (including whether this is different if the sponsor is a minor)?
For the notion of 'objectively excusable', please see rationale in CJEU C-380/17.

8. How does your country handle cases where official documentary proof cannot be submitted (e.g. resorting to DNA testing, interviews, or alternative means to prove identity and/or family relationships?)

9. In situations where the children of a parent sponsor turn 18 during the parent sponsor's international protection procedure, what is the timeframe for the parent sponsor to lodge an application for family reunification with his/her child?
Where relevant, see Article 4(1), Family Reunification Directive and cf. rationale C-133/19

10. What, if any, is the age threshold for dependent adult children to be eligible for family reunification with their parent sponsor (where relevant, see Art. 4.2(2) / Art. 10(2) of the Family Reunification Directive)? Please elaborate how, if at all, this threshold has been influenced by case-law of the ECtHR on this matter.
For this question, please take into consideration the responses to the earlier AHQ 2022.46 on National provisions for family reunification outside the nuclear family; specifically Q3 and Q4 of the said AHQ.

11. For unaccompanied minors who turn 18 during their international protection procedure, does your country implement a specific timeframe for applying for family reunification? If applicable, please specify how the requirement for it to be a 'reasonable timeframe' is interpreted in your country (see CJEU judgement C-550/16, 12 April 2018)

12. Under what circumstances is a 'real family relationship' (Art. 16.1(b) of the Family Reunification Directive (2003/86/EC)) with children, including children coming of age, established in your country (where applicable, see Art. 16(1)(b) of the Family Reunification Directive and CJEU case C-279/20 and joined cases C-273/20 and C-355/20)).

We would very much appreciate your responses by **21 September 2023**.

2. RESPONSES

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		Wider Dissemination	
	EMN NCP Austria	Yes	1. In Austria, family members have the possibility of family reunification with beneficiaries of asylum, beneficiaries of subsidiary protection as well as persons seeking asylum in Austria. Likewise, certain family members can submit applications for entry to Austrian representative authorities abroad. Family reunification within the country: Pursuant to Art. 2 para 1 subpara 22 of the Asylum Act 2005, the following are considered family members • the parent of a minor asylum seeker and of a person granted asylum or subsidiary protection; • spouses or registered partners of applicants for asylum, persons entitled to asylum or subsidiary protection, provided that the marriage or registered partnership already existed prior to entry; • a child, under-age and unmarried at the time of filing the application, of an asylum seeker, a person having entitlement to asylum or a person holding subsidiary protection status; and • the legal representative of an under-age, unmarried asylum seeker, a person having entitlement to asylum or a person holding subsidiary protection status, as well as a child, under-age and unmarried at the time of filing the application, for whom an asylum seeker or a beneficiary of asylum or subsidiary protection is the legal representative, provided that the legal representation in each case already existed prior to entry. If such a family member files an application for international protection, this shall be deemed to be an application for the same protection (Art. 34 para 1 Asylum Act 2005). In this case the authority shall a) grant the family member of a person entitled to asylum the status of a person entitled to asylum by means of a decision, if

[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.

			- the family member has not committed a criminal offence and - there are no pending proceedings against the reunifying alien for the withdrawal of this status (§ 34 para. 2 Asylum Act 2005) b) grant the family member of a beneficiary of subsidiary protection the status of a beneficiary of subsidiary protection by means of a decision if - he/she has not committed a criminal offence - no proceedings for the withdrawal of this status are pending against the reunifying alien, and - the family member is not to be granted the status of a person entitled to asylum (Art. 34 para 3 Asylum Act 2005). Applications of family members of an asylum seeker shall be examined separately, and the procedures shall be conducted jointly. If the conditions described under a) and b) above are met, all family members shall be granted the same scope of protection (status of a person entitled to asylum or subsidiary protection). The granting of the status of a person entitled to asylum shall take precedence, unless all applications would have to be rejected or dismissed as inadmissible. Each asylum seeker receives a separate decision (Art. 34 para 4 Asylum Act 2005). The provisions described above do not apply under certain circumstances (Art. 34 para. 6 Asylum Act 2005), among others • to family members of an alien who has been granted the status of a person entitled to asylum or the status of a person entitled to subsidiary protection as part of a procedure according to these regulations, unless the family member is a minor unmarried child; • in the case of a residence marriage, residence partnership or residence adoption. Application for entry at Austrian representative authorities abroad: Pursuant to Art. 35 para 1 of the Asylum Act 2005, certain family members of an alien who has been granted the status of person entitled to asylum and who are abroad may apply for an entry title at an Austrian representative authority abroad entrusted with consular duties for the purpose of filing an

			application for international protection. If the application for an entry title is filed more than three months after the status of the person entitled to asylum has been granted with legal effect, the requirements pursuant to Art. 60 para 2 subpara 1 to 3 must be fulfilled – according to this • the applying third-country national must prove a legal entitlement to accommodation that is considered customary in the locality for a family of comparable size, • have health insurance coverage that covers all risks, ensuring that this insurance is also liable to pay benefits in Austria, • and the stay of the third-country national must not lead to any financial burden for a territorial authority. This provision also applies to certain family members of an alien who has been granted the status of subsidiary protection, whereby such an application may be filed no earlier than three years after the status of subsidiary protection has been legally granted. If the requirements of Art. 60 para 2 subpara 1 to 3 (see above) are met, entry shall be granted unless it can be assumed on the basis of certain facts that the requirements for granting the status of subsidiary protection are no longer met or will no longer be met within three months (Art. 35 para 2 Asylum Act 2005). If the applicant is the parent of an unaccompanied minor who has been granted the status of a person entitled to asylum or subsidiary protection, the requirements pursuant to Art. 60 para 2 subpara 1 to 3 shall be deemed to have been met (Art. 35 para 2a Asylum Act 2005). If an application is filed in accordance with the regulations described above, the representative authority shall ensure that the alien fills out an interview form in a language he or she understands. The application for entry shall be forwarded to the Federal Office for Immigration and Asylum without delay (Art. 35 para 3 Asylum Act 2005). Pursuant to Art. 35 para 4 Asylum Act 2005, the representative authority shall grant the alien a visa for entry without further ado on the basis of his/her application if the Federal Office has indicated that it is likely that an application for international protection will be granted by granting the status of person entitled to asylum or subsidiary protection. The Federal Office may only issue such an indication under certain circumstances, for example if the alien who has been granted the status of a

			person entitled to asylum or subsidiary protection is not subject to proceedings for the withdrawal of this status (Art. 35 para 4 subpara 1 of the Asylum Act 2005). The possibility to apply for entry at Austrian representative authorities abroad exists only for family members according to Art. 35 para 5 Asylum Act 2005 – in this sense, a family member is a parent of a minor child, a spouse or, at the time of application, a minor unmarried child of an alien who has been granted the status of beneficiary of subsidiary protection or asylum, provided that in the case of spouses the marriage already existed before the entry of the beneficiary of subsidiary protection or asylum; this also applies to registered partners, provided that the registered partnership already existed before the entry of the beneficiary of subsidiary protection or asylum. --- Source: Ministry of the Interior 2. No. --- Source: Ministry of the Interior 3. The procedure begins with the submission of the application. In case of an Art. 35 Asylum Act 2005 procedure at the representative authority abroad and in case of an Art. 34 Asylum Act 2005 procedure at the competent authority in Austria. If an application is submitted as incomplete, but the missing documents are submitted within the deadline, the original date of application is considered as the beginning (healing of deficiencies). Art. 12 Consular Law Applications for the issuance of a decision may only be submitted to the representative authority in writing and in a language understandable to the respective representative authority, unless otherwise required under international law. Within the scope of application of the Consular Authentication Act, applications may also be

			submitted orally. (2) The Federal Minister for Europe, Integration and Foreign Affairs may, in accordance with the principles of Art. 5 para 2, regulate the manner and form of acceptance of applications at the representation authorities by ordinance. Art. 13 General Administrative Procedure Act (1) Unless otherwise stipulated in the administrative regulations, applications, requests, notifications, complaints and other communications may be submitted to the Authority in writing, orally or by telephone. Appeals and submissions that are subject to a time limit or that determine the course of a deadline shall be submitted in writing. If the submission of an appeal by telephone appears to be impractical, the Authority may order the appellant to submit it in writing or orally within a reasonable period of time. (2) Written submissions may be transmitted to the Authority in any technically feasible form, but by e-mail only to the extent that no special forms of transmission are provided for electronic communication between the Authority and the parties concerned. Any technical requirements or organizational restrictions on electronic communication between the Authority and the parties concerned shall be published on the Internet. (3) Deficiencies in written submissions shall not entitle the Authority to reject them. Rather, the authority shall, ex officio, immediately arrange for their rectification and may order the applicant to rectify the deficiency within a reasonable period of time, with the effect that the application shall be rejected after this period has expired without result. If the deficiency is remedied in due time, the application shall be deemed to have originally been filed correctly. (4) In the event of doubts about the identity of the person making the submission or the authenticity of the submission, para 3 shall apply mutatis mutandis, with the provision that the submission shall be deemed to have been withdrawn after the time limit has expired without result. (5) The Authority is only obligated to receive written submissions or to keep receiving devices ready for reception during official hours and, except in case of imminent danger, is only obligated to receive oral submissions or submissions by telephone during the time set aside for the communication of parties. The official hours and the time set for the communication of parties shall be published on the Internet and on the official notice board. In the case of submissions made outside office hours, official decision-making

			periods shall not begin to run until office hours resume. (6) The Authority is not obliged to consider submissions that do not relate to a specific matter. (7) Submissions may be withdrawn at any stage of the proceedings. (8) The submission initiating the proceedings may be amended at any stage of the proceedings. The amendment of the motion shall not change the substance of the matter and shall not affect the factual and territorial jurisdiction. --- Source: Ministry of the Interior 4. When assessing the failure to observe the three-month time limit of Art. 35 para 4 subpara 3 in conjunction with Art. 60 para 2 subpara 1-3 Asylum Act, special circumstances - which objectively excuse the failure - are to be taken into account in an interpretation in conformity with EU law (cf. ECJ 7.11.2018, C-380/17, K and B; Judicature Newsletter 11-12/2018, point 6.1.). AT follows the case law of the ECJ here. --- Source: Ministry of the Interior 5. The Austrian Red Cross supports the applicants in the family reunification process. The Federal Office for Immigration and Asylum and the representative authorities abroad provide information on the procedure and act within the framework of the legally prescribed manuduction obligation. A DNA analysis is possible within the framework of Art. 13 Federal Office for Immigration and Asylum Procedures Act in order to prove a missing family relationship. --- Source: Ministry of the Interior 6. Pursuant to Art. 17 of the Asylum Act 2005, an application for international protection is deemed to have

			been filed domestically if a foreigner seeks protection from persecution in Austria before an organ of the public security service or a security authority. With regard to applications for entry before representative authorities abroad, an interview form must be completed. The form of this interview form is regulated in Annex A to the Regulation on the Implementation of the Asylum Act 2005 (Art. 1). It is to be issued in two languages, namely with filling-in assistance, guiding texts and explanations in German and in any case in one of the languages mentioned below. The professional representative authority shall note the date of application on the questionnaire. In any case, the questionnaire must be available in Albanian, Arabic, Armenian, English, Farsi, French, Georgian, Kurdish, Pashto, Portuguese, Punjabi, Russian, Serbian, Somali, Spanish, Turkish and Urdu. This form asks for passport, marriage certificate, birth certificate, identity document, partnership certificate and other documents, as well as proof of legal right to accommodation, health insurance coverage and financial income. --- Source: Ministry of the Interior 7. In any case, the requirements remain the same. A new application is required and all documents must be submitted again. --- Source: Ministry of the Interior 8. In the case of entry applications, the relationship between an applicant and a reference person in Austria must be proven by the applicant. Mere prima facie evidence is not sufficient. If the applicant does not succeed in proving a claimed relationship by means of unobjectionable documents or other suitable and equivalent means of certification, and if the investigation procedure has also been exhausted in other respects, the applicant shall be allowed a DNA analysis. The representative authority will inform the applicant about the possibility of a DNA analysis.

			--- Source: Ministry of the Interior 9. The family member abroad must submit the application for family reunification in accordance with Art. 35 of the Asylum Act 2005 to the competent representative authority abroad. It should be noted that the anchor person in Austria must already be entitled to asylum or subsidiary protection and the applicant must be a minor. --- Source: Ministry of the Interior 10. According to Austrian law, only minor children are considered family members in the context of family reunification (see Art. 2 para 1 subpara 22, Art. 35 para 5 Asylum Act 2005). --- Source: Ministry of the Interior 11. The Supreme Administrative Court has ruled that for the qualification of minor unmarried children as family members, according to the clear wording of Art. 35 para 5 Asylum Act 2005, the time of application is decisive (VwGH 16.02.2023, Ra 2022/18/0309). Thus, the coming of age in the family reunification procedure is not detrimental. --- Source: Ministry of the Interior 12. The mere status of a relative pursuant to Art. 35 para 5 Asylum Act 2005 is not sufficient for the fulfillment of the prerequisite according to Art. 35 para 4 subpara 3. Rather, Art. 35 para 4 subpara 3 Asylum

			Act 2005 requires, on the one hand, an existing family life between the applicants and the reference person, the maintenance of which is required within the meaning of Art. 8 of the Human Rights Convention. Thus, the status of a family member as well as an existing family life is a prerequisite. Decisions are made on a case-by-case basis. The Supreme Administrative Court in Ra 2009/18/0391 assumes that living together is usually a prerequisite for a relationship that is equivalent to family life. Exceptionally, other factors may also serve as evidence that a relationship is stable enough to create de facto "family ties". In Ra 2021/20/0105, the Supreme Administrative Court also stated that it cannot be inferred from the judgment of the Court of Justice of the European Union, C-768/19, that the Member States should be obliged to grant a right of residence to a foreigner merely on the basis of a formal bond according to which a person is to be regarded as a family member, even if it is established from the outset that any family relationship has been severed and that the right of residence is no longer intended to serve in any way to maintain the family bond. --- Source: Ministry of the Interior
	EMN NCP Belgium	**Yes**	1. By whom? The application for family reunification must be submitted by the family member who wishes to join the person who has opened the right to family reunification (the sponsor). Where? As a general rule, the application for family reunification must be submitted to the Belgian diplomatic or consular post of the family member's place of residence or stay (application for a national long-stay visa - type D). By way of derogation (administrative practice), the family member of a third-country national who has been granted refugee or subsidiary protection status in Belgium may submit his or her application to any Belgian diplomatic or consular post that is active in the field of visas. By way of derogation (legal provision), a family member in one of the following situations may submit an

			application for family reunification in Belgium: He/she has already been admitted or authorised to stay in Belgium for more than three months on another basis ; He/she is authorised to stay for a maximum of three months and, if required by law, has a valid visa to marry or enter into a partnership in Belgium, if this marriage or partnership was actually entered into before the end of the authorisation to stay; Exceptional circumstances prevent him/her from returning to his/her country to apply for the required visa at the competent Belgian diplomatic or consular representative; He/she is authorised to stay for a maximum of three months and is a minor, or if he/she is responsible for a minor benefitting from refugee or subsidiary protection status. How? As a general rule, the family member must introduce his/her visa application in person. By way of derogation, the family member who is in a situation where it is impossible or excessively difficult to appear in person to file his/her application, can introduce this application remotely (e-mail to the Belgian competent diplomatic or consular post, or the one he/she chooses) and appear at a later stage of the procedure (implementation of Judgement of 18 April 2023 of the CJEU in C-1/23 PPU Afrin). 2. See answer to Q1. The family member who is in a situation where it is impossible or excessively difficult to appear in person to file his/her application, can introduce this application remotely (e-mail to the Belgian competent diplomatic or consular post, or the one he/she chooses) and appear at a later stage of the procedure (implementation of Judgement of 18 April 2023 of the CJEU in C-1/23 PPU Afrin). 3. The law stipulates that the processing period[1] only starts to run from the day the application is submitted. This submission date is the day all the required documents proving that the applicant meets the legal conditions, in accordance with Article 30 of the Law of 16 July 2004 containing the Code of Private International Law or the international conventions on the same subject, are submitted. When the file is complete, the diplomatic mission or consular post issues a certificate stating that the application has

			been lodged (FR: attestation de dépôt, NL: Ontvangstbewijs), thereby confirming the date from which the legal delay begins to run. In practice, the central authority responsible for examining visa applications (Directorate General Immigration Office - Federal Public Service of the Interior) takes into account the date indicated on the visa application form, whether the application is complete or incomplete. [1] The decision is taken and notified as soon as possible and at the latest within 9 months of the date of submission of the application. In exceptional cases, due to the complexity of the application, this time limit may be extended twice, by periods of three months, with a reasoned decision notified to the applicant. 4. There is no definition, or lists of events or particular circumstances that objectively excuse the late submission of an application for family reunification. The burden of proof lies with the family member, who needs to explain what prevented him/her from submitting his/her application when they were still within the time limits, and/or at a time when the exercise of this right was subject to more favourable conditions. 5. State actors Information General information (beneficiaries, conditions, supporting documents, procedure, processing time, decision, type of visa, residence conditions, etc.) is published on the website of the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior). Information on the procedure to be followed locally (appointments, visa fees, legalisation of documents, etc.) is published on the websites of the consular posts and embassies and external service providers. Receipt of applications In most countries, visa applications can be submitted at an external contractor. Therefore, family members must make an appointment and come to a Visa Application Center. By way of exception, visa applications may be submitted remotely (by e-mail) and are directly addressed to a diplomatic or consular post. Verification of documents

			The posts check the identity of the applicant and the validity, authenticity and form of the documents. Most attention goes to documents that prove the civil status of the applicant. Posts assess the security risk. Posts issue an opinion to the central authority responsible for examining visa applications (Immigration Office). Proof of parental relationship or relationship (cascade system) Family members who are unable to establish their parental relationship or relationship to a relative or in-law by means of official documents may present other valid proof of this relationship. If it is not possible to submit other valid proof, the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior) may set up an interview or undertake any investigation necessary, and may, if necessary, propose an additional analysis (DNA-test). The use of a DNA test to establish a family relationship is not compulsory (the test is carried out on a voluntary basis), but neither is the choice left to the applicant. The central authority responsible for examining visa applications only proposes this measure as a last resort (Directorate-General Immigration Office - Federal Public Service Interior). Interview The posts may invite the applicant for an interview, either on their own initiative or at the request of the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior). It is rare for the applicant to be invited for an interview. Examining a visa application and decision The central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior) takes the decision on the application. The options are the following: (i) authorisation (positive decision), (ii) authorisation (positive decision) when one or more documents are added, (iii) refusal (negative decision) or (iv) a refusal under the condition of a DNA-test. Notification of the decision The decision of the central authority responsible for examining visa applications (Directorate-General

			Immigration Office - Federal Public Service Interior) is notified to the applicant through the post, who sends the decision to the Visa Application Center, where the applicant can pick it up. DNA-test The procedure is described on the website of the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior). If the result is positive, the negative decision is revised, and the visa issued. https://dofi.ibz.be/en/dna-test UNHCR Belgium: • Provides first line assistance to forcibly displaced and stateless persons and their family members by email, telephone or in person concerning the application process. • Works together with its implementing partner, Myria, which provides administrative and legal support in individual cases of family reunification and humanitarian visa applications with beneficiaries of international protection. • Coordinates contact with key partners involved in individual cases by liaising with the Immigration Office, the Belgian diplomatic post, the external service providers and civil society organisations. In collaboration with UNHCR offices abroad, UNHCR Belgium intervenes in individual cases. For example: UNHCR may provide assessments, for example related to protection, refugee status determination, best interest of the child assessment, medical or dependency assessments, etc., or through an interview if required by the Belgian authorities, by collecting documentary evidence or by providing technical expertise to support lawyers. • Monitors the Belgium authorities' compliance with refugee family reunification obligations and continuously advocates directly with national authorities to make sure, amongst others, procedures are flexible and take fully account of the circumstances, vulnerabilities and other specific concerns. • o UNHCR Belgium has a regular dialogue with the Cabinet of the State Secretary for Asylum and Migration on the family reunification application process (family reunification and humanitarian visa). o Together with Myria, UNHCR Belgium presented challenges faced by refugees and their family

			members throughout the family reunification procedure during Consular Contact Days, organized by the Ministry of Foreign Affairs, attended by one Consul and one national staff of each Belgian Consulate. ○ In response to Government's or Parliament's requests, UNHCR provides observations on draft laws related to family reunification procedure. Myria Myria is an independent public institution with three mandates. One of them is protecting the fundamental rights of foreign nationals. Within the framework of family reunification, Myria provides administrative and legal support in individual cases, monitors the Belgian procedure on family reunification, conducts analysis, coordinates contact with key partners, and advocates towards policy makers, and national authorities on the matter. Myria is implementing partner of UNHCR Belgium with regards to family reunification and humanitarian visa applications with beneficiaries of international protection. 6. The general rule is that a complete file (recognised travel document, proof that the conditions for family reunification are met, medical certificate, extract from the criminal record, proof of payment of visa fees) must be submitted as soon as the visa application is submitted. By way of derogation (administrative practice), the visa application [of a family member of a foreign national whose refugee status has been recognized by Belgium, or to whom subsidiary protection has been granted] is considered as soon as the following documents are submitted: - a completed, dated and signed application form + photo; - proof of payment of the visa fee, unless the applicant is exempt; - a personal travel document in which a visa can be affixed or, if the applicant is prevented from presenting this document, another proof of identity (or several pieces that proof the individual's identity) to which the post gives credence; - proof that Belgium has recognised the refugee status of the individual with whom the individual will reunite,

			or that he/she is a beneficiary of subsidiary protection. (minimum file) All documents not submitted with the visa application must be submitted as soon as possible, as they are essential to examine the application and to take a decision on it. 7. No. However, applicants must also explain why they were prevented from submitting their application earlier (see question 4). 8. Belgian legislation prescribes a cascade system: • Official documents that establish a parental relationship or kinship; • Other proof that proves that relationship; • Interviews or other enquiries; • Analysis (DNA-test) Applicants who are unable to present a personal travel document to which a visa can be affixed when submitting their visa application may present another proof of identity (or several other proofs of identity) to which the post will give credence. If the visa is granted and the applicant is still unable to produce a travel document, the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior) may authorise the post to affix the visa to a laissez-passer. NB: A laissez-passer is not issued automatically. Applicants must explain why they are unable to produce a valid travel document. (see question 5) 9. A child who was a minor at the time when the sponsor (sponsoring parent) submitted his or her application for international protection in Belgium retains his or her right to family reunification if he or she comes of age during the examination of this application, provided that the application for family reunification is submitted within 12 months of the recognition of refugee status or the granting of subsidiary protection to the sponsor. This 12-month period may be extended if special circumstances objectively excuse the late submission of the

			application. *When the minor applicant becomes 18 (shortly) after the parent received the international protection, the application should be submitted before he becomes 18, otherwise they cannot benefit from the 12 month-period.* 10. See answer to question 9. 11. The father and mother of a minor who has reached the age of majority while his/her application for international protection is being examined, retain their right to family reunification, provided that their application for family reunification is submitted within a reasonable period (3 months) from the date on which refugee status is recognised or subsidiary protection is granted to the applicant. However, this 3-month period may be extended if special circumstances objectively excuse the late submission of the application. Administrative practice (since last year): when the minor reaches age of majority within within the 3 months after obtaining international protection, the parents also have 3 months to apply. 12. As a general rule, parents and children must live under the same roof. However, if parents and children no longer live at the same address, the central authority (Directorate-General Immigration Office - Federal Public Service Interior) will not terminate the stay without first hearing the parties concerned. The decision will take into account the family contacts and ties maintained, the length of the stay, the efforts made to integrate (language skills, work, training, etc.) and the ties maintained with the country of origin. Furthermore, the residence permit of parents who have joined an unaccompanied minor is not withdrawn just because the unaccompanied minor has reached the age of majority.
	EMN NCP Bulgaria	**Yes**	1. A foreigner granted international protection has the right to ask to be reunited with his family on the territory of the Republic of Bulgaria, provided that the family ties precede the entry of the foreigner into the territory of the country. Both recognised refugees and persons granted subsidiary protection have the right to request reunification with their families in the Republic of Bulgaria, without any distinction in the scope of their rights or applicable procedures.

			The law allows reunification with the following family members: 1. the husband, the wife or an individual with whom the foreigner has an evidenced stable and long-term relationship and their minor unmarried children; 2. children of legal age who are not married who are unable to provide for themselves due to serious health reasons; 3. the parents of each of the spouses who are unable to take care of themselves due to old age or serious illness and have to live in the same household with their children; 4. the parents or the guardian or custodian of the underage unmarried person who has been granted international protection. In order to be allowed reunification with family members, the foreigner granted international protection has to submit a written application to the Chairperson of the State Agency for Refugees, who issues permission for family reunification. The Chairperson of the State Agency for Refugees permits an unaccompanied minor or underage foreigner who has been granted international protection to reunite with his parents or another adult member of his family or a person who is responsible for him by law or custom when his parents are deceased or missing. The Chairman of the State Agency for Refugees refuses permission based on an exclusion clause or in relation to a spouse - in the case of polygamy, when the status holder already has a spouse in the Republic of Bulgaria. 2. No 3. The starting point for the time frame is the moment the application for family reunification is received at the State Agency for Refugees. It usually takes up to three months to receive permission for family reunification by the Chairperson of the State Agency for Refugees, following an interview with the applicant. 4. The law does not require a waiting period before a beneficiary can apply for family reunification, nor does it set a specific timeframe for refugees to apply for family reunification.

			5. The interviewing body (case-officer) from the State Agency for Refugees conducts an interview with the foreigner, during which the names of the persons with whom he wishes to reunite and all relevant facts are specified, comparing them with the data provided during the proceedings for granting international protection. The State Agency for Refugees facilitates the reunification of separated families by assisting foreigners in issuing travel documents and visas and ensuring that they are allowed on the territory of the country. Visas for family members, who have permission for family reunification, are issued from the Bulgarian diplomatic or consular representations. When the whereabouts of family members are unknown, the State Agency for Refugees, in cooperation with the United Nations High Commissioner for Refugees, the Bulgarian Red Cross and other organisations, takes action to search for them. The search is conducted under conditions of confidentiality where circumstances so require. 6. The interviewing authority requires the foreigner to submit all documents relevant to the family reunification proceedings – documents certifying the marriage, documents certifying the children's birth, documents certifying the kinship. If the foreigner wishes to be reunited with his adult unmarried children who are unable to provide for themselves due to serious health reasons, in addition to the documents certifying his kinship with them, he should also present evidence of his inability to provide for himself due to serious health reasons. If the foreigner wishes to be reunited with the parents of each of the spouses who are unable to take care of themselves due to old age or serious illness and have to live in the same household with their children, apart from the documents certifying their kinship, he should also present evidence of the impossibility of taking care of themselves due to old age or serious illness. If necessary, the interviewing authority may request an opinion from the employees in the health offices of the relevant territorial unit of the State Agency for Refugees regarding the impossibility of a person with the declared illness to take care of himself. 7. For the notion of 'objectively excusable', please see rationale in CJEU C-380/17.

			The law does not require a waiting period before a beneficiary can apply for family reunification, nor does it set a specific timeframe for refugees to apply for family reunification. 8. According to art. 34(5) of the Law on Asylum and Refugees, "when the foreigner cannot present official documents proving the marriage or kinship, they are established by a declaration signed by him or in another way". 9. There is no specific timeframe to apply for family reunification. Only persons who have been granted refugee status or subsidiary protection have the right to family reunification. Persons who are still in the procedure for international protection do not have the right to family reunification. 10. There is no age threshold for dependent adult children to be eligible for family reunification with their parent sponsor. The only condition is that they are unable to provide for themselves due to serious health reasons. 11. There is no specific timeframe for unaccompanied minors who turn 18 during the international protection procedure for applying for family reunification. The date which should be referred to for the purpose of determining whether the foreigner or the refugee is a minor child, is that of the submission of the application. 12. The real family relationship is proven by the documentation submitted alongside the application for family reunification. All relevant facts are specified, comparing them with the data provided during the proceedings for granting international protection.
	EMN NCP Croatia	**Yes**	1. A member of the close family of a person who has been granted asylum or subsidiary protection in accordance with the regulation governing international protection in the Republic of Croatia, submits an application for the issuance of a temporary residence permit to the competent diplomatic mission or consular office of the Republic of Croatia, in accordance with the provisions of the Aliens Act ("Official Gazette" number 133/20, 114/22 and 151/22)

			2. No 3. According to Act on General Administrative Procedure deadline to make a decision and deliver it to the applicant is 30 days from the date of submission of the complete application, and in cases of conducting an examination procedure deadline is 60 days from the date of submission of the complete application. Decision making on application for family reunification is in the competence of the police department or police station according to the place of residence or intended residence of the citizen of a third country. The above-mentioned deadlines begin to run from the day of submission of the complete application to the competent police administration or police station. 4. Article 12, paragraph 1, third subparagraph of Directive 2003/86 is not binding and the said provision has not been implemented in the Croatian Aliens Act. So we have no examples from practice of rejecting applications due to a late submission. 5. Decision making on application for family reunification is in the competence of the police department or police station in Croatia. Diplomatic-consular missions abroad receive the documentation, if necessary they invite applicant for additional information or documentation. Non-governmental organizations can help the applicant by providing advice or help them to collect the necessary documentation. 6. Minimum documentation that has to be submitted for family reunification with beneficiary of international protection is: • proof of family relation (for example, to prove his marriage, it is a marriage certificate), • a valid travel document, • proof that he has not been legally convicted of criminal offenses from the home country or the country in which he resided for more than a year immediately before arriving in the Republic of Croatia (which children up to the age of 14 do not have to submit). In procedure of family reunification with beneficiary of international protection, there is no need to submit

			proof of health insurance and sufficient means of subsistence. 7. No. Article 12, paragraph 1, third subparagraph of Directive 2003/86 is not binding and the said provision has not been implemented in the Croatian Aliens Act. 8. Where official documents to prove a certain family relationship cannot be obtained, there is possibility to assess whether such a relationship exists based on other circumstance, for example, some other documents or interviews. The decision to reject a application for family reunification cannot be based solely on the fact that there are no official documents proving a certain family relationship (Act on International and Temporary Protection, Article 66, paragraph 6, "Official Gazette", number: 70/15, 127/17, 33/23). 9. According to Croatian Aliens Act, a child must be under 18 years at the time of submitting an application for a temporary residence permit, for family reunification with parent sponsor. However, it should be noted that in the Republic of Croatia, through national provisions, it is possible to obtein family reunification in the case of family members who do not fall (or who are over 18 years old) within the scope of Article 4, Paragraph 1 of the Council Directive 2003/ 86/EC. 10. The provisions of the Aliens Act stipulate that another relative can be considered a family member of a third-country national who has been granted asylum or subsidiary protection if there are special personal or serious humanitarian reasons for family reunification in the Republic of Croatia (no age limit is prescribed). However, in order to prove the existence of serious personal or humanitarian reasons for family reunification, relevant documentation must be submitted, to proof family connection between the third country national and the beneficiary of international protection in Croatia, and the proof of existence of serious personal or humanitarian reasons (excerpt from the registry of births, medical and other documentation). 11. No and we do not have such cases in practice.

			12. A member of the immediate family of beneficiary of international protection should proof of family relationship (for example, if it is a parent-child relationship, a birth certificate shall be attached). As previously stated, for a member of the immediate family who cannot provide proof of the existence of a specific family relationship with beneficiary of international protection, in the process of granting temporary residence, other evidence of the such a relationship may also be taken into account, which is assessed in accordance with the regulation regulating the general administrative procedure.
	EMN NCP Cyprus	Yes	1. The application for family reunification should be made by the refugee in Cyprus. The application must be submitted as a written request to the Civil Registry and Migration Department. There is no specific family reunification application form. 2. According to the Law, an application must be submitted to the CRMD, in a form and with a fee as decided by the Director of the CRMD. To date, a fee has not been required. 3. As soon as possible, and in any event no later than nine months from the date of the request, the Director of the CRMD shall decide on the request and notifies, in writing, the refugee who made the request as well as the Asylum Service. In exceptional circumstances linked to the complexity of the examination of the request, this period may be extended by written decision of the Director. Applications are usually examined within few months, with a maximum time period of 9 months provided for by law. ahq2023.6.docx 4. There is no waiting period or a specific timeframe for refugees to apply for family reunification. 5. The examination is based on documents submitted combined with the information provided by the refugee during the refugee status determination procedure., as well as any other information the CRMD may request. An interview with the family members is not required however the authorities may decide to interview the sponsor (refugee) and conduct additional enquiries if deemed necessary. DNA tests are not required.

			6. Official documents, including copies of passports/travel documents for the sponsor and the family members, are required by Law in order to prove family links, as they are considered the most reliable source of information In addition, the following official documents are requested: • Original or true copies of national passports • Marriage certificates • Birth certificates • Marital status certificates of children • Sole-guardianship certificates 7. If the request is submitted within three months from the granting of refugee status, there are no requirements besides proving the family relations. If the request is not made within three months, the refugee in Cyprus may have to prove s/he has sufficient resources to maintain the family, sickness insurance, and adequate standards of housing. 8. If no official documents are available, other documents such as family photos, letters, statutory declarations can be accepted as evidence proving family links. The authorities may interview the sponsor/ refugee and conduct additional enquiries if deemed necessary. DNA tests are not required. Applications are not rejected solely on the basis of lack of evidence. 9. Only persons who have been granted refugee status have the right to family reunification in Cyprus. Persons who are still in the asylum procedure in Cyprus do not have the right to family reunification. Therefore, although there is no specific timeframe for refugees to apply for family reunification, all interested individuals must apply after the official recognition by the Cypriot Asylum Service. Minor unmarried children of the refugee and/or of his/her spouse, including legally adopted children have the right to family reunification in Cyprus. Reunification of adult children of the sponsor is not permitted by the Law. However, CRMD examines each case on its own merits.

			10. Please see Q 9 11. According to the Cypriot Refugee Law, where an unaccompanied minor is a refugee in Cyprus, his/her parent (father or/and mother) can join him/her in Cyprus. The Law states that unaccompanied children recognized in need of international protection can apply for family reunification to be reunited with ' blood relatives and relatives in the direct ascending line' . This definition, allows only the parents to join the Unaccompanied minor in the Republic. There is no specific timeframe for an unaccompanied minor to apply for family reunification. Even if he or she turns 18 during the asylum procedure, CRMD will take into consideration that he/she came to the Republic as an unaccompanied minor. 12. According to the Law only the following family members have the right to family reunification and only where the family relationship arose before the refugee's entry in the Republic. • Spouses, provided that both have reached the age of twenty-one. In cases of polygamous marriage, the spouse of a refugee is excluded from the right to family reunification, when another spouse is already cohabiting with the refugee in the Republic; • minor and unmarried children of the refugee and their spouse, including a child adopted in accordance with either a decision taken by a competent authority in the Republic or a foreign decision which is automatically enforceable by virtue of the international obligations of the Republic. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification. • minor and unmarried child of the refugee, including a child adopted where the refugee has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification. • a minor and unmarried child of the refugee's spouse, including a child adopted in case the spouse has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of a spouse other than the one already cohabiting with the refugee in the Republic is excluded from the right to family reunification.

			• by blood and first-degree relatives, in case the refugee is an unaccompanied minor.
	EMN NCP Czech Republic	**Yes**	1. In case of asylum, an application for a long-term residence permit for the purpose of family reunification has to be submitted. In the case of subsidiary protection, the family member first applies for visas for stays over 90 days (long-term visa) and then for a long-term stay as in the case of asylum. In both cases, the application is to be submitted to the embassy. This application can be submitted by a foreigner who is: (a) the spouse of an alien with a residence permit in the territory, b) a minor child of a foreigner with a residence permit or such a child of the alien's spouse with a residence permit, (c) a minor alien who has been entrusted to the foreigner with a permit to reside in the territory or to his/her spouse by a decision of the competent authority for substitute family care, or who has been adopted by the foreigner with a permit to reside in the territory or by his/her spouse, or whose guardian or the spouse of whose guardian is an alien with a permit to reside in the territory, if the care of the minor alien will be carried out in the territory, (d) an unaccompanied foreigner over 65 years of age or, regardless of age, an alien who is unable to care for himself or herself for health reasons, if the family reunification is with a parent or child who is an authorised resident or if the family reunification is with a parent or child who is an asylum seeker, (e) the spouse of an asylum seeker, (f) a minor or an adult dependent child of the asylum-seeker or such child of the asylum seeker's spouse, g) a minor alien who has been placed in foster care by a decision of the competent authority or who has been adopted by the asylum seeker or his/her spouse or whose guardian or spouse whose guardian is the asylum seeker, if the care of the minor alien will be carried out in the territory, (h) the parent of the minor asylum seeker; if the minor asylum seeker has no parents, another immediate relative in the ascending line of descent is entitled to make the application, and if there is no such relative, the guardian of the minor asylum seeker is entitled to make the application; or (i) by a parent, and if the asylum seeker has no parent, by another close relative in the ascending line of the asylum seeker who is an adult and who applied for international protection as a minor, within 3 months of the

			date on which the asylum seeker was granted asylum. 2. In CZ there are no official alternative ways of submission. 3. The time limit for deciding on the application starts from the date of submission of the application. The time limit for a decision is 275 days if the application is made at the embassy and 60 days if the application is made in the territory (the application is submitted in the territory if the applicant already has another residence status). 4. N/A 5. Applications for family reunification with beneficiaries of international protection are received by the diplomatic/consular missions of the Czech Republic abroad. Prior to the application submission, applicants are identified to the respective diplomatic/consular mission by an institution/organization working with international protection beneficiaries and their families, such as the Ministry of the Interior, international organizations or NGOs. The diplomatic/consular missions subsequently receive and procesess visa applications and as a result issue visas to enable the family members´ entry onto the territory. The visa application process involves among others collection of supporting documents and conducting interviews with the applicants. DNA-testing is also possible but it is not done in practice. 6. If the application is lodged within 3 months of the family member with whom I want to reunite obtaining asylum, only a passport and a civil registry document proving the relationship to the holder of asylum will be sufficient for family reunification. If the application is submitted later, the applicant must submit passport, registration document, proof of income, excerpt from the Criminal Register from the country of origin and proof of accommodation. 7. Yes, the documentary requirements change, see above. There are not any distinctions between adults and minors.

			8. CZ has not registered such a case. 9. The age limit is set at 18 years. If the child is not dependent on the care of a partner sponsor after the age of 18, he/she is not allowed to obtain a residence permit for the purpose of family reunification. 10. There is no age limit. The decisive factor is medical dependency. 11. The timeframe is 3 months from obtaining the asylum. 12. This concept is not implemented in CZ.
	EMN NCP Estonia	**Yes**	1. 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. According to AGIPA §7, family members of a refugee and of a person eligible for subsidiary protection are:

			• his or her spouse; • his or her and his or her spouse's unmarried minor child, including an adopted child; • an unmarried and minor child under his or her or his or her spouse's custody, including an adopted child. In the case of shared custody the agreement of the other party sharing custody is required; • an unmarried adult child of him or her or his or her spouse if the child is unable to cope independently due to his or her state of health or disability; • a parent or grandparent maintained by him or her or his or her spouse if the country of origin does not provide support resulting from other family ties. Family members of an unaccompanied minor refugee and an unaccompanied minor person eligible for subsidiary protection are his/her parent and his/her guardian or other family member if he/she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor. 2. As stated above, the process itself is not regulated by law. 3. 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 AGIPA 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. In case of family reunification, third-country national can apply for long-term (D-type) visa (as there is no separate visa for family reunification). 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. However, 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. If pursuant to Regulation (EU) No 604/2013 Estonia is responsible for the examining of the application for international protection, the term of six months will commence as of the moment the applicant has been surrendered to Estonia and is located in the territory of Estonia. 4. As each case is treated individually thus there are no universal conditions for considering late submission

			objectively excusable. 5. There are two main institutions involved in the process of family reunification – the PBGB and the relevant Estonian embassy abroad. NGOs or other institutions may be involved for consultation and assistance if the beneficiary of international protection wishes (Estonian Human Rights Centre, support person etc.). 6. Minimum documentary requirements include (1) an application for family reunification and (2) an application about his/her family ties, including his/her partner and 7. As each case is treated individually. 8. In case a TCN lacks official documents confirming family ties, he/she can submit any available document that can help to establish these ties and provide relevant information. PBGB has used methods such as conducting interviews and collecting photographic evidence that prove family ties. 9. There is no specific timeframe in place for cases when the child is turning 18 – the application for family reunification will be taken into proceedings regardless. If the child turns 18, when arriving to Estonia, he/she can submit an independent application for international protection. 10. The family reunification procedure applies only in accordance with the definition of a family member specified in §7 of AGIPA (please see answer to Q1). 11. UAM can submit an application for family reunification and even if he/she turns 18 during the procedure, initiated proceedings continue. Again, each case is treated individually depending on circumstances and evidence provided. 12. Estonian legislation does not provide a specific definition for 'real family relations.' In different proceedings, real family relationship has been characterized as factual and with close relations between its

			members.
	EMN NCP Finland	**Yes**	1. According to Aliens Act section 8, the applicant must file the application in person. The applicant can fill in a paper form or fill in the application form in the e-service created for the purpose (Enter Finland). Applicants submitting electronic applications are required to visit a Finnish diplomatic mission or a service point in person for identification. This means that they must prove their identity and submit biometric identifiers. Persons applying from abroad must file their application at a Finnish diplomatic mission (a Finnish embassy or consulate) or in case they have filed an electronic application, visit the diplomatic mission for identification purposes. If the person is already in Finland, they must visit a service point of the Finnish Immigration Service (Migri). 2. The applicant must either file the application in person, or if they have filed an electronic application, prove their identity in person. After filing an electronic application, the applicant must visit the Finnish mission or service point within three months for identification purposes. Generally, the processing of the application begins after verification of identity. In some exceptional circumstances for those applying from abroad, exceptions can be made on this rule and the application may be processed before verification of identity. However, the applicant must visit the Finnish diplomatic mission to prove their identity at the latest when they receive their residence permit card. 3. The time frame to issue the decision on family reunification begins when the applicant files a paper application at a Finnish mission/service point, or after having filed an electronic application, visits a Finnish mission/service point to prove their identity. If the Finnish Immigration Service requires the applicant to provide further documents, the time frame remains the same, ending when the applicant receives the decision. The time limit may be extended, only in highly exceptional circumstances. 4. In Finnish legislation there is no time limit for submitting the application. If the family members of sponsors who have been granted refugee status apply for a residence permit within three months of the date when the sponsor was served the decision on their residence permit, they are exempt from the requirement for means

			of support (Aliens Act 114 §). They may apply after the three-month time limit but are then required to have sufficient means of support. In individual cases, an exemption may be made from the three-month time limit, if the applicant has not been able to visit the Finnish diplomatic mission within the time limit for weighty reasons beyond their control, for instance. They may have difficulties travelling to a country where a Finnish diplomatic mission is situated. This may require applying for travel documents and visas. If there are no available times for an appointment at the diplomatic mission within three months, it is sufficient that they have made the booking of the appointment within the time limit. Unlike families of sponsors with a refugee status, family members of sponsors who have been issued a residence permit on the basis of subsidiary or temporary protection are not exempted from the requirement for means of support. 5. Applicants may receive help from social workers or other support persons. According to Aliens Act section 69, Finnish diplomatic missions are obliged to check the application and all the required attachments when receiving the application. 6. General attachments: • Valid passport. • Passport photo • Colour copy of the passport page containing personal data and copies of all passport pages with notes • Colour copy of spouse's passport page containing personal data and copies of all passport pages with notes • Document showing that the applicant is legally staying in the country where they submit the application Application-specific attachments: • Marriage certificate / certificate of registered partnership (must be legalised if not issued in the Nordic countries) • Divorce certificate (if the applicant or spouse has previously been married and have divorced) (must be legalised if not issued in the Nordic countries or in an EU Member State)

			• Certificate of dissolution of registered partnership (if the applicant or spouse has previously been in a registered partnership that has been dissolved) (must be legalised if not issued in the Nordic countries or in an EU Member State) • Death certificate (if the applicant or spouse has previously been married/in a registered partnership and the former spouse has died) (must be legalised if not issued in the Nordic countries or in an EU Member State) Family members of sponsors with a refugee status may be exempted from documentary requirements in case they cannot contact the administration of their country of origin for fear of persecution. 7. The documentary requirements do not change. In Finnish legislation there is no time limit for submitting the application. If family members of a sponsor with a refugee status apply after the three-month time limit they are required to have documentation regarding sufficient means of support. Family members of sponsors who have been issued a residence permit on the basis of subsidiary or temporary protection are always required documentation regarding sufficient means of support the requirement for means of support, regardless whether they apply within the three-month limit or later. The requirement for sufficient means of support does not apply if the sponsor is a minor. 8. Interviews and DNA-tests are used to establish family relationships. 9. If the sponsor has been granted refugee status, the unmarried child who has turned 18 during the sponsor's asylum procedure must apply for a residence permit within three months of the date when the sponsor was served the decision on their residence permit. The applicant will be considered a minor throughout the application process. If the sponsor is not granted refugee status, issuing a residence permit on the basis of family ties to an unmarried minor child requires that the child is a minor on the date when the child's residence permit application is filed (Aliens Act Section 38). 10. There is no age threshold for dependent adult children. A residence permit for other relative can be issued

			to adult children, if refusing the residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the adult child is fully dependent on the sponsor living in Finland. Issuing a residence permit requires proof of sufficient financial resources. 11. According to Aliens Act Section 38, the unaccompanied minor who has turned 18 during their international protection procedure will be considered a minor throughout the family reunification process, if the family member applies for a residence permit within three months of the date when the sponsor was served the decision on their residence permit. 12. A family relationship is established if the sponsor and family members live in the same address. If a minor applicant does not live with the sponsor for instance because of studies, the minor may apply for a residence permit based on studies. Children who have come of age are considered other relatives, not family members.
	EMN NCP France	**Yes**	1. In France, in accordance with article L561-2 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA), "a foreign national who has been recognised as a refugee or who has been granted subsidiary protection may apply for the right to be joined by members of his or her family for the purposes of family reunification". In France, the procedures for submitting this application are the same as those for processing the visa application. Beneficiaries submit their visa application directly to a French consular post. Family ties and the identity of applicants are then checked when the visa application is processed by the consular services. - Family members eligible for family reunification: According to article L561-2 of the CESEDA, the family reunification procedure gives the beneficiaries of international protection the right to be joined: "1° By their spouse or the partner with whom they are in a civil union, aged at least eighteen, and the marriage or civil union must have taken place prior to the date on which the application for protection was submitted; 2° By their partner, aged at least eighteen, with whom they lived in a sufficiently stable and continuous

			relationship before the date on which they applied for asylum; 3° By the couple's unmarried children who have not reached their nineteenth birthday. 4° By the children and those of the spouse from previous unions under the age of 18 if their filiation is only established with regard to the sponsor or their spouse or if the other parent is deceased or stripped of their parental rights or who are entrusted to the sponsor or their spouse by a foreign court decision. If refugees or beneficiaries of subsidiary protection are unmarried minors, they may apply for the right to be joined by their parents and any unmarried minor siblings for whom they have actual responsibility". The age of the children is assessed on the date on which the application for family reunification was submitted, which corresponds to the date of the applicant's personal appearance at a consular post. In addition, article L561-3 of the CESEDA states that the benefit of family reunification is refused: - "1° To family members whose presence in France would constitute a threat to public order, or where it is established that they are instigators, perpetrators or accomplices in the persecution and serious harm which justified the granting of asylum protection; - 2° Applicants or family members who do not comply with the essential principles which, in accordance with the laws of the Republic, govern family life in France, the host country." - Decision: If the application is in conformity, a favourable decision is taken and a visa sticker is affixed to the travel document by the consulate. This sticker is valid for three months and allows family members to travel to France to obtain a residence permit from the prefectural authorities. - Issuing of residence permits: family members of refugees receive a 10-year residence permit. The family members of a beneficiary of subsidiary protection receive a multi-annual residence permit identical to the permit issued to the protected person. 2. Article 1 of decree no. 2008-1176 of 13 November 2008 on the attributions of heads of diplomatic missions and heads of consular posts regarding visas states that consular authorities "may only issue visas to foreign nationals habitually resident in their consular district". Nevertheless, this article specifies: "However, they may issue visas to foreign nationals who can justify unforeseeable and compelling reasons which

			prevented them from submitting their application in the consular district where they usually reside". In principle, these provisions apply to family members of refugees, some of whom have had to flee their country of origin. Consequently, the submission of a visa application for family reunification cannot depend on legal residence in a third country. However, habitual or occasional residence will be required in order to ensure that the applicants appear in person to submit the visa application at the post. Recent case law from the Court of Justice of the European Union (CJEU) (Ruling C-1/23 of 18 April 2023 Afrin) now requires Member States to introduce alternative provisions when the family members of the beneficiary of international protection prove that they are prevented from appearing in person at a consular post to submit their visa application for family reunification. Nevertheless, a personal appearance will be required at a later stage in the procedure in order to collect fingerprints and carry out the necessary checks before the visa is issued. 3. Examination of the application does not start until the visa application file has been submitted to the consular post and is deemed to be complete, i.e. after the applicant has appeared in person to take the biometric and pay the visa fee. The application is then registered by the consular services and a receipt is issued to the applicant(s). The date indicated on this receipt starts the regulatory deadlines. This will be the date taken into account when assessing the age of the children. 4. N/A There is no maximum time limit for submitting an application for family reunification. Family members can submit a visa application to the consular authorities (or their service provider) as soon as the beneficiary of international protection has obtained status in France. 5. The procedures for obtaining an appointment with the diplomatic or consular post vary depending on the country. Some consulates may subcontract to external service providers the making of appointments and/or the submission of visa applications.

			Once the visa application for family reunification has been submitted and the applicant has appeared in person (paid the visa fee and taken fingerprints), the consular post, in collaboration with the Office for Refugee Families (Sub-Directorate for Visas / Directorate for immigration / General Directorate for Foreign Nationals in France) at the Ministry of the Interior and Overseas Territories, will examine the application. Family ties, civil status and identity are checked. Under article L561-5 of the CESEDA, family members of refugees or beneficiaries of subsidiary protection must provide proof of their identity, civil status and family ties. In the absence of an identity or travel document, the persons concerned may prove their identity by any means. Once the application has been registered with the consular services, in accordance with the provisions of article R561-3 of the CESEDA, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) will be asked by the Office for Refugee Families about the composition of the family. In addition, a form is also sent to the beneficiary of international protection in France in order to ascertain his or her willingness to be joined by members of his or her family Once the application has been approved by the consular post, the visa is issued. Family members then apply for a residence permit once they have arrived in France. 6. After selecting the consulate nearest to the country of residence of the family members, the application is then initiated on the "France Visas" website. Each family member of the beneficiary of international protection must fill in information relating to their identity, address and travel document. Once the pre-application has been validated, family members must make an appointment with the relevant consular post or its service provider, as appropriate, to finalise the visa application procedure, take fingerprints as provided for in article R312-1 of the CESEDA and pay the visa fees (art. R312-2 of the CESEDA). They must also provide the following documents: - One visa application form per person, - A valid travel document, - Two passport photographs that meet European standards, - A copy of the letter from the OFPRA and/or the decision of the National Court for Right of Asylum, informing of the granting of protection OR a copy of the residence permit mentioning the status of refugee or

			beneficiary of subsidiary protection, - A full copy of the birth and/or marriage certificate establishing their family relationship with the visa applicant (family member of the beneficiary of international protection), or failing this any document that can establish this relationship, - 99 per person in local currency. In accordance with article L561-4 of the CESEDA, there are no conditions relating to resources, accommodation or length of residence in France when applying for family reunification. Lastly, in the event that the family member of the beneficiary of international protection is unable to provide a valid travel document, the visa may, in exceptional circumstances, be issued on the basis of a consular pass (decree dated 30 December 2004 relating to the attributions of the heads of consular posts with regard to travel documents, in force as of 7 August 2023). 7. N/A There is no maximum time limit for submitting an application for family reunification. 8. In accordance with article L561-5 of the CESEDA, family members of refugees or beneficiaries of subsidiary protection may provide proof of their identity, civil status and family ties by any means. Thus, if there is no civil status record or if there is any doubt as to their authenticity, the elements of possession of status defined in article 311-1 of the Civil Code and the documents drawn up or authenticated by the OFPRA, on the basis of article L. 121-9 of this code, may be used to prove the family situation and identity of applicants. The elements of possession of status enable the consular services to establish the link between the family member submitting the application for family reunification and the beneficiary of international protection, when it is not possible to provide official documents. This is a body of evidence making it possible to establish the family link with the beneficiary of international protection in France. 9. According to article L561-2 of the CESEDA, the family reunification procedure gives the beneficiary of

			international protection the right to be joined "by the couple's unmarried children who have not reached their nineteenth birthday". The age of the children is assessed on the date on which the application for family reunification was submitted (date of personal appearance at the consular services for fingerprinting and payment of visa fees). There is one exception to the principle that the child's age is assessed on the date of the visa application, based on the requirements of European Union law and the interpretation of directive 2003/86/EC by the CJEU in its rulings of 16 July 2020 and 1 August 2022. Thus, if the child has reached the age of nineteen between the parent's application for asylum and the granting of refugee status or subsidiary protection, provided that the application for reunification was submitted within three months of the granting of protection, the age must be assessed on the date of the application for asylum. In this specific case, where the child has reached the age of nineteen between the parent's asylum application and the granting of refugee status or subsidiary protection, the application of the provisions of national law should be neutralised in favour of the requirements of European Union law. 10. N/A. The age of the children is assessed on the date on which the application for family reunification is actually submitted to the consular services after the applicants have appeared in person (visa fees paid and fingerprints taken). Unmarried children of the couple who have not reached their 19th birthday or children of the sponsor or their spouse from previous relationships under the age of 18 may apply for reunification (see Q1). 11. Beneficiaries of international protection who are minors may be joined by their direct ascendants accompanied, where applicable, by their brothers and sisters, from the time they are granted protection and for as long as they remain minors. If the beneficiary of international protection who is a minor has come of age after submitting their asylum application but before obtaining status, the visa application must be submitted by the members of their family within 3 months of obtaining protection (CJEU ruling of 12/04/2018).

			12. When visa applications are examined by the French consular authorities, the actual nature of the family ties is assessed on a case-by-case basis in accordance with the principle of possession of status, which means that the family ties can be proven by any means (payment of money, calls, messages, etc.).
	EMN NCP Germany	Yes	1. Persons living in Germany, who have been formally recognized as beneficiaries of protection (refugees), are entitled to reunite with their spouse and minor children in Germany. Special regulations apply to individuals with subsidiary protection, temporary protection and those for whom there is a national ban on deportation. The respective family members wishing to be reunited with the beneficiary in Germany are required to submit their application(s) for family reunification in person to the respective German Embassy or Consulate General in their country of residence. In general, an appointment must be booked beforehand. 2. As a rule, anyone wishing to apply for a visa must do so in person at the competent mission in their country of residence. However, if the application in the country of residence is not possible due to circumstances beyond the applicant's control, applying at a different German Embassy or Consulate General can be permissible in exceptional circumstances. Furthermore, notifying the respective authorities within three months of being granted international protection eases requirements regarding living and accommodation costs when spouses and children join recognised refugees or persons entitled to asylum. To meet the deadline, a visa application or a timely notification must be submitted; a submission can also be done via the web portal www.fap.diplo.de. The notification/application must be submitted within three months of receiving recognition as being entitled to asylum or as a refugee by the Federal Office for Migration and Refugees. A personal appointment (and application) at a later date is still a requirement to obtain a visa in those cases. 3. An administrative act, such as a decision on an application for family reunification, shall be decided on the merits within a suitable period. A suitable time period is considered to be no less than three months since the day the application (in person) has been received either by the German mission or an external contractor. If there is an adequate reason, why a decision cannot be made within three months and the responsible

			authorities have not been inactive, this period may be extended on a case by case basis. 4. There is no time limit for applying for family reunification with a beneficiary of international protection. 5. The International Organization for Migration (IOM) supports family members of those entitled to protection when leaving for Germany within the framework of the Family Assistance Programme (FAP). The aim of the programme is to help applicants with any questions related to the visa application process and to ensure that they can submit all necessary documents when they arrive at the mission abroad for their visa appointment. IOM has established family support centres in Addis Abeba, Amman, Beirut, Erbil Islamabad, Istanbul, Kabul (currently operated virtually from Berlin and Istanbul), Khartum (currently operated virtually from Addis Abeba), Nairobi and Teheran. There are no other non-governmental organizations involved in this visa process for those applying for family reunification to a beneficiary of protection. The embassies and consulate generals, as well as the Federal Agency for Foreign Affairs evaluate and decide on the applications. 6. Applicants must submit the completed visa application form and other documents supporting their application (e.g. marriage and birth certificates, other documents concerning civil status, passport) so that both the family relationship as well as the identity of the applicants can be determined. 7. For the notion of 'objectively excusable', please see rationale in CJEU C-380/17. There is no time limit for applying for family reunification with a beneficiary of international protection. 8. Alternative means to prove identity and/or family relationships may be presented during the application process. 9. In cases where the children of beneficiaries of international protection turn 18 during the international protection procedure (refugees) a family reunification may still be possible. 10. As a rule, children may only be eligible for family reunification until they reach the age of maturity, i.e.

			until they are 18 years of age. However, adult children may still apply for family reunification at any age, provided their case is one of exceptional hardship. The regulations on family reunification are governed by the German Residence Act (AufenthG), available in English at: https://www.gesetze-im-internet.de/englisch_aufenthg/. However, family reunification for persons outside the nuclear family (i.e. spouses/life partners, minor children, parents of minor children) can only be granted within the scope of discretion to avoid exceptional hardship (section 36 (2) Residence Act). An exceptional hardship is given if either the family member living in Germany or the family member willing to join is dependent on family life support which can only be provided in Germany (e.g. as a result of a special need for care). Circumstances that justify such a family dependency can only result from individual peculiarities of the case (e.g. illness, disability, need for care, psychological distress). Circumstances arising from the general living conditions in the country of origin of the family member joining the migrant cannot be taken into account in this respect. The other requirements for the granting of residence permits (person entitled to the right of origin has a corresponding residence title, sufficient living space, means of subsistence including sufficient health insurance cover) must be fulfilled (Section 29 par. 1, Section 5 par. 1 no. 1 Residence Act). 11. See the answer to Q9. 12. As a rule, there is a requirement to name the intended purpose of stay for any visa application regardless the circumstances. If false or incomplete information is provided with the intent to procure a visa or residence title, the applicant can be denied a visa. Thus, the intent to lead a real family life is a prerequisite for the family reunification.
	EMN NCP Greece	**Yes**	1. In Greece the procedure of family reunification is regulated by Presidential Decree (PD) 131/2006 (G.G. A' 143) {as amended by P.D. 167/2008 and P.D. 113/2013} which transposed in the national legislation the Directive 2003/86/EC. According to the legislation, only recognized refugees have the right to apply for reunification with family members who are third-country nationals if they reside in their home country or in

			another country outside EU. Moreover, according to the "Organization of Ministry of Migration and Asylum" (art. 29 g of PD 106/2020, G.G. A' 255), αν entitled application is lodged before the «Asylum Unit of International Protection Beneficiaries» (AUIPB), the dedicated department of the Asylum Service, the competent national asylum authority. "Family members" (article 13 of PD 131/2006) include: • Spouses, • Unmarried minor children, • Unmarried adult children with serious health problems which render them incapable to support themselves, • Parents, where the beneficiary solemnly declares that he or she has been living with them and taking care of them before leaving his or her country of origin, and that they no longer have other family members to care for and support them, • Unmarried partners with whom the applicant has a stable relationship, which is proven mainly by the existence of a child or previous cohabitation, or any other appropriate means of proof. If the refugee is an unaccompanied minor, he/she has the right to be reunited with his/her parents if he/ she does not have any other adult relatives in Greece. According to art. 14, par. 1 if a recognised refugee requests reunification with his/her spouse and/or dependent children, within 3 months from the deliverance of the decision granting him/ her refugee status, the supportive documents required with the application are: • A recent family status certificate, birth certificate or other document officially translated into Greek and certified by a competent Greek authority, proving the family bond and/or the age of family members; and • A certified copy of the travel documents of the family members. However, if the applicant cannot provide these certificates, the authorities shall take into consideration other appropriate evidence. On the other hand, if the refugee is an adult and the application refers to their parents and/or the application is not filed within 3 months from recognition, apart from the documents mentioned above, further documentation is needed according to art. 14 (3), citing art. 14, par. 1 (d): • Full Social Security Certificate, i.e. certificate from a public social security institution, proving the

			applicant's full social security coverage, or • Tax declaration proving the applicant's fixed, regular and adequate annual personal income, which is not provided by the Greek social welfare system, and which amounts to no less than the annual income of an unskilled worker – in practice about € 8,500 – plus 20% for the spouse and 15% for each parent and child with which he or she wishes to be reunited, It needs to be mentioned that the Asylum Service has interpreted this article of P.D. 131/2006 "in a pro-refugee light'. Either a full social security certificate or tax declaration proving sufficient income is required (not both of them). • A certified contract for the purchase of a residence, or a residence lease contract attested by the tax office, or other certified document proving that the applicant has sufficient accommodation to meet the accommodation needs of his or her family. The abovementioned additional documents are not required in case of an unaccompanied child recognised as refugee, applying for family reunification after the 3-month period after recognition (art. 14, par. 3, citing art. 14, par. 1d). The Asylum Service conducts an interview with unaccompanied or separated children who are recognised refugees, aged between 10-15 years old, and have applied for family reunification, which entails simple questions about their family, appropriately adjusted with consideration to their age. For children under 10 years of age, a written memorandum is submitted before AUIPB. Despite the fact that P.D. 131/2006 does not include siblings as family members, the AUIPB, in cases of unaccompanied minors, is asking from the Director of the Asylum Service an ad hoc exception, in order to issue a positive family reunification decision also for the refugee's siblings. Further information can be found in the official website of the Ministry of Migration and Asylum: https://migration.gov.gr/en/gas/dioikisi/ 2. Applications must be submitted in person by the refugee. 3. The examination of the application is assigned to an employee of the Asylum Service (case-worker) to check the supporting documents and submit a proposal related to the refugee's family reunification application (article 14, par.4 of PD 131/2006). In order to verify the existence of a family relationship, case-

			worker may invite the refugee and his family member/s to an interview and conduct any other relevant examination deemed necessary. Written notification of the decision is given to the applicant as soon as possible and in any event no later than nine months from the date on which the application was lodged (art. 14, par. 5). In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred may be extended up to two more months. In any case shall have due regard to the best interests of minor children. 4. According to national legislation, the late submission of an application (over 3 months after the decision of the recognition) does not have as a consequence the rejection of the application. However, the applicant must provide additional supporting documents as mentioned above (art. 14, par. 3, citing art. 14, par. 1 d of PD 131/2006). This further obligation does not apply in the case of applications of unaccompanied minors. 5. Regarding the Greek consular authorities, the validation of the documents is included among the tasks of the consular authorities. Moreover, the procedure of the examination of the application includes, inter alia, communication and cooperation with the competent Greek Consulates, interviews with both the refugee before the AUIPB and his/her family members before the Competent Consulate and DNA testing, where requested. The procedure is described in relevant Joint Ministerial Decision (nr. 47094/2018, G. G. B') regarding the requirements for the issuance of visas for family members in the context of family reunification with refugees. Among other provisions, this Decision sets out a DNA test procedure, in order to prove family links and foresees interviews of the family members by the competent Greek Consulate (the entire procedure is described in relevant handbook of Ministry of Foreign Affairs). According to the Ministerial Decision, the refugee must pay 120€ per DNA sample and the DNA kit is sent from the Forensic Science Department that will conduct the test, to the Greek Consulate in the diplomatic bag of the Ministry of Foreign Affairs. 6. See answer to question 1. 7. See above reply to question 4.

			8. Applications of family reunification must be supported by the relevant documents. However, in order to verify the existence of a family relationship, the case-worker can use all lawful tools such as interviews with the refugee and his family member or members, DNA test, etc. (art. 14, par. 4). According to the Ministry of Foreign Affairs and the provisions of relevant Ministerial Decision (nr.47094/2018, GG B' 3678), the Asylum Service, in order to verify that a family relationship exists, may address a relevant request to the competent Greek consular authority. For this purpose, the Asylum Service proposes a) the conduct, by the Greek Consul, of an interview with the refugee's family members, mainly on the basis of questions sent to the consular authority by the Asylum Service that conducts the examination of the file or b) the conduct of an interview with the refugee's family members by the Asylum Service, via teleconference, organized by the Greek consular office and with the presence of a representative of the consular office. The Greek consular office prepares relevant minutes which are sent to the Asylum Service to decide on the case. In case the Asylum Service has doubts on the documents' validity, these are sent to the consular office for relevant verification and check. Moreover, the Asylum Service or the Hellenic Police may request genetic material for a DNA analysis, in order to be verified the family relationship/bond between the refugee and his/her family members. The genetic material is always taken with the consent of the person concerned and is carried out with utmost respect to her/his dignity. The analysis is limited exclusively to the data that are absolutely necessary for the verification of the family bond and is carried out by the Directorate of Criminological Investigations of the Hellenic Police. 9. According to art. 13 of P.D. 131/2006, as interpreted in accordance with point (c) of the first subparagraph of Article 4 (1) of Directive 2003/86, following the above mentioned Judgement of the Court, the date which should be referred to for the purpose of determining whether an unmarried third-country national or refugee is a minor child, within the meaning of that provision, is that of the submission of the application for entry and residence for the purpose of family reunification for minor children, and not that of the decision on that application by the competent authorities of that Member State, as the case may be, after an action brought against a decision rejecting such an application. 10. According to our national law (P.D. 131/2006), there is no age limit for adult children. The only condition

			should be met is that they should not meet their needs -following objective criteria-, due to their health condition. 11. Article 2 (f) of Directive 2003/86, read in conjunction with Article 10, par. 3 (a) must be interpreted as meaning that a third-country national or stateless person who is below the age of 18 at the moment of his or her entry into the territory of a Member State and of the introduction of his or her asylum application in that State, but who, in the course of the asylum procedure, attains the age of majority and is thereafter granted refugee status, must be regarded as a 'minor' for the purposes of that provision and thereof for the application of family reunification.
	EMN NCP Hungary	**Yes**	1. The family member of a recognised refugee and the parent or, in the absence of a parent or guardian, the unaccompanied minor of a recognised refugee may be granted a residence permit in Hungary for the purpose of family reunification. He/she is considered a family member: the spouse of the third-country national; the minor child (including adopted and fostered children) of the third-country national in common with his/her spouse; the dependent minor child (including adopted and fostered children) of the third-country national over whom the third-country national has parental authority; a dependent minor child (including adopted and fostered children) of the spouse of a third-country national over whom the spouse has parental responsibility. A residence permit for the purpose of family reunification may be granted to the sponsor or his/her spouse, or to the dependent parent of a recognised refugee, his/her brother or sister and his/her direct relative if he/she is unable to care for himself/herself because of his/her state of health. Family reunification with a recognised refugee cannot be refused on the sole ground that there is no documentary evidence of the existence of a family relationship. The spouse of a recognised refugee may be granted a residence permit for the purpose of family reunification if the marriage was contracted before the recognised refugee entered Hungary. The spouse of the sponsor may not be granted a residence permit if the other spouse of the sponsor is in possession of a residence visa or residence permit issued for the purpose of ensuring family reunification. After the applicant has obtained the necessary documents for entry into Hungary and received a visa, he/she must appear in person at the National Directorate-General for Aliens Policing (hereinafter: Directorate-General)

			to submit his/her application for family reunification. 2. No, the general rules (personal appearing also) apply to the submission of an application for a residence permit. As a general rule, applications for a residence permit must be lodged before the consular officer or other place authorised to receive applications for a residence permit in the country of the applicant's permanent or habitual residence, or nationality. An application for a residence permit may also be submitted before a consular officer or other place authorised to receive applications for a residence permit in a country other than the country determined in principle in which the applicant is legally resident, provided that there is no consular officer or other place authorised to receive applications for a residence permit in the country determined in principle, or that the applicant provides documentary evidence of the reasons for applying in a third country other than the country of his/her permanent or habitual residence, or that his/her entry and residence are of significant economic, cultural, scientific or sporting interest to Hungary. The place authorised to receive the application for a residence permit are the honorary consul or commercial representation or an external service provider authorised to receive the application. In other cases, a third-country national residing in Hungary may submit his/her application for a residence permit before the competent regional directorate as per his/her place of accommodation,; however, his/her application may be granted if he/she fulfils the conditions for residence in Hungary laid down by law and has provided proof of justifiable special circumstances. 3. Unless it is otherwise regulated by law or government decree, the time limit for the administration process of aliens policing proceedings is 21 days. An application for a residence permit submitted at the diplomatic mission (with the attached documents) is forwarded by the consular officer to the competent regional directorate as per the third-country national's future place of residence in Hungary without delay after the application has been submitted. The time limit for processing the application starts on the first working day after the application is received by the competent regional directorate. In justified cases, the time limit may be extended once by a maximum of 21 days. According to Act LXXX of 2007 on Asylum, the time frame is in the asylum procedure for family reunification

			60 days. 4. If the period between the recognition as a refugee and the application for family reunification is longer than three months, a third-country national who is recognised as a refugee must prove that he/she has accommodation in Hungary, that he/she is financially able to cover his/her housing and subsistence expenses for the entire duration of his/her stay, that he/she is insured for the full range of health care services, or that he/she can cover the costs of his/her health care. There is no further provision in the aliens policing legislation. No application is considered late for the purposes of the asylum procedure. 5. Before entry into Hungary, the application for the issuance of a residence permit, together with the application for the issue of a visa entitling the third-country national to collect his/her residence permit must be lodged, as a general rule, before the consular officer or other place authorised to receive applications for residence permits in the country of the applicant's permanent or habitual residence, or nationality. The consular officer shall forward the application for a residence permit and a visa for collecting the residence permit of the third-country national to the regional directorate; the application shall be examined by the competent regional directorate as per the foreign national's place of residence. If the regional directorate grants the application for a residence permit, it shall at the same time authorise the issuance of a visa for the purpose of collecting the residence permit and shall inform the consular officer thereof. The visa for the purpose of collecting the residence permit, which entitles the third-country national to a single entry into Hungary and a stay of 30 days in Hungary, is issued by the consular officer. The third-country national receives the issued document from the competent regional directorate. When the application for a residence permit is submitted, the consular officer or – if necessary during the procedure – the regional directorate may hold an in-person interview. In case of family reunification with a person recognised as a refugee or a beneficiary of subsidiary protection, the existence of a family relationship can be proven by any credible way, in particular by DNA testing. The samples for DNA testing shall be taken in the presence of a representative of the regional directorate or the consular officer

			6. In case of family reunification with a person recognised as a refugee or a beneficiary of subsidiary protection, the existence of a family relationship can be proven by any credible way, in particular by DNA testing. If the period between the recognition as a refugee and the application for family reunification is longer than three months, a third-country national who is recognised as a refugee must prove that he/she has accommodation in Hungary, that he/she has financially able to cover his/her housing and subsistence expenses for the entire duration of his/her stay, that he/she is insured for the full range of health care benefits, or that he/she can cover the costs of his/her health care. Therefore, if the application is made within three months, no documentary evidence of the above mentioned conditions is required. This allowance is not applicable in case of an application for a residence permit submitted by a family member of a third-country national recognised as a beneficiary of subsidiary protection. 7. As explained in point 6, if the application is submitted after three months, the applicant must provide documentary evidence that he/she has a place accommodation or habitation in Hungary; that he/she is financially able to cover his/her subsistence and living expenses for the entire duration of his/her stay, including the costs of travel; and that he/she is insured for the full range of health care services or can cover the cost of his/her health care. 8. The authority will consider the case and decide on it on the basis of the information, facts and evidence available. If the existence of the family relationship is proven by the third-country national on the basis of DNA testing carried out abroad, the regional directorate will contact the Hungarian Institute for Forensic Sciences to verify the admissibility of the proof, which will provide an expert opinion. 9. In Hungary, the family member of a recognised refugee and the parent or, in the absence of a parent the guardian of an unaccompanied minor recognised as a refugee may be granted a residence permit for the purpose of family reunification.

			A residence permit for the purpose of family reunification may be granted to the dependent parent of a recognised refugee; his/her brother or sister and his/her direct relative if he/she is unable to care for himself/herself due to his/her state of health. In Hungary, the family member of a recognised refugee and the parent or, in the absence of a parent the guardian of an unaccompanied minor recognised as a refugee may be granted a residence permit for the purpose of family reunification. A residence permit for the purpose of family reunification may be granted to the dependent parent of a recognised refugee; his/her brother or sister and his/her direct relative if he/she is unable to care for himself/herself due to his/her state of health. 10. See the rules indicated in answer 9. 11. The Hungarian legislation does not set such a specific timeframe for the issuance of a residence permit for the purpose of family reunification 12. If the family relationship is verified, the authority has discretion – to be based on an assessment of the information and documents available – to decide whether a dependent relationship exists between the parties.
	EMN NCP Italy	**Yes**	1. The application for family reunification must be submitted to the Sportello Unico per l'Immigrazione - Territorial Office of the Government (Prefectures which have the territorial jurisdiction - the place of residence of the applicant for reunification). The application is presented exclusively electronically and provides access to the dedicated site of the Ministry of the Interior. The applicant, after online registration or through a digital identity, completes and sends the application form online. The procedure consists of two stages: 1) The Sportello Unico per l'Immigrazione verifies the objective requirements for the issuance of the "nulla-osta" (the prior authorization), such as the residence permit.

			2) The Italian diplomatic-consular authority competent for the Country of origin, at the time of the request of the family member residing abroad, checks the subjective requirements for the issuance of the entry visa (such as family link, and other requirements of the subjects to be reunited). Family reunification is generally permitted with the following family members: a) spouse not legally separated and not less than 18 years of age; b) minor children, including children of the spouse or born out of wedlock, unmarried, provided that the other parent, where it exists, has given its consent; c) dependent adult children, if, for objective reasons, they are unable to meet their essential living requirements because of their state of health, leading to total disability; d) dependent parents, if they do not have other children in the country of origin, or parents over the age of 65 if other children are unable to support them for documented, serious health reasons. If the refugee is an unaccompanied minor, entry and residence for reunification of first-degree ascendants is permitted. To issue an entry visa, the family link must be proved and the family member must not be reported in the Schengen Information System database. 2. Beneficiaries of international protection are entitled to family reunification on more favorable terms than holders of a different residence permit. The beneficiary must not provide proof of suitable housing or minimum income possession. If she/he is unable to provide official documents proving family ties, she/he may use other means to prove their existence, and the Italian diplomatic authority is required to carry out the verifications to issue appropriate replacement certifications. In any case, a refugee application for family reunification can not be refused only because of the absence of documentary evidence of family ties. In exceptional circumstances, for example for countries at war, visa applications may be submitted to an Italian consular diplomatic mission adjacent to the country of permanent residence of the refugee's family member. 3. The procedure for family reunification begins at the moment of the electronic submission of the request for the prior authorizazion (request for the "nulla osta") to the Territorial Office of the Government (Prefecture), which therefore determines the opening of the administrative procedure. From that date, the period for the

			issue of the authorization starts: 90 days. Once issued, the authorization is automatically transmitted to the Italian diplomatic-consular authority to apply for the entry visa. The family members must produce the certificate attesting to the family relationship, translated and legalized (for example marriage, minor age, and any necessary civil status). The entry visa must be issued within 30 days of the submission of the application by family members residing abroad, regardless of the status of the foreign family member residing in Italy. The 30 days begin with the filing of the complete documentation with the external service provider or with the consular diplomatic mission. In the event of incomplete documentation, the Consular Diplomatic Mission sends a notice of refusal indicating the missing documentation and the deadline for its submission. The rejection notice shall interrupt the 30-day period for processing the request. Once they have obtained the entry visa, the family members must complete within 8 days the procedure of first entry at the Sportello Unico per l'Immigrazione. The first residence permit for family reunification is issued by the Police Office within 60 days. 4. In Italy there are no time limits for applying for a family reunification visa. 5. Consular diplomatic offices receive applications for entry visas. The examination of a visa application, in addition to the assessment of the authenticity of the submitted documentation, may also include an interview with the applicant. The Prefectures are responsible for issuing the authorization, the diplomatic-consular authorities for issuing the visa, and the Police office for issuing the first residence permit for reunification. In addition, employers' associations can assist foreign citizens in the submission of requests for reunification. If there is doubt in the relationship or in the absence of certification, the consular diplomatic offices may request DNA testing. This test shall be carried out at the applicant's expense (including costs). As regards the collection of documental evidence, this shall be borne by the applicant who must prove the relationship. 6. The beneficiary of international protection has a more favorable procedure than other foreigners since he/she does not have to prove the availability of a minimum income or the availability of suitable

			accommodation. Therefore, the minimum documents required for the application are: • application form duly completed and signed; • documentation attesting to the family relationship; • non-reporting for purposes of non-eligibility for reasons of security or public order; • copy of the applicant's passport and of the family members where the number and personal details are visible; • valid residence permit or expired residence permit and receipt of an application for renewal; • fiscal code of the applicant; • self-certification or certificate of the applicant's family status issued by the municipality of residence; • self-certification or certificate of family status for persons living in the accommodation where reunited family members will reside issued by the municipality of residence. 7. No, because there are no constraints for applying for family reunification concerning the date on which international protection was granted. 8. Where it is not possible to submit official documentary evidence concerning family relationships, due to the lack of a recognized authority or where there are reasonable doubts as to the authenticity of the documentation, the diplomatic missions or consular posts shall issue certificates based on DNA examination carried out at the expense of the persons concerned. Other means of proving the existence of the family link may also be used, including evidence drawn from documents issued by international bodies deemed appropriate by the Ministry of Foreign Affairs. In that case, the rejection of the application cannot be justified only by the absence of supporting documents. 9. According to Italian legislation, the child must be a minor at the time of the request for the authorization of the Prefecture by the parent staying in Italy. There is no such described situation, since in Italy there is no right to apply for family reunification for the foreigner still awaiting a final decision on international protection. The application for reunification can only be submitted by foreigners who have already obtained a residence

			permit for international protection. 10. The Italian legislation does not set an age threshold for dependent children of legal age for family reunification, but sets different conditions: only dependent children of legal age may be reunited, if, for objective reasons, they are unable to meet their essential living requirements because of their state of health leading to total disability (whether or not the parent in Italy enjoys international protection). 11. No, there are no time limits. Unaccompanied minors seeking asylum with relatives in states participating in the Dublin system may apply for family reunification at the time of formalization requested international protection. If the request by the foreign State is successful, the Italian Dublin Unit organizes the transfer to the relative. An unaccompanied minor who comes of age during the asylum procedure shall retain his or her right to family reunification. 12. Generally, as stated above, the actual family link is established through official documents produced by the person concerned, or provided by the diplomatic-consular authority. For beneficiaries of international protection, the rejection of the application cannot be justified solely by the absence of supporting documents. In this context, any useful and circumstantial element or known facts from which the family bond can be inferred can be taken into consideration (judgment of 18.6.2020, n. 2975 - Court of Appeal of Rome; judgment of 17.6.2020, n. 2912, the Court of Appeal of Rome).
	EMN NCP Latvia	**Yes**	1. In order to start family reunification procedure family members of beneficiary of international protection, submit documents to the diplomatic or consular Mission of the Republic of Latvia (hereinafter – Representation) abroad based on the invitation of beneficiary of international protection confirmed by the Office of Citizenship and Migration Affairs in Latvia. In accordance with the Asylum Law beneficiary of international protection has the right to reunite with family members who are in foreign countries. Definition of the Asylum Law prescribes that family members of beneficiary of international protection are: - the spouse of beneficiary of international protection,

			- the minor child of the beneficiary of international protection and the spouse of such person, who is not married and is dependent on both or one of the spouses or is adopted, - the father, mother or other adult who in accordance with the laws and regulations of the Republic of Latvia is responsible for the beneficiary of international protection, if the above-mentioned beneficiary of international protection is a minor and not married, provided that such family has already existed in the country of origin. The refugee has a right to immediately start family reunification procedure after the refugee status granted (there is no specific time limit when the family reunification procedure must be initiated). Person having acquired subsidiary protection status has such right, if he or she has resided in the Republic of Latvia for at least two years after acquisition of such status. An unaccompanied minor who has been granted international protection and who is not married has the right to reunite with the mother and father. 2. Yes, if family member of beneficiary of international protection legally is staying in the Republic of Latvia - he/she is in possession of visa or residence permit issued for period what allows to wait for decision on family reunification and receive a residence permit, for example, due to circumstances not related to need for international protection. 3. The time frame starts to run from the moment when the documents submitted by family member have received at the Office of Citizenship and Migration Affairs in the Latvia (institution responsible for taking decisions on family reunification). The same approach is applied when the documents for family reunification are submitted to the Representation. 4. N/A. Latvia has chosen not to apply Article 12.1. of Council Directive 2003/86/EC. 5. There are two main institution involved in the process of family reunification – the Office of Citizenship and Migration Affairs and Representation abroad. NGOs or other institutions may be involved in providing cosultations for beneficiaries of international protection.

			6. A foreigner who wishes to obtain a residence permit for family reunification with beneficiary of international protection shall present a valid travel document and submit the following documents: an application of a specific form for the request of a residence permit, a photograph, a document certifying the payment of the State fee or its copy, if the documents for residence permit with regard to family reunification have been submitted to the Representation, copies of documents attesting kinship. If a family member of beneficiary of international protection cannot submit the document attesting kinship and has indicated in writing a reasonable grounds, the relevant authority may accept the documents necessary for family reunification without the respective document. 7. N/A. Latvia has chosen not to apply Article 12.1. of Council Directive 2003/86/EC. 8. If the family member of the beneficiary of international protection cannot submit a document proving kinship and has given a valid reason in writing, the Office of Citizenship and Migration Affairs in order to make a decision on family reunification evaluates all the information at its disposal, including information obtained during the examination of asylum application, making sure that there are no mutual contradictions. If necessary additional explanations are requested. 9. The application for family reunification must be submitted before the children have reached the age of 18. 10. The family reunification procedure applies only in accordance with the definition of a family member in the Asylum Law (please see answer on question 1). 11. Until now we have no had such cases. 12. Until now we have no had such cases.

	EMN NCP Lithuania	Yes	1. In Lithuania, the foreigner fills in the application for a temporary residence permit electronically via the Migration Department's website www.migracija.lt by connecting to the Lithuanian Migration Information System (MIGRIS). In the application, the foreigner can indicate that he/she is a family member of a person who has been granted asylum in Lithuania. Once the application is completed, it needs to be accompanied by digital copies of the documents justifying the basis to issue the temporary residence permit. According to the national authorities, such documents are travel document, family ties documents, or other documents foreigner considers relevant for the examination of his/her application. The application also includes the possibility for the foreigner to enter information that he/she considers relevant. In the application, the foreigner also chooses where the application will be lodged, either to the external service provider (if the foreigner is abroad) or directly to the Migration Department (if the foreigner is in Lithuania). After the application is completed and if the foreigner has chosen that the application will be submitted directly to the Migration Department, he/she is redirected to reserve a visit at the Migration Department. If the foreigner decides to have their application processed by an external service provider, he/she must use the service provider's system to schedule a visit after he/she has submitted the application request. The application of a minor under the age of 16 is completed by his/her parents or other legal representative. Minors from the age of 16 complete the application themselves. In cases when a foreigner, due to incapacity or physical disability, is unable to come to the Migration Department, his/her legal representative may complete the application (if the foreigner is incapacitated). In such instances, an employee of the Migration Department can travel to the foreigner's location to collect his/her biometric data. 2. There are two ways established in the Law on the Legal Status of Foreigners to submit an application for family reunification: • If you are in the Republic of Lithuania, you can directly submit an application to the Migration Department; • If you are abroad, you can do so via the external service provider. The Law on the Legal Status of Foreigners does not provide any other means of submitting an application. 3. The starting point for the time frame to issue the decision on the application for family reunification with

			beneficiaries of international protection begins after national authorities have accepted the application from the foreigner. If the foreigner is in Lithuania, the Migration Department accepts the launched application, and the application is evaluated afterwards. If the foreigner applies from abroad, the application is received by the external service provider. Applications are filled electronically via MIGRIS. As a result, after the application is received by the external service provider, it is immediately referred to the Migration Department for examination. 4. Currently, specialists from the Migration Department have not recorded a significant number of cases when a foreigner applied for a temporary residence permit on the grounds that he/she is a family member of a person who received asylum in Lithuania. Every such case is examined individually by assessing the circumstances put forward by the foreigner. For example, during the COVID-19 pandemic, objective excusable circumstances identified by national authorities were related to travel restrictions, the inability to obtain timely tickets for a flight to Lithuania and suspended or restricted work of the diplomatic missions and consular posts of the Republic of Lithuania. 5. The Migration Department conducts a remote hearing with the foreigner who has applied for a temporary residence permit to ascertain his/her identity and confirm the purpose of his/her travel to Lithuania. When necessary, national authorities interview a foreign national at the premises of the external service provider. International organisations, such as the Red Cross, and local NGOs assist foreigners in drafting documents, provide legal consultations, and advise on the arrival to Lithuania. In 2021, the simplification of procedures happened after Lithuania recognised the emergency travel document of the International Committee of the Red Cross. As a result, this document helped the family members of a foreign national who had been granted asylum in Lithuania reach the country more easily. 6. The minimum documentary requirements for submission of an application for family reunification with beneficiaries of international protection are evidence of family ties. If the person does not hold official documents, such as a marriage certificate or birth certificate for children, the foreign national needs to provide national authorities with all available documents, information, and other available evidence to prove the

			existence of a family relationship. The Migration Department acknowledges that the situation of each family is individual, and the provided documents and gathered information are assessed on an individual basis. 7. The minimum documentary requirements are applied when a family member of a beneficiary of international protection applies for a temporary residence permit for family reunification purposes within three months after the beneficiary has been granted asylum in Lithuania. However, if the application for a temporary residence permit is submitted after the 3-month time limit, and this delay is not justified by objective circumstances beyond the control of the foreigner, certain additional documents must accompany the application. These additional documents should serve as proof that the foreigner possesses a valid health insurance document, specifically when the foreigner is not covered by the compulsory health insurance as stipulated by the Lithuanian laws. Additionally, the foreign applicant must provide documentation confirming his/her financial ability to support him/herself in Lithuania for at least one year. For adults, this entails demonstrating an income equivalent to at least one minimum monthly salary in Lithuania, which amounts to €840 in the year 2023. Minors, on the other hand, should show financial means equal to half of the minimum monthly salary. It's important to note that these conditions apply uniformly, irrespective of whether the sponsor is an adult or a minor. 8. In cases where a foreigner lacks official documents confirming family ties, he/she is requested to submit any available documents that can help to establish these ties and provide relevant information. Additionally, the information regarding family members that the asylum seeker initially provided during the assessment of his/her asylum application is reviewed. 9. Application for a temporary residence permit in case of family reunification, when the parents or legal guardians of a minor are residing in Lithuania, must be submitted within three months from the date of asylum being granted in Lithuania to the minor's parent(s), or to the legal guardian. This procedure applies if the child was a minor at the time of the submission of the application for asylum in Lithuania by his/her parents or guardian but had become an adult by the time of the submission of the application for a temporary

			residence permit. 10. While the Lithuanian law does not grant temporary residence permits for family reunification to dependent adult children, these cases are reviewed individually. All relevant circumstances are considered, and the foreign applicant's eligibility for a temporary residence permit based on alternative grounds is assessed. Spouses or individuals with whom asylum seeker have formalized registered partnership agreements, as well as minor children (including adopted children, regardless of whether the adoption adheres to Lithuanian legislation) of the couple or of one parent, even if unmarried, are recognized as members of the applicant's family under Article 2, paragraph 22 of the Law on the Legal Status of Foreigners. 11. A foreigner can apply for a temporary residence permit within three months from the date his/her child (including adopted children) is granted asylum in Lithuania. This applies specifically to cases where the child was an unaccompanied minor at the time of submitting the asylum application in Lithuania but has since reached adulthood at the time of applying for the temporary residence permit. 12. Lithuanian legislation does not provide a specific definition for 'real family relations.' However, a temporary residence permit may be declined if the foreign national and his/her family member, who arrived to reside in Lithuania for family reunification purposes, no longer maintain a marital or family relationship (as stipulated in Article 35(1)(10) of the Legal Status of Foreigners and Article 50(1)(2)). It's important to note that due to the limited number of applications submitted by family members of individuals who have been granted asylum in Lithuania, there is no established practice of denying or revoking a temporary residence permit on these grounds.
	EMN NCP Luxembourg	**Yes**	1. The beneficiary of international protection can apply for family reunification once the Minister in charge of Immigration and Asylum grants the international protection (refugee status or subsidiary protection).[i] For family reunification beneficiaries of international protection will only have to fulfil the conditions applicable to accommodation[ii] and resources[iii] if the sponsor submits the application later than 6 months after the date where international protection was granted (once that it has being notified by the post). The beneficiary of

			international protection has to file his/her application with the Directorate of Immigration.[iv] In Luxembourg not all family members can be subject to family reunification. The amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) foresees as family members: • the spouse or registered partner of the sponsor, aged 18 or over at the time of the application for family reunification[v] (family reunification for a spouse is not allowed in the case of polygamous marriages[vi], i.e. if the sponsor already has a spouse living in the family Luxembourg); • the unmarried children under 18 of the sponsor and/or the spouse or partner for whom they have custody and where the children are dependent on them, or, in the case of shared custody, where the other party sharing custody has given their consent;[vii] • the first-degree direct ascendants (mother and father) of unaccompanied minors who have been granted international protection.[viii] As a general rule and according to a practice also adopted by the administrative courts, if the direct ascendants are accompanied by underage children, family reunification is extended to them. The minister may widen the possibilities for family reunification to the following persons • first-degree direct ascendants of the sponsor or their spouse or partner (mother and father), where they are dependent on the sponsor or their spouse or partner and lack the necessary family support in their country of origin;[ix] • unmarried children aged 18 or over of the sponsor or their spouse or partner, where they are objectively unable to provide for their own needs on account of their state of health;[x] • the legal guardian or any other family member of an unaccompanied minor who has been granted international protection and who has no direct ascendants or if the parents cannot be found.[xi] [i] Article 69 (3) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). [ii] Appropriate accommodation to host the family member(s) (floor area of at least 12 m^2 for the first occupant and 12 m^2 per additional occupant, with natural light through windows that can be opened and closed properly and which measure at least 1/10 of the floor area, heating, running water, electricity, etc.). See Guichet.lu, Application for family reunification for third-country nationals. URL:

			https://guichet.public.lu/en/citoyens/immigration/plus-3-mois/ressortissant-tiers/membre-famille/regroupement-familial.html [iii] The Immigration Law requires proof that the applicant has stable, regular and sufficient resources (salary, wages, income from assets) to support himself/herself 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 wage (2.508,40 EUR) of an unskilled worker over a period of 12 months. The resources of the third-country national must be at least equivalent to this reference level. The prospective assessment of the likelihood of maintaining stable, regular and sufficient resources is based on a prognosis that the resources will reasonably be available during the year following the date of submission of the application for family reunification, so that the sponsor does not have to resort to the social assistance system. The Minister may take into account the sponsor's income during the 6 months preceding the application. Where the applicant's level of resources does not reach 'the level referred to' in the preceding paragraph, the Minister may nevertheless issue a favourable decision, taking into account the evolution of the applicant's situation, in particular in relation to the stability of their employment and income or in relation to the fact that they are the owner of their dwelling or benefit from free of charge housing. See Ibid. [iv] Ibid. [v] Article 70 (1) a) and b) of the amended law of 29 August 2008. [vi] Article 70 (3) of the amended law of 29 August 2008. [vii] Article 70 (2) of the amended law of 29 August 2008. [viii] Article 70 (4) of the amended law of 29 August 2008. [ix] Article 70 (5) a) of the amended law of 29 August 2008. [x] Article 70 (5) b) of the amended law of 29 August 2008. [xi] Article 70 (5) c) of the amended law of 29 August 2008. 2. No. As it was mentioned in the answer to Q.1, the only favourable provision for BPI is to be able to benefit from more advantageous conditions when applying for family reunification in a deadline of 6 months after the date

			where international protection was granted. In this case they have not to fulfil the requirements of appropriate housing and the proof that the applicant has stable, regular and sufficient resources (salary, wages, income from assets) to support himself/herself and the family members under their care, without having to recourse to the social welfare system. 3. In Luxembourg, article 73 (6) of the Immigration Law (which transposed article 5 (4) of the Family Reunification Directive) indicates that the Minister in charge of Immigration will provide an answer to the applicant the latest 9 months after the filing of the application. However, in exceptional cases link to the complexity of the examination of the application this deadline can be extended.[i] [i] Article 73 (6) paragraph 2 of the amended law of 29 August 2008. 4. It is important to mention, that CJEU C-380/17 was referring to an “objectively excusable” late submission when the period for filling the application without all the requirements was of three months. This period was extended in Luxembourg to six months by amending article 69 (3) of the Immigration Law.[i] It is clear that the late submission can not be imputable to the applicant. The concept of "special circumstances which objectively excuse the late submission of the first application" is to be interpreted on a case-by-case basis according to the circumstances of the case. [i] This article was amended by law of 16 June 2021. 5. The application for an authorisation to stay for family reunification must be submitted by the third-country national to the Minister and must be favourably advised before entering the country. Under penalty of inadmissibility, the application must be notified before entry into Luxembourg territory. The sponsor can also introduce the application.[i] The application can also be introduced by a lawyer or a NGO. The diplomatic representation can conduct the necessary interviews in order to verify the family links. To obtain proof of the existence of family relationships, the minister or the agent of the diplomatic or consular post representing the

			Grand Duchy of Luxembourg in the country of origin of the family member may carry out interviews with the sponsor or family members and any examination or investigation considered appropriate.[ii] DNA in Luxembourg is only admitted as proof for family reunification if the applicant and the family member agrees voluntarily to submit to the procedure.[iii] It cannot be made by force. The applicant has to provide all the required documents of the sponsor before the Directorate of Immigration.[iv] The application will be declared inadmissible in case the family members are on the territory when the application is submitted.[v] However, the Minister in charge of Immigration and Asylum, in exceptional cases duly motivated, can accept that the family members are already on the territory at the moment the application is filed.[vi] The Red Cross through its service restoring family links[vii] and can assist the applicant at his/her request in locating his/her family members. [i] See Guichet.lu, Application for family reunification for third-country nationals. URL: https://guichet.public.lu/en/citoyens/immigration/plus-3-mois/ressortissant-tiers/membre-famille/regroupement-familial.html [ii] Article 73 (2) of the amended law of 29 August 2008. [iii] First instance Administrative Court, second chamber, n° 23176 of 27 February 2008 and First instance Administrative Court, n° 38236 of 26 July 2006 and First instance Administrative Court, 3rd Chamber, n° 43680 of 16 June 2021. [iv] Ibid. [v] Article 39 (1) in accordance with article 69 (1) of the amended law of 29 August 2008. [vi] Article 73 (5) of the amended Law of 29 August 2008. [vii] International Committee of the Red Cross, Restoring family links. URL: https://www.icrc.org/en/what-we-do/restoring-family-links And Croix-Rouge luxembourgeoise, Restoring Family linkw. URL: https://www.croix-rouge.lu/en/service/restorating-family-links/#:~:text=For%20those%20who%20have%20lost%20contact%20with%20their,and%20find%20out%20t

			he%20fate%20of%20missing%20relatives. 6. The beneficiary of international protection must submit his/her application for family reunification accompanied by proof that the sponsor meets the conditions laid down and documentary evidence of the family ties between the persons concerned and the sponsor Regarding to the family members the following documents must be provided: 1. Sponsor's spouse or registered partner: • a copy of the entire valid passport of the spouse/partner; • a recent extract from the criminal records or a sworn affidavit by the spouse/partner in their country of origin or residence; • a certificate attesting to the marriage or registered partnership (marriage certificate, registered partnership certificate, family record book, etc.). Descendants (children) of the sponsor or sponsor's spouse/partner: • a copy of the child's entire valid passport; • proof of the family relationship with the sponsor (child's birth certificate, family record book, etc.); • if the parents are divorced (only applicable to children aged under 18): • a copy of the ruling granting custody of the minor child to the parent residing in Luxembourg; and • if the other parent has visiting or accommodation rights: the notarised authorisation of the parent residing abroad attesting to their agreement to the child moving to Luxembourg (accompanied by an identity document for the parent residing abroad); • in the case of shared custody (only applicable to children aged under 18): the notarised authorisation of the parent who does not reside in Luxembourg duly authorising the child to move to Luxembourg (accompanied by an identity document for the parent residing abroad). Ascendant (parent) of the sponsor or sponsor's spouse/partner: • the copy of the entire valid passport of the ascendant; • a recent extract from the criminal record or a sworn affidavit established in their country of origin or residence;

			• a document attesting to the family relationship (e.g. birth certificate of the sponsor or the sponsor's spouse/partner); • a document certifying the applicant's marital status and family situation, as well as proof that they do not have the necessary family support in their country of origin (e.g. family record book or any equivalent document issued by the authorities of the applicant's country of origin, etc.); • proof that the parent was under the responsibility of the sponsor prior to the application for family reunification (e.g. proof of regular payments by the sponsor to the parent's address); • a document attesting the financial situation of the parent in their country of origin (e.g. proof of the parent's own resources, such as income, assets, etc.). The documents enclosed must be originals or certified true copies (except for the passport where a plain copy will suffice). Should the authenticity of a document be in doubt, the Minister in charge of Immigration can request that the document be authenticated by the appropriate local authority and legalised by the Embassy (or alternatively notarised with an apostille of the Hague). In case of beneficiaries of international protection, the law foresees that they may prove family bonds by every type of document if they cannot provide official documents.[i] Thus, the Directorate of Immigration may accept, in principle, all types of documents that can serve to establish the identity and/or nationality of the family member, family links and/or that can prove the veracity of the applicant's statements: i.e. official travel documents such as passport and identity cards, birth certificates, marriage licenses, birth and divorce certificates, driver's license, military record, municipal identification, qualification certificates. However, the family links can be proven if there is no possibility to obtaining the documents mentioned above by any means possible (i.e. any type of documentary evidence, witnesses and even by DNA testing if the applicant and the family member agreed to perform the test).[ii] It should be noted that the national authorities also take into account the information provided by the sponsor during his/her interview within the international protection procedure, in order to verify the identity and family relationships of beneficiaries of international protection and their family members.[iii] If the application for family reunification is submitted 6 months after the date where international protection was granted, the sponsor has also to fulfil the conditions

			applicable to accommodation and resources. [i] Article 73 (3) of the amended law of 29 August 2008. [ii] See endnote xvii. [iii] LU EMN NCP, Family Reunification of TCNs in the EU: National Practices, Luxembourg, 2016, p. 31. 7. NO. 8. In case of beneficiaries of international protection, the law foresees that they may prove family bonds by every type of document if they cannot provide official documents.[i] Thus, the Directorate of Immigration may accept, in principle, all types of documents that can serve to establish the identity and/or nationality of the family member, family links, and/or that can prove the veracity of the applicant's statements. I.e. official travel documents such as passport and identity cards, birth certificates, marriage licenses, birth and divorce certificates, driver's license, military record, municipal identification, qualification certificates [i] Article 73 (3) of the amended law of 29 August 2008. 9. In principle, the application must be filed six months after international protection has been granted in order to benefit from the more beneficial regime. However, if the minor turns 18 during the procedure before the international protection was granted, the children over 18 years old cannot apply for family reunification. Nevertheless, in application of the decision of the European Court of Justice C-550/16 and C-279/20 "where the child reached the age of majority before the sponsor was granted refugee status and before the application for family reunification was submitted, the date on which that sponsor's international protection application was submitted has to be taken into consideration. In that context, it considered irrelevant whether the international protection application was decided upon submission of the application or, after a decision rejecting it, was annulled. Finally, it specified that in any case, the application for family reunification must be submitted within a reasonable period, that is to say, within three months of the date on which refugee status was granted to the parent sponsor." This will mean that the sponsor in Luxemburg can file the application six

			months after the application was granted. In any case, the sponsor, due to the close family ties, can apply for an authorization of stay for private reasons.[i] [i] Article 78 (1) 3 of the amended law of 29 August 2008. 10. The age for dependent adult children is irrelevant. In the case of adult unmarried children of the sponsor or of his/her spouse or partner the sponsor must prove that the family member is objectively unable to provide for their own needs on account of his/her state of health.[i] In this case, it is required that the sponsor provides medical certificates which prove that the family member is incapable to provide for his/her own needs because of his/her health condition and that s/he depends on the sponsor or spouse. There are no exemptions from fulfilling these conditions because the burden of proof lies with the applicant. [i] Article 70 (5) b) of the amended law of 29 August 2008. 11. No. The application for family reunification must be filed six months after the international protection has been granted. 12. A 'real family relationship' is not a condition for family reunification between parents and children, including children coming of age. Only family ties or, in the case of an unmarried adult child, proof that he or she is objectively unable to provide for his or her own needs due to his or her state of health, are taken into account.
	EMN NCP Netherlands	**Yes**	1. In the Netherlands, an application for family reunification with beneficiaries of international protection is submitted by the beneficiary of international protection in the Netherlands (the 'sponsor'), within three months of receiving the international protection status.[1] It is also possible for family members of the beneficiary of international protection to apply for family reunification at the Dutch consulate or embassy in the country of origin, however this rarely occurs in practice.[2] The sponsor applies for the residence permit and the temporary visa to enter the Netherlands (Machtiging tot

			voorlopig verblijf, MVV) at the same time. The sponsor can find all relevant information about the family reunification process on the website of the IND.[3] The application form can be submitted online or in written form to the IND. The sponsor is also required to provide relevant documentation, which includes proof of family relationship, identification documents, and evidence of their status as a beneficiary of international protection. Documents must be officially translated into Dutch, English, French or German.[4] If the sponsor does not have access to official documentation, the IND can help with providing alternative proof such as DNA testing and/or interviews with the sponsor and his/her family members.[5] In the Netherlands, there is currently no distinction between refugees and beneficiaries of subsidiary protection when it comes to family reunification with beneficiaries of international protection. [1] This time period applies in order to have their application examined under the more favourable conditions of family reunification. [2] It is in all cases possible for the family members of the beneficiary of international protection to submit the application for family reunification at the Dutch consulate or embassy in the country of origin. However, the Netherlands does not make use of external contractors providers in the submission/processing of applications for family reunification abroad, which means the application can only be submitted by the family member(s) abroad in case of an open and functional Dutch consulate or embassy. In addition, applications for family reunification submitted in the country of origin by family members of the sponsor (the beneficiary) must also be submitted within three months after the sponsor received his or her decision granting international protection. These factors combined make it less appealing to submit an application for family reunification in the country of origin. This information was provided by the Directorate for Migration Policy (DMB) of the Ministry of Justice and Security on 13 July 2023 and the Directorate for Strategy and Implementation Advice (SUA) of the IND on 24 July 2023. [3] IND, 'Family member of refugee', https://ind.nl/en/residence-permits/asylum/family-member-of-refugee, last accessed 10 July 2023. [4] IND, 'Family member of refugee', https://ind.nl/en/residence-permits/asylum/family-member-of-refugee, last accessed 10 July 2023. [5] IND, 'Family Reunification, https://ind.nl/en/about-us/background-articles/family-

			reunification#:~:text=Applying%20to%20join%20a%20family%20member%20and%20proving,prove%20family%20members%E2%80%99%20identities%20and%20the%20family%20relationship, last accessed 10 July 2023. 2. As mentioned in Q1, applications for family reunification with beneficiaries of international protection can be submitted by the beneficiary (i.e. the sponsor) in the Netherlands or by the family members of the beneficiary at a Dutch consulate/embassy in the country of origin. Apart from these options, there are no alternative ways to submit an application for family reunification with beneficiaries of international protection. [1] [1] This information was provided by the Directorate for Migration Policy (DMB) of the Ministry of Justice and Security on 13 July 2023 and the Directorate for Strategy and Implementation Advice (SUA) of the IND on 24 July 2023. 3. In the Netherlands, the period for issuing a decision on an application for family reunification with beneficiaries of international protection is 90 days, which can be prolonged with a maximum of three months (Art. 2u (1) of the Aliens Act (Vreemdelingenwet, Vw 2000)). Currently, the IND prolongs the period as a standard procedure, meaning that the de facto period for issuing a decision is six months.[1] The starting point for this time frame is the day on which the IND receives the application (digitally or through mail). If documents and/or information are missing from the initial application, the IND sends a letter to the sponsor indicating what documents and/or information is missing (a so-called 'herstel-verzuim brief'). The sponsor then has 28 days to submit the relevant missing information/documents, during this time the timeframe for deciding on the application (six months in total) is paused. [2] [1] This information was provided by the Directorate for Strategy and Implementation Advice (SUA) of the IND on 24 July 2023. [2] Work instruction IND/SUA, 2023/2 'Instructies behandeling nareisaanvragen (asiel)', https://ind.pucoverheid.nl/doc/PUC_1298193_1/, last accessed 10 July 2023.

			4. As mentioned above, sponsors must submit their application for family reunification with beneficiaries of international protection within three months of receiving the international protections status, in order to have their application examined under the more favourable conditions of family reunification with beneficiaries of international protection. However, there can be exceptions if the exceeding of the timeframe is deemed excusable (verschoonbaar). This can be the case, for example, in the following circumstances: • Family reunification of a child that the sponsor thought to have passed away; • If the sponsor was hospitalised; • Family reunification of a biological child that was born after the three month period, or; • Force majeure on the part of a third party (meaning outside the capabilities of the third-country national). The assessment of whether a late application is excusable is based on a combination of factors, such as: • Length of exceeding the timeframe • Whether the third-country national has made sufficient efforts to submit the application within the three months period (the so-called inspanningsverplichting) • Special circumstances related to the exceeding of the timeframe.[1] In addition, a legislative proposal has been submitted to the House of Representatives to implement the specific CJEU judgement in C-380/17. This legislative proposal intends to officially align national legislation with the said judgement and national practice (which already provides for late submissions that are objectively excusable, see above). [2] [1] Work instruction IND/SUA, 2023/2 'Instructies behandeling nareisaanvragen (asiel)', https://ind.pucoverheid.nl/doc/PUC_1298193_1/, last accessed 10 July 2023. [2] Asylum Information Database (AIDA), 'Country Report – Netherlands 2022 update', https://ind.pucoverheid.nl/doc/PUC_1305674_1/, last accessed 10 July 2023; this information was complemented by the Directorate for Migration Policy (DMB) of the Ministry of Justice and Security on 13 July 2023.

			5. In the Netherlands, various actors have different roles in assisting the applicant/ governments during the application process for family reunification with beneficiaries of international protection: • Immigration- and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND) : The IND receives, processes, and decides on all applications for family reunification with beneficiaries of international protection. This means that the IND case worker reviews the submitted documentation, may request additional documents or information from the sponsor and, if necessary, orders and/or conducts additional interviews and/or DNA-testing. The IND informs the sponsor of the decision. For further information see Q6 and Q8 below. • Diplomatic/consular posts (Ministry of Foreign Affairs of the Netherlands): The diplomatic/consular posts in the country of origin or residence issue the entry visa (MVV) to the family members, which allows them to enter the Netherlands. In addition, the diplomatic/consular post will conduct the DNA test on family members, if necessary.[1] The diplomatic/consular representation may also facilitate the holding of a virtual interview with family members abroad (if necessary). In case a virtual interview is not possible, employees of the diplomatic/consular posts may also conduct the interview with instructions given by the IND.[2] • United Nations High Commissioner for Human Rights (UNHCR)/ International Organisation for Migration (IOM): UNHCR or IOM may facilitate the holding of a virtual interview with family members abroad (if necessary).[3]IOM also assists in taking DNA samples from family members abroad. • National NGO's: The Dutch Council for Refugees (VluchtelingenWerk Nederland, VWN) informs applicants for international protection already during the international protection procedure about the possibility to apply for family reunification (if they receive an international protection status in the future). VWN also holds an 'intake' once an international protection status has been granted to inform the beneficiary about the family reunification procedure and the requirements. VWN can also assist beneficiaries of international protection in filling in the application form, collecting the necessary documents, and submitting the application for family reunification to the IND.[4] • Nidos: The national guardianship institution for unaccompanied and separated minors in the Netherlands (Nidos, also an NGO) informs unaccompanied minors (UAM) already during the international protection procedure about the possibility to apply for family reunification if they receive

			and international protection status in the future. Nidos also holds an 'intake' once an international protection status has been granted to inform the UAM about the family reunification procedure and the requirements. Nidos can also assist unaccompanied minors (UAM) with an international protection status in filling in the application form, collecting the necessary documents, and submitting the application for family reunification to the IND.[5] • Advocacy: If a sponsor objects or appeals to a negative decision on the application for family reunification with beneficiaries of international protection, the sponsor is assigned a lawyer. In those cases, VWN or Nidos, the parties that initially support the sponsor in his/her application for family reunification (see above), will transfer the case file to a lawyer. In very rare cases, sponsors are already represented by lawyers in the earlier phases of the application for family reunification (i.e. before the objection/appeal stage).[6] • Netherlands forensic institute (Nederlands Forensisch Instituut, NFI): The NFI examines the DNA samples in cases where DNA testing is conducted as part of the family reunification procedure. [1] IND, 'DNA test', https://ind.nl/en/dna-test, last accessed 10 July 2023. [2] Work instruction IND/SUA, 2022/7 'Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure, https://puc.overheid.nl/ind/doc/PUC_1289767_1/1/, last accessed 10 July 2023. [3] Work instruction IND/SUA, 2022/7 'Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure, https://puc.overheid.nl/ind/doc/PUC_1289767_1/1/, last accessed 10 July 2023. [4] IND, 'Knelpuntenanalyse nareis' (2022), https://ind.nl/nl/documenten/06-2022/rapport-knelpuntenanalyse-nareis-ap.... [5] IND, 'Knelpuntenanalyse nareis' (2022), https://ind.nl/nl/documenten/06-2022/rapport-knelpuntenanalyse-nareis-ap.... [6] IND, 'Knelpuntenanalyse nareis' (2022), https://ind.nl/nl/documenten/06-2022/rapport-knelpuntenanalyse-nareis-ap.... 6. First, it should be noted that the IND carries out a so-called 'integral assessment' (integrale toets) when deciding on applications for family reunification with beneficiaries of international protection. This means that

			the entirety of documentation submitted, as well as any plausible, credible, and consistent statements given by the sponsor and his/her family members during both the international protection and the family reunification procedure must be taken into account when assessing the application for family reunification. [1]
			In principle, the IND requests the sponsor and his/her family member(s) to submit at least the following documents:
			• Identification documents:
			  ○ A valid travel document (such as a passport or ID card) including at least the name, date and place of birth, and a photo, or;
			  ○ a different document and/or declaration issued by (sub)authorities with a passport photo that confirms the identity of the third-country national. These can be individual documents, UNHCR documents or documents from third countries, or;
			  ○ other documents/declarations without a passport photo, such as vaccination booklets, diploma's or witness testimonies, or;
			  ○ other documents/declarations issued by authorities or organisations
			• Proof of family relationship:
			  ○ If applicable, a document that proves the existence of a valid marriage
			  ○ If applicable, a document that indicates the partnership and possible cohabitation in the country of origin, and;
			  ○ If applicable, a document that indicated the family relationship between the child and his/her parents
			Documents that can be submitted to prove a (marital) relationship include traditional or clerical marriage certificates, declarations issued by the authorities confirming the marital relationship, UNHCR/ARRA declarations, residence cards where both persons are mentioned; other documents/ declarations that were not issued by the authorities (such as declarations from a village head); or other proof such as rent- and purchase agreements, other agreements or wedding pictures.
			The weight that is given to certain documents is determined by several factors: 1) the (type of) authority that issued the document; 2) the judgement of the Bureau Documents of the IND which examines the authenticity of the documentation; 3) the administrative practice in the country of origin; 4) the content of the documents

			itself.[2] Once the identity and family relationship has been established, the following documents must also be submitted by the family member(s) of the sponsor: • Antecedents certificate (antecedentenverklaring): family members from 12 year onwards must sign a form declaring that they do not constitute a threat to public security • Consent declaration (toestemmingsverklaring): in the case of family reunification of children, the other parent must sign a declaration to confirm that he/she consents to the family reunification with the beneficiary of international protection.[3] [1] Work instruction IND/SUA, 2022/7 'Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure, https://puc.overheid.nl/ind/doc/PUC_1289767_1/1/, last accessed 10 July 2023. [2] Work instruction IND/SUA, 2022/7 'Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure', https://puc.overheid.nl/ind/doc/PUC_1289767_1/1/, last accessed 10 July 2023. [3] Work instruction IND/SUA, 2023/2 'Instructies behandeling nareisaanvragen (asiel)', https://ind.pucoverheid.nl/doc/PUC_1298193_1/, last accessed 10 July 2023. 7. If an application for family reunification with beneficiaries of international protection is not submitted within three months and is not objectively excusable (see Q4), there is one remaining option for submitting an application for family reunification within the Family Reunification Directive: a) 'regular' family reunification. An alternative option is submitting b) an application on the basis of Art. 8 ECHR.[1] A: In case the sponsor submits a 'regular' application for family reunification, the same documentary requirements that apply to an application for family reunification with beneficiaries of international protection submitted within the three month period (as referred to in Q6) apply.[2] In addition to these, the sponsor must submit documentary proof that he/she meets the requirement of 'independent, sustainable and sufficient income'. For this purpose, the sponsor must submit documents such as salary statements, employer contracts, and/or benefits statements.[3] Furthermore, in case of an application for 'regular' family reunification the family member must pass the basic Dutch Civil Exam abroad and must register at the same address as the sponsor.[4]

			B: In case the sponsor submits an application on the basis of Art. 8 ECHR (right to privacy and family life), in principle the same documentation used to prove identity and existence of a family relationship in an application for family reunification with beneficiaries of international protection submitted within three months (see Q6) must be submitted. NB: In the context of an application on the basis of Art. 8 ECHR, proof of identity and the existence of a family relationship alone is not sufficient to be granted a residence permit. Rather, the migration authorities then conduct an assessment of the balance of interests between the right to family life of the third-country national(s) and the interest of the state (e.g. public order and security, (prevention of) removal of parental authority, (prevention of) polygamy, or economic interests) in each specific case. Only if the right to family life of the third-country national(s) outweigh the interests of the state, a residence permit on the base of Art. 8 ECHR is granted. Please also note that this permit is not a derivative asylum permit as is the case for an application for family reunification submitted within three months. Rather, family members of a beneficiary of international protection who are granted residence on the basis of Art. 8 ECHR receive a regular permit on temporary humanitarian grounds. [5] [1] Please note that in the context of a 'regular' application for family reunification, if the conditions are not met the IND will always assess whether the third-country national is eligible for family reunification on the basis of Art. 8 ECHR. [2] Note that in the case of an application for family reunification with a beneficiary of international protection, the IND must always make an 'integral assessment' (integrale toets) when assessing the submitted documents and information to prove identity and family relationship (see Q6). This is the case even when the beneficiary submits a 'regular' application for family reunification, i.e. after the three-month period in which beneficiaries of international protection can submit an application for family reunification under the more favorable conditions. [3] IND, 'Zelfstandig, duurzam en voldoende inkomen', https://ind.nl/nl/zelfstandig-duurzaam-en-voldoende-inkomen#inkomenstest-voor-verblijfsvergunning-voor-partner, last accessed 10 July 2023. [4] IND, 'Verblijfsvergunning voor partner aanvragen', https://ind.nl/nl/verblijfsvergunningen/familie-en-partner/verblijfsvergunning-voor-partner-aanvragen#voorwaarden, accessed 10 July 2023.

			[5] Work instruction IND/SUA 2020/16, 'Richtlijnen voor de toepassing van artikel 8 EVRM', https://puc.overheid.nl/ind/doc/PUC_1264017_1/1/, last accessed 10 July 2023. 8. As mentioned in Q6, the IND always carries out an 'integral assessment' (integrale toets) in family reunification procedures, based on the submitted documents and statements of the sponsor. This means that not only official documentary proof, but also alternative documentation and the declarations made by the sponsor (i.e. the beneficiary of international protection) are taken into consideration when assessing the identity and existence of a family relationship in a specific case. In case the combination of all submitted documentation and/or statements makes the family relationship sufficiently plausible, the third-country national is given the benefit of the doubt. This can be the case even if the sponsor is unable to submit (all the)official documentary proof to establish the identity of family members and the existence of family relationship (see Q6). In that case (i.e. when the third-country national is given the benefit of the doubt), the IND can carry out a closer investigation (nader onderzoek) to confirm the identity of family members and the existence of a family relationship. (NB: In case the 'integral assessment' provided sufficient proof of identity and the existence of a family relationship, a closer investigation may not be necessary. In these case, a positive decision on the application for family reunification can be taken without further investigation.) As part of the closer investigation in family reunification procedures, the IND can offer DNA testing and interviews. In the case of an (alleged) biological nuclear family member, the IND will usually resort to DNA testing. The sponsor must consent to the DNA test and the use of the results during the family reunification procedure. Thereafter, the family members can hand over their DNA sample at a diplomatic or consular post of the Netherlands in the country of origin or residence, in some cases supported by the IOM. The DNA will be analysed by the NFI. See also Q5 for information on the role of different actors during DNA testing. In addition to the possibility of DNA testing, the IND case worker may hold additional (identifying) interviews with the sponsor and/or his or her family members abroad. These interviews can be held if the IND has doubts as to the alleged identity or the existence of the family law or actual relationship, or if the case worker has questions regarding the submitted documentation (or the lack thereof). In principle, these interviews are held by the case worker through a videoconference (VC) connection, facilitated by the Dutch diplomatic or consular post or in some cases UNHCR or IOM. If a VC connection is not possible, an employee at the Dutch

			representation may carry out the interview under instructions of the case worker at the IND. See also Q5 for the role of different actors during interviews as part of the family reunification procedure. 9. For a parent sponsor whose child turns 18 during the parent sponsor's international protection procedure, the timeframe for family reunification under the more favourable conditions applies, that is, the 90 days period after the parent sponsor has received a refugee status. Following ruling C-279/20 by the CJEU, the date of submission of the application for international protection by the parent sponsor is taken as the date to determine whether the child is regarded a minor or a major. In case the child is not regarded as a minor, it should be taken into account that there is no clear age limit for the family reunification of a parent sponsor with dependent young adult children. In these cases, an assessment is conducted by the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst¸ IND) on the existence of a more than usual dependency (more than usual emotional ties) between sponsor and child.[1] [1] Work Instruction IND/SUA, 2023/2, 'Instructies behandeling nareisaanvragen (asiel)', https://puc.overheid.nl/ind/doc/PUC_1298193_1/1/, last accessed on 4 July 2023. 10. In the Netherlands, there is no clear age threshold for dependent adult children to be eligible for family reunification with their parent sponsor. Young adults are considered to be between 18 and roughly 25 years of age. The older the dependent child, the more burden of proof is expected from the parent sponsor and the child to show the plausibility of the assumed dependency.[1] The 10 June 2021 arrest in the ECtHR case Aliyev v. Ukraine (ECLI:CE:ECHR:2021:0610JUD007822814) has influenced the soft interpretation of an age threshold in the Netherlands. In her arrest of 28 April 2022 (ECLI:NL:RVS:2022:1260) the Administrative Jurisdiction of the Dutch Council of State (Afdeling bestuursrechtspraak van de Raad van State, AbRvS) referred to the case when stating that persons older than roughly 25 years cannot be excluded from the young adult policy (jongvolwassenenbeleid) by age alone. Other ECtHR arrests which have influenced the establishment of the young adult policy are: Bousarra v. France of 23 September 2009 (25672/07), Osman v. Denmark of 14 June 2011 (38058/09) and A.A. v. United Kingdom of 20 September 2011 (8000/08).[2]

			[1] Work Instruction IND/SUA, 2023/2, 'Instructies behandeling nareisaanvragen (asiel)', https://puc.overheid.nl/ind/doc/PUC_1298193_1/1/, last accessed on 4 July 2023. [2] Information provided by the Ministry of Justice and Security on 27 July 2023. 11. For unaccompanied minors who turn 18 during their international protection procedure the Netherlands does apply a specific timeframe. The date on which the unaccompanied minor filed the application for international protection, which resulted in a positive decision, is taken as the date on which the minority of the applicant is determined. Within 90 days after the positive decision on the international protection application, the unaccompanied minor, turned major in the meantime, is able to apply for family reunification with his parents under favourable conditions. Thereafter, the reasonable timeframe expires and the abovementioned determination of minority is no longer valid.[1] [1] Work Instruction IND/SUA, 2023/2, 'Instructies behandeling nareisaanvragen (asiel)', https://puc.overheid.nl/ind/doc/PUC_1298193_1/1/, last accessed on 4 July 2023. 12. In the Netherlands, the reference date (peildatum) on which the assumption of a real relationship with children is based, is the moment of entry of the sponsor (beneficiary of international protection) into the country. In practice, however, it is the moment on which the applicant has applied for international protection. A real family relationship is applicable to the nuclear (biological) family members: father, mother and children. The children should be born during the marriage of the parents, or a relationship equal to that of marriage. A real family relationship is established if (in this order): 1) the identity of the family members is plausible (aannemelijk), 2) the legal family relationship between the family members is determined, proven by valid marriage certificates or documents proving a relationship comparable to marriage for the parents, and documents proving the birth of their children; and 3) the real family relationship is actually proven. In practice, for an intact and legal nuclear (biological) family the proven real family relationship is usually assumed. Regarding children coming of age who are dependent on their parents, the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND) assumes family relationship[1] if the child is a young adult (between 18 and roughly 25, no hard age limit), lives within the family structure of the core family, does not

			provide its own livelihood and has not formed an independent core family on its own.[2] [1] Based on the framework of article 8 ECHR. [2] Work Instruction IND/SUA, 2023/2, 'Instructies behandeling nareisaanvragen (asiel)', https://puc.overheid.nl/ind/doc/PUC_1298193_1/1/, last accessed on 4 July 2023.
	EMN NCP Poland	**Yes**	1. The application for temporary residence permit for the purpose of family reunification in regard to foreigner who stays outside of the territory of the Republic of Poland is submitted by the foreigner (sponsor) who stays on the territory of the Republic of Poland. Submission of the application for temporary residence permit for a purpose of family reunification by the foreigner who stays on the territory of the Republic of Poland on behalf of the member of his/her family requires written consent of the family member or his/her legal representative, unless the applicant is his/her legal representative. Expressing consent is tantamount to granting a foreigner residing on the territory of the Republic of Poland a power of attorney to act on behalf of a family member in a given proceeding. The abovementioned changes came into force on 12 December 2018. In case the foreigner stays in the territory of the Republic of Poland the application for temporary residence permit for the purpose of family reunification is submitted by himself/herself. 2. Polish legislation does not foresee other ways of submitting the application for the temporary residence permit for the purpose of family reunification that those described above. 3. The decision in regard to granting to foreigner temporary residence permit, including temporary residence permit for family reunification, is issued within 60 days. The appeal procedure regarding granting a foreigner a temporary residence permit ends within 90 days. If the appeal does not meet the requirements provided for by law, the above-mentioned deadline runs from the date the deficiencies are corrected. The abovementioned changes came into force on 29.01.2022 4. A family member of a foreigner who has been granted refugee status or subsidiary protection, who submits

			an application for a temporary residence permit for the purpose of reunification with the family within 6 months from the date of obtaining by the above-mentioned foreigner a refugee status or subsidiary protection is exempt from the requirement to have health insurance, a source of stable and regular income and a place of residence in Poland. It should be emphasized here that in terms of the length of the deadline, the Polish legislator - pursuant to Art. 3 section 5 of Directive 2003/86/EC - adopted a more favourable solution than the one directly resulting from Art. 12 section 1, paragraph 3 of this Directive (3-month period). Failure to submit an application for a temporary residence permit for the purpose of family reunification within the deadline described above does not result in an automatic refusal to grant the above-mentioned permit. However, a foreigner who applies for the above-mentioned permit is required to meet the requirement to have health insurance, a source of stable and regular income and a place of residence in Poland 5. Application for a temporary residence permit for the purpose of family reunification is submitted to the voivode competent for the place of stay of the foreigner staying on the territory of the Republic of Poland or for the place of stay of the sponsor in the case of an application submitted for a foreigner staying abroad. The party dissatisfied with the decision of the voivode - the first instance body - has the right to appeal to the Head of the Office for Foreigners. The party may file a complaint against the decision of the Head of the Office for Foreigners to the Provincial Administrative Court in Warsaw. In proceedings for granting a temporary residence permit for the purpose of family reunification to a foreigner who is married to a sponsor recognised by Polish law, the authority conducting the proceedings determines whether the marriage was concluded in order to circumvent the provisions specifying the terms and conditions of entry of foreigners into the territory of the Republic of Poland, their passage through this territory, their stay there and their departure from it. The proceedings shall, in particular, determine whether the circumstances of the case indicate that: 1) one of the spouses accepted a financial benefit in exchange for consent to enter into marriage, unless it resulted from a custom established in a given country or a given social group; 2) the spouses do not fulfil the legal obligations arising from the marriage; 3) the spouses do not live together or run a common household; 4) the spouses did not meet before getting married;

			5) the spouses do not speak a language that both of them understand; 6) the spouses do not agree regarding their personal data and other important circumstances concerning them; 7) one or both spouses have entered into sham marriages in the past. In order to make the above-mentioned arrangements, the authority conducting the proceedings may request the commanding officer of the Border Guard unit or the commanding officer of the Border Guard post, competent for the foreigner's place of stay, to conduct a community interview or determine the place of residence of the spouse. Pursuant to the general provisions of the Code of Administrative Procedures, a social organisation may be allowed to participate in administrative proceedings as a party (Article 31 of the Code of Administrative Procedure). Moreover, in accordance with Art. 183 section 1 of the Code of Administrative Procedure, the prosecutor has the right to participate in every stage of administrative proceedings in order to ensure that the proceedings and resolution of the case are consistent with the law. On the same principles as the prosecutor, the Ombudsman and the Ombudsman for Children may also report participation in the proceedings. According to Polish law, DNA tests are not carried out in family reunification proceedings. 6. A foreigner applying for a temporary residence permit for the purpose of reunification with his/her family is obliged to present documents confirming the existence of family ties, documents confirming having health insurance, documents confirming having a source of stable and regular income sufficient to cover the costs of maintaining himself/herself and the family members dependent on him/her, and a document confirming that he/she has assured place of residence in the territory of the Republic of Poland. The requirements of having health insurance, a source of stable and regular income and having a place of residence provided in the territory of the Republic of Poland do not apply to a temporary residence permit for the purpose of family reunification granted to a family member of a foreigner who has been granted refugee status or subsidiary protection if the application for granting him/her this permit was submitted before the expiry of 6 months from the date of obtaining refugee status or granting subsidiary protection. 7. The requirement to have health insurance, a source of stable and regular income and an assured place of

			residence in the territory of Poland shall not apply to a temporary residence permit for the purpose of family reunification granted to a family member of a foreigner who has been granted refugee status or subsidiary protection when the application for granting him/her this permit was submitted before the expiry of 6 months from the date of obtaining refugee status or granting subsidiary protection. A foreigner who submits the above-mentioned application after this period, will be obliged to meet the requirements described above. 8. In a situation where the foreigner's identity, family connections or other conditions enabling the exercise of the right to family reunification cannot be clearly confirmed, a temporary residence permit for the purpose of family reunification cannot be granted. 9. The provisions of the Act on Foreigners take into account the provisions of the judgment in cases C-133/19 and C-136/19. According to Polish law, a minor child is a person who was a minor on the day of submitting the application for a temporary residence permit in order to reunite with the family. 10. Poland has not implemented the legal solutions provided for in Art. 4 section 2 and art. 10 section 2 of Directive 2003/86/EC. There are no solutions in the Act on Foreigners that would allow adult unmarried children of the sponsor or his/her spouse to benefit from family reunification if objectively, due to their health condition, they are unable to provide for themselves. 11. The provisions of the Act on Foreigners take into account the provisions of the judgment in case C-550/16. Pursuant to Polish law, a family member of a foreigner who has been granted refugee status or subsidiary protection is also considered to be his/her direct ascendant or an adult responsible for a minor in accordance with the law in force in the Republic of Poland, if the foreigner: 1) is a minor staying on the territory of the Republic of Poland without care or 2) on the day of submitting the application for international protection, was an unaccompanied minor staying on the territory of the Republic of Poland or a minor left unaccompanied thereafter, who later reached the age of majority, and the application for a temporary residence permit for the purpose of reuniting with the family was submitted before the expiry of 6 months from the date of obtaining refugee status or granting subsidiary

			protection. 12. The legal provisions in force in Poland do not provide for examination of family ties between children and their parents in the proceedings for granting a temporary residence permit for the purpose of reunification with the family.
	EMN NCP Portugal	**Yes**	1. In Portugal, refugees holding a valid refugee residence permit and beneficiaries of subsidiary protection holding a valid residence permit can apply for family reunification. They may address the request to the competent Regional Directorate of the Portuguese Immigration and Borders Service (SEF). According to Law No. 23/2007, article 99, eligible family relatives are: • The Spouse; • Children who are minors or incapacitated and are dependants of the couple or one of the spouses; • Minors adopted by the applicant when he/she is not married, by the applicant or his/her spouse, as a result of a decision of the competent authority of the country of origin, provided that the law of that country grants to the adopted children identical rights and duties to those of natural filiation and that the decision is recognised by Portugal; • Adult children who are dependants of the couple or one of the spouses, who are single and are studying in an educational establishment in Portugal; • Adult dependent children of the couple or one of the spouses, who are unmarried and studying, where the holder of the right to reunification has a residence permit for investment activity, granted under Article 90-A, which states that : • 1 - A residence permit for the purpose of carrying out an investment activity shall be granted to third country nationals who, cumulatively: • a) Fulfil the general requirements laid down in Article 77, with the exception of paragraph 1(a); • b) Are in possession of valid Schengen visas; • c) Regularise their stay in Portugal within 90 days from the date of first entry into national territory; • d) Meet the requirements laid down in Article 3(1)(d) • 2 - The residence permit is renewed for periods of two years, under the terms of the previous law,

			provided that • the applicant proves to maintain any of the requirements of subparagraph d) of paragraph 1 of Article 3.; • Ascendants in the direct line and to the 1st degree of the resident or his/her spouse, provided they are dependent on him/her; beneficiary of international protection (father and/or mother) or of his/her spouse (father-in-law and/or mother-in-law) who are dependent on them; decision is recognized by Portugal. • Minor siblings, provided that they are under the guardianship of the beneficiary of international protection, when there is a decision issued by the competent authority of the country of origin and provided that this If the refugee or beneficiary of subsidiary protection is an unaccompanied minor In these cases, the following are also considered family members for the purposes of family reunification: 1st degree direct ascendants (father and/or mother); The legal guardian or any other relative, if the unaccompanied minor does not have direct ascendants or it is not possible to locate them. 2. Accommodation and means of subsistence do not apply to family reunification. • With regard to family members, the requirements regarding accommodation and means of subsistence are waived, pursuant to article 101, paragraph 2, of Law 23/2007, which states that : • Article 90-A • (Residence permit for investment activity) • 1 - A residence permit for the purpose of carrying out an investment activity shall be granted to third country • nationals who, cumulatively: • a) Fulfil the general requirements laid down in Article 77, with the exception of paragraph 1(a); • b) Are in possession of valid Schengen visas; • c) Regularise their stay in Portugal within 90 days from the date of first entry into national territory; • d) Meet the requirements laid down in Article 3(1)(d)

			• 2 - The residence permit is renewed for periods of two years, under the terms of the previous law, provided that • the applicant proves to maintain any of the requirements of subparagraph d) of paragraph 1 of Article 3.; 3. Only beneficiaries of international protection, and not applicants, can apply for family reunification. This is relevant because, from the moment it is carried out, it can take from 8 to 11 months until a final decision is obtained on an application for international protection. 4. Portugal has no time limit to benefit from more favourable conditions. 5. We consider the contribution of the Portuguese Council for Refugees (CPR) useful, considering the existence of a Cooperation Protocol with the SEF on legal support activities for asylum seekers and refugees, as well as on the functioning of the administrative structure. In addition, this NGO is also part of UNHCR's FRUN and it is responsible for producing the ECRE report. 6. Under article 103 of Law 23/2007, the documentation required for the application is: Certified copy of the passport identification page of the covered family member; Documents proving family ties (for example, birth certificates, marriage certificates) authenticated under the terms of the law (Ministry of Foreign Affairs of the country of origin and the competent Portuguese Embassy/Consulate). Note: under the terms of the applicable legal provisions, when a refugee is unable to present official documents that prove the family relationship, other type of evidence of the existence of this relationship must be taken into account, and the refusal of the application presented by a refugee cannot have the sole reason the lack of supporting documents of the family relationship. Other required documents : Criminal record certificates for family members of legal age, authenticated in accordance with the law (Ministry of Foreign Affairs of the issuing country and the competent Portuguese Embassy/Consulate).

			Authorization to leave the country for minors when not accompanied by both parents during the trip, authenticated under the terms of the law (Ministry of Foreign Affairs of the issuing country and the territorially competent Portuguese Embassy/Consulate). Note: all documents, with the exception of a photocopy of the passport, must be duly translated into Portuguese, unless they are written in English, French or Spanish. 7. No. 8. In the event that the beneficiary of international protection cannot present official documents that prove the family relationship, the Member State is obliged, under the terms of article 11, paragraph 2, of Directive 2003/86 of European Union, to take into account other types of evidence of the existence of such a relationship and may, in addition, and in accordance with Article 5(2) of this directive, carry out further investigations, such as interviews with the sponsor and members of his family and conduct any investigations it seems necessary. 9. Three months. From the moment that international protection is granted, the sponsor has three months to make the application for family reunification of family members that were left behind in the country of origin. A child of a sponsor, for family reunification purposes, still has to be considered as a minor if they were a minor when the sponsor applied for international protection, even if they have since attained majority, provided that the family reunification claim is made within three months of the granting of status to the sponsor. Should be noted that there is a considerable difference between the family members of the resident citizen and the family members of the beneficiary of international protection, in accordance with the provisions of Law No. 27/2008, of 30 June. This disparity is particularly relevant for (Family Reunification of Children), as follows : Article 78 (Minors) 1 - In the application of the present law, the best interests of minors shall be taken into consideration.

			2 - For the purposes of the provisions of the previous paragraph, the best interests of the minor shall be considered to be, namely: a) Their placement with appropriate parents or, in their absence, successively with adult relatives, in foster care, in specialised centres for accommodation for minors or in places with the necessary conditions; b) (Repealed.) c) (Repealed.) d) The non-separation of families; e) Stability of life, with changes of place of residence limited to a minimum; f) Their well-being and social development, taking into account their origins; g) The safety and security aspects, especially if there is a risk of being a victim of human trafficking; h) Their opinion, given their age and maturity. 3 - The competent public administration entities shall ensure that minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflicts, have access to rehabilitation services, as well as to adequate psychological assistance, providing qualified support if necessary. 4 - The rules set out in the previous paragraphs shall apply to unaccompanied minors. Article 79 (Unaccompanied minors) 1 - Minors who are applicants for or beneficiaries of international protection shall be represented by a non-governmental entity or organisation, or by any other form of representation recognised by law, without prejudice to any protection measures applicable under the legislation protecting minors, and the minor shall be informed thereof. 2 - It is SEF's responsibility to communicate the request presented by a minor or incapacitated person to the competent court, for the purpose of representation, so that the minor or incapacitated applicant can exercise the rights and fulfil the duties foreseen in the law. 3 - The representative shall be informed by SEF, in due time, of the time and the making of the statement referred to in Article 16, in order to be present, and may intervene in it. 4 - SEF shall ensure that the representative is given the opportunity to inform the unaccompanied minor about

			the meaning and possible consequences of the personal interview and, where appropriate, how to prepare for it. 5 - SEF may require the presence of the unaccompanied minor at the personal interview even if the representative is present. 6 - In order to determine the age of the unaccompanied minor, SEF may resort to medical expertise, through non-invasive expert examination, presuming that the applicant is a minor if there are still well-founded doubts. 7 - Unaccompanied minors shall be informed that their age will be determined by expert examination and their representative shall consent to this. 8 - The refusal to carry out an expert examination does not determine the rejection of the application for international protection, nor does it prevent a decision being made on it. 9 - The provisions of Article 19(1)(g) and Article 19-A(1)(b), (e) and (f) shall apply to applications by unaccompanied minors. 10 - Unaccompanied minors aged 16 years or over may be placed in reception centres for adults seeking international protection only where it is in their best interests. 11 - In cases where there is a threat to the life or integrity of a minor or its close relatives, particularly if they are in the country of origin, the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety. 12 - Those involved in assessing applications for international protection involving unaccompanied minors shall have received appropriate training concerning their specific needs and shall be bound by the confidentiality principle in relation to any information which they obtain in the course of their work. 13 - The Commissions for the Protection of Children and Young People at Risk with responsibility for the protection and safeguarding of unaccompanied minors who are awaiting a decision on return may lodge an application for international protection on behalf of the unaccompanied minor if, as a result of an assessment of his/her personal situation, they are of the opinion that the minor may need such protection. 14 - In order to protect the unaccompanied minor's best interests, SEF, in liaison with the other entities involved in the procedure and with the ministry responsible for foreign affairs, should initiate the process to find the family members. 15 - If international protection has already been granted and the search referred to in the previous paragraph

			has not yet been initiated, the process should be started as soon as possible. 10. Adult children, dependent on the couple or one of the spouses, who are single and studying at an educational establishment in Portugal, are also eligible for family reunification. 11. It should be noted that there is a considerable difference between the family members of the resident citizen and the family members of the beneficiary of international protection, in accordance with the provisions of Law No. 27/2008, of 30 June. This disparity is particularly relevant for (Family Reunification of Children). 12. The study also shows that the REM report refers only to legislative or procedural changes that occurred after 2017, since there is already information compiled up to that date, namely in the ECRE report and in the 2017 EMN study. Taking this fact into account, it should be noted that in PT there was only one legislative change in this matter, namely in articles 106.º and 107.º , of the mentioned Law on Foreigners. This amendment concerns the validity of the residence permits of the family members of the holder of the right and their autonomy, which, in exceptional cases, can also happen in cases where the family relationship no longer exists.
	EMN NCP Slovakia	**Yes**	1. Family members of beneficiaries of international protection can exercise the right to family reunification both within the residence system and the international protection system. The applicant may apply for international protection through a "declaration" by a foreigner at the relevant police department in the territory of the Slovak Republic stating that he/she is applying for asylum or subsidiary protection for the purpose of family reunification. In the case of a minor foreigner, this declaration is submitted on his behalf by his/her legal representative or court-appointed guardian. The application for temporary residence for the purpose of family reunification is submitted by a foreigner in person in accordance with the Act on the Residence of Foreigners, either at the Embassy of the Slovak Republic abroad or, under certain conditions, the application can also be submitted in the territory of the Slovak Republic.

			More information are provided in the related EMN study from 2017 – there were no substantial changes in Slovakia in this regard. 2. Neither in the context of international protection system nor in the context of the right of residence does national legislation provide for alternative means of applying for family reunification. 3. In relation to the possibility of submitting an application for international protection for the purpose of family reunification, this application is examined within a standard, statutory deadline of 6 months, like other applications for international protection, i.e. the decision is issued within 6 months of the lodging of the declaration. In family reunification procedures, the time limit for deciding on the application, as in the case of other applications for international protection, may be extended for legal reasons. As for the temporary residence procedure the police department decides on the application for temporary residence within 90 days from the reception of the complete application. 4. With regard to the possibility of submitting an application for international protection on grounds of family reunification, this procedure does not recognise late submission of an application as provided for in CJEU Decision C-380/17. As for the procedure for temporary residence the application may be submitted even after a period of three months from the granting of asylum to the sponsor, in which case it is required to submit an application for temporary residence for the purpose of family reunification and to submit all documents stipulated by law to the application. 5. Where an applicant submits an application for international protection for the purpose of family reunification, depending on the case and circumstances, other actors may serve as a source of relevant information for the examination of the application. However, information from another actor is not a necessary condition for the possible granting of international protection for the purpose of family reunification. In particular, the information provided by the applicant, which he or she shall provide during the interview, or other documents submitted by the applicant during the asylum procedure, as well as information

			on the country of origin, are decisive in the asylum procedure. In the case of an application for temporary residence for the purpose of family reunification, the applicant submits the application in person at the Embassy of the Slovak Republic abroad. Throughout the applicants can benefit from counselling provided by international or non-governmental organizations, the same goes for international protection procedure. 6. Where an applicant wishes to submit an application for international protection for the purpose of family reunification, such applicant shall have the written consent of the person granted asylum or subsidiary protection with whom he or she wishes to reunite, that he/she agrees to the reunification. They must also prove a close relationship with the person with whom they wish to reunite, preferably by means of a marriage certificate (or a birth certificate in the case of children), that the marriage lasted before the departure of the person with granted asylum/subsidiary protection from the country of origin. If a third-country national submits an application for temporary residence for the purpose of family reunification with the person granted asylum within three months from being granted asylum, he/she shall only submit a valid travel document and a document proving family ties or other proof of the existence of such relationship (this does not apply in the case of a beneficiary of subsidiary protection). If he does not apply for residence within three months, then the procedure is according to the Act on the Residence of Foreigners - granting of temporary residence for the purpose of family reunification, where it is necessary to submit all documents stipulated by law for granting temporary residence for the purpose of family reunification. 7. See response to question 6. 8. With regard to the possibility of submitting an application for international protection for the purpose of family reunification, if the applicant is unable to submit any official documents proving identity or family relationships, the relevant provisions of the Asylum Act shall be followed. In this case, account shall be taken, in particular, of the circumstances – (a) whether the applicant has made a genuine effort to substantiate his or

			her request; (b) whether he has submitted all the particulars in his possession or reasonably explained the missing particulars; (c) whether its statements were coherent and plausible, not contradicting country of origin information; (d) whether he/she submitted the application immediately after entering the territory of the Slovak Republic or after becoming aware of the facts justifying him or her for international protection, or after demonstrating a reasonable reason for not doing so; (e) and whether its general credibility has been established. However, if the applicant is demonstrably unable to prove such documents for demonstrable reasons, he or she may, according to the Civil Code, declare on oath the fact that they are married and that the marriage lasts and lasted before leaving the country of origin. As regards the process of application for residence, the applicant must provide a document proving family ties or other proof of the existence of such relationship. 9. In relation to the possibility of submitting an application for international protection for the purpose of family reunification by an adult child, that application shall be made by the adult child on his/her own behalf. The law does not impose a time limit within which such a request may be submitted. The assessment of an application may take into account the immediate submission of such a request. International protection for the purpose of family reunification shall be granted only for the purpose of family reunification with a beneficiary of international protection. However, an application for international protection for the purpose of family reunification may also be submitted while the procedure of this person (in this case, the parent) is still pending and the decision to grant international protection has not yet been taken. In the case of residence, the issue would be assessed on a case-by-case basis. 10. In relation to the possibility of submitting an application for international protection for the purpose of family reunification, national legislation (Asylum Act) does not allow such reunification of an adult child with a parent. Such a case has not yet occurred in practice, but the adopted decision on international protection would certainly also take into account ECtHR case law (e.g. the case of Savran v. Denmark of 07.12.2021). As regards residence under the Act on Residence of Foreigners, a family member is considered a dependent unmarried child over the age of 18 or a dependent unmarried child over the age of 18 of spouse who is unable to take care of himself/herself due to a long-term unfavourable state of health.

			11. Such a case has not yet occurred in practice. UAM may submit an application for international protection for the purpose of family reunification (through a court-appointed guardian) even before the age of 18. If he reaches the age of 18 during the procedure, the applicants themselves already have legal capacity and their initiated proceedings continue as for other adult applicants. The total 6-month period for issuing a decision remains unchanged at the age of 18. As for the residence procedure, the procedure is in accordance with the Act on the Residence of Foreigners as described in question 6. 12. The case of an adult child seeking international protection for the purpose of family reunification taking into account a 'genuine family relationship' has not yet occurred in practice. The same goes for the residence procedure.
	EMN NCP Slovenia	**Yes**	1. Family reunification of a foreigner granted refugee status in the Republic of Slovenia A foreigner who has been granted refugee status in the Republic of Slovenia on the basis of the Act governing international protection (hereinafter: a refugee) shall be granted the right to family reunification provided that his or her family existed before the refugee entered the Republic of Slovenia. A permanent residence permit shall be issued to a family member of a refugee at the request of the refugee, who must lodge an application within 90 days of having been granted refugee status with the ministry responsible for the interior. If a refugee does not apply for a permanent residence permit within the time limit referred to in previous paragraph, a permanent residence permit may be issued to a family member under stricter conditions (see Article 47.a(7) of the Foreigners Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761). For a person who became a family member of a refugee after the latter's entry into the Republic of Slovenia, the provisions of Article 47 shall apply regarding the issuance of a residence permit for the purpose of family

			reunification. Family reunification of a foreigner granted subsidiary protection in the Republic of Slovenia A foreigner who has been granted subsidiary protection in the Republic of Slovenia on the basis of the Act governing international protection (hereinafter: person under subsidiary protection) for more than one year shall be granted the right to family reunification with family members who are foreigners, provided that the family existed before the person under subsidiary protection entered the Republic of Slovenia. A person granted subsidiary protection for one year shall be granted the right to family reunification when his or her subsidiary protection is extended in accordance with the Act governing international protection. A temporary residence permit shall be issued to a family member of a person under subsidiary protection whose identity has been established at the request of the person under subsidiary protection, who must lodge an application within 90 days of having been granted subsidiary protection at the ministry responsible for the interior. If a person under subsidiary protection does not apply for a temporary residence permit within the time limit referred to in previous paragraph, a temporary residence permit may be issued under stricter conditions (see Article 47.b(7) of the Foreigners Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761). For a person who became a family member of a person under subsidiary protection after the latter's entry into the Republic of Slovenia, the provisions of Article 47 shall apply regarding the issuance of a residence permit for the purpose of family reunification. 2. A refugee or a person granted subsidiary protection may apply for a permanent residence permit for a family member of a refugee or a temporary residence permit for a family member of a person granted subsidiary protection in the Republic of Slovenia, regardless of the circumstances, at any time after the decision granting international protection status to a family member has become final.

			The only difference is that if the application is submitted after 90 days from the final date of the decision granting international protection status, other conditions for the issue of the above-mentioned permits (e.g. sufficient means of subsistence, adequate health insurance, etc.) must be demonstrated, in addition to the identity of the family member and the family ties with him/her. 3. All family reunification procedures with family members of refugees and family members of persons granted subsidiary protection in the Republic of Slovenia shall be initiated at the request of the refugee or person granted subsidiary protection in the Republic of Slovenia. The procedure starts on the day of receipt of the application by the competent authority (in the Republic of Slovenia this is the Ministry of the Interior if the family link between the person granted international protection existed before the entry of the person granted international protection into the Republic of Slovenia, and the administrative unit if the family link between the two began to exist after the entry of the person granted international protection into the Republic of Slovenia). If the application is sent to the competent authority by registered post, the day on which it is posted is considered the day on which the procedure starts. 4. A person granted international protection may apply in the Republic of Slovenia for a permanent residence permit for a family member of a refugee or a temporary residence permit for a family member of a person granted subsidiary protection in the Republic of Slovenia after 90 days from the final date of the decision granting international protection status, provided that he or she fulfils the other conditions after the expiry of the 90 days: - a valid travel document (or another document issued by the state authority which includes a photograph proving the identity of the family member, as per Article 33 (6) of the Foreigners Act, a residence permit, other than the first temporary residence permit, may also be issued to a foreigner who does not have and cannot obtain a travel document from his/her country of origin, provided that his/her identity is not disputed), - adequate health insurance - sufficient means of subsistence (for those members of the family who intend to reside in the country, which must not be less than the level laid down for entitlement to social assistance under the law governing social

			security benefits), - there must be no security concerns on the issue of a residence permit. 5. If a refugee or a person granted subsidiary protection in the Republic of Slovenia in the procedure for issuing a permanent residence permit to a family member of a refugee or in the procedure for issuing a temporary residence permit to a family member of a person granted subsidiary protection in the Republic of Slovenia does not possess documentary evidence to prove his/her identity and family ties and is unable to obtain it, must state in his/her application all the facts concerning the family members with whom he/she wishes to be reunited, in particular their personal names, dates and places of birth, address of residence and details of where they are staying at the time of lodging the application, and state the reason why he/she is unable to obtain documentary evidence to prove the family ties or the identity of the family members. The application must also include written consent allowing the competent authority to forward the data on family members to international organization dealing with migration in order to verify the family ties. Before forwarding the data to an international organization dealing with migration, the competent authority must obtain a written statement therefrom that it will protect the data from the authorities of the country of origin. A permanent residence permit issued to a refugee's family member shall be served by a diplomatic mission or consular post of the Republic of Slovenia if the family member does not yet reside in the Republic of Slovenia, and by the ministry responsible for the interior if the family member already resides in the Republic of Slovenia. If a family member lives in a country where the Republic of Slovenia does not have a diplomatic representation or consulate, an international organization that works in the field of migration can serve him a residence permit, if the refugee/a foreigner granted subsidiary protection agrees and covers the costs of service. 6. The application must include documentary evidence proving the family ties and the family member's identity. If the refugee/ a foreigner granted subsidiary protection does not have documentary evidence proving the family ties, he or she must indicate in the application all relevant facts regarding family members he or she wishes to reunite with, in particular their personal names, dates and places of birth, residence addresses

			and the address where they are staying during the application and state the reason why he cannot obtain documentary evidence to demonstrate family ties or the identity of family members. The application must also include written consent allowing the competent authority to forward the data on family members to international organizations dealing with migration in order to verify the family ties. Before forwarding the data to an international organization dealing with migration, the competent authority must obtain a written statement therefrom that it will protect the data from the authorities of the country of origin. 7. If a person granted international protection in the Republic of Slovenia applies for a permanent residence permit for a family member of a refugee or a temporary residence permit for a family member of a person granted subsidiary protection after 90 days from the final date of the decision granting international protection status, he/she must, in addition to the identity of the family member and the family ties with him/her, also prove that he/she fulfils the other conditions set out in Article 33 (3) of the Foreigners Act: - a valid travel document (or another document issued by the state authority which includes a photograph proving the identity of the family member, as per Article 33 (6) of the Foreigners Act, a residence permit, other than the first temporary residence permit, may also be issued to a foreigner who does not have and cannot obtain a travel document from his/her country of origin, provided that his/her identity is not disputed), - adequate health insurance - sufficient means of subsistence (for those members of the family who intend to reside in the country, which must not be less than the level laid down for entitlement to social assistance under the law governing social security benefits), - there must be no security concerns on the issue of a residence permit. The same applies if the beneficiary of international protection is an unaccompanied minor who applies after 90 days from the date on which the decision granting international protection status becomes final. The Republic of Slovenia does not have specific conditions for family reunification for unaccompanied minors only, but the specific conditions refer to the timing of the application filed by the person granted international protection for his/her family members, regardless of whether he/she is an unaccompanied minor or not.

			8. If the refugee/a foreigner granted subsidiary protection does not have documentary evidence proving the family ties, he or she must indicate in the application all relevant facts regarding family members he or she wishes to reunite with, in particular their personal names, dates and places of birth, residence addresses and the address where they are staying during the application and state the reason why he cannot obtain documentary evidence to demonstrate family ties or the identity of family members. The application must also include written consent allowing the competent authority to forward the data on family members to international organizations dealing with migration in order to verify the family ties. Before forwarding the data to an international organization dealing with migration, the competent authority must obtain a written statement therefrom that it will protect the data from the authorities of the country of origin. The Republic of Slovenia cooperates with international organisations working in the field of migration (IOM, UNHCR and the Red Cross) in such a way that, on the basis of a written request from the competent authority in the country of origin or in the country where the family members are staying, the international organisation verifies the family link or the identity of the family members (by accepting a statement from the family member, by hearing witnesses, by verifying documents not issued by a state authority or other facts, etc.). 9. If a family member of a person granted international protection is in the Republic of Slovenia at the time of the application for family reunification, i.e. at the time of the application for a permanent residence permit for a family member of a refugee or a temporary residence permit for a family member of a person granted subsidiary protection, irrespective of the time of submission of the application (within or after 90 days from the final decision granting international protection status), a minor who, in the course of proceedings decided after the expiry of the legal time-limit for the decision on the matter laid down in the Foreigners Act, becomes an adult shall be considered a minor until the decision on the application is taken. If a family member becomes an adult during a family reunification procedure that has been decided within the legal time limit for the decision laid down in the Aliens Act, or if a family member becomes an adult already at the time of the decision on the applicant's application for international protection, the family member is considered to be an adult, irrespective of the time of the application for family reunification. However, it shall be determined whether the person granted international protection is obliged to maintain him

			or her under the law of the State of which he or she is a national. If it is established that there is no duty to provide subsistence, special circumstances in favour of family reunification are also established. Special circumstances are given where there is a living community between other relatives which, because of specific factual circumstances, is substantially similar to the primary family or has the same function as the primary family, which means in particular genuine family ties between family members, physical care, protection, protection, emotional support and financial dependence. 10. There is no prescribed age limit for an adult unmarried child. He or she is considered a family member as long as the refugee/a foreigner granted subsidiary protection, spouse, partner in a civil partnership or civil union or partner with whom the refugee/a foreigner granted subsidiary protection is in a long-term relationship is obliged to maintain him or her under the acts of his or her country of citizenship. 11. If the unaccompanied minor becomes an adult during the international protection procedure and applies for family reunification within 90 days of the final decision granting international protection, he/she shall be considered as an unaccompanied minor in the family reunification procedure (i.e. in the procedure for issuing a permanent residence permit for a family member of a refugee or in the procedure for issuing a temporary residence permit for a family member of a person granted subsidiary protection), insofar as he/she has submitted applications for first degree family members. If he/she is reuniting family members other than the first degree, he/she shall be considered as an adult, irrespective of when he/she lodged the applications for family reunification. 12. In the event that a minor, a family member of a person granted international protection in the Republic of Slovenia, has become an adult during the international protection procedure, whether or not the application for family reunification is submitted within 90 days from the date of the final decision granting international protection, he/she shall be considered an adult in the family reunification procedure. However, it is determined whether the person granted international protection is obliged to maintain him/her under the law of the country of which he/she is a national. If it is established that there is no duty to provide for the child, special circumstances are also established which are in favour of family reunification. Special circumstances are given

			where there is a living community between other relatives which, because of specific factual circumstances, is substantially similar to the primary family or has the same function as the primary family, which means in particular genuine family ties between family members, physical care, protection, protection, emotional support and financial dependence.
	EMN NCP Sweden	Yes	1. The main rule is that it is the applicant that hands in the application but someone else can do it if there is a power of attorney. The application can be done via the e-service or by regular mail. The application is addressed to the Swedish Migration Agency or a Swedish Mission Abroad. 2. Only if there is a power of attorney can someone else than the applicant make the application. 3. The time is counted from when an application has been handed in to a Swedish Mission Abroad or to the Swedish Migration Agency. National legislation also allow the applicant to demand, in writing, that the case should be settled if that has not been done within six months from the application. The authority must then within four weeks from that demand either decide in the case or make a decision to deny the demand. This decision to deny the demand can then be appealed (12§ förvaltningslagen, 2017:900) 4. Sweden has no limit for when an application from family members must be handed in. there is however a time limit for 3 months for exemption from maintenance requirements if applicable (5 kap. 3 d § första stycket 1 utlänningslagen). 5. The Swedish Missions Abroad conduct interviews, the rest of the case is handled by the Migration Agency. 6. Passport, birth certificate, id-card, documents to prove family tie and maintenance requirements. 7. New documents regarding the maintenance requirement can be required. 8. If documents do not exit of if the documents presented has low documentary proof can the applicant be

			granted relief of evidence regarding his/her identity. This is only possible regarding established family relationships. The family can then be offered to conduct a dna-analysis in order to prove the family ties. If an application is denied we always take into consideration if it is in line with article 8 of the European Convention to make such a decision. That decision is based on if it is proportional when all the circumstances are taken into account. 9. When the child apply for residence permit based on reunification to a parent that has applied for asylum and been granted international protection can certain special considerations be done. In case C-279/20 there was a child that was under age at the time of the parents application for asylum but that had turned 18 when the parent were granted international protection. EU Court of Justice ruled that the relevant time for the applicant's age was when the parent applied for asylum. The application for family reunification must be made within three months from the day when the parent was granted international protection. This means that an applicant that was a child at the time om the asylum application of the parent is to be considered a child also after his/her 18th birthday as long as the application for family reunification has been submitted within three months of the day when the parent was granted international protection. If the parent in Sweden fulfils the requirements in 5 kap 3§ Aliens Act to have close family ties the child will be covered by the EU Court of Justice ruling C-133/19 and more. This means that it is the age of the child at the age of application for family reunification that decides if the child is under age. In that case the assessment is based on the age of the child at the time of application for family reunification. 10. Please see question 9. If a rejection of residence permit would be an unjustified limitation of the parent's right to family life, according to article 8 of the European Convetion, residence permit must be granted to the child no matter the age of the child. There are legal possibilities in the Aliens Act for this (for example 5 kap 3a§ 3 och 5 kap 6§). 11. In order for the child that has turned 18 to be entitled to family reunification to his/her parent the application for family reunification must be submitted within three months from the date that the child was granted international protection as refugee or with subsidiary protection or has been granted a residence

			permit based on these grounds. The EU Court of Justice has said that the application in principle must be made within three months meaning that there in certain cases can be a little longer time span based on the individual circumstances so an individual assessment must be made. But in principle the demand is that the application must have been submitted within three months. 12. The EU Court of Justice has said that biological family ties between a parent and a adult child is by itself not enough to be family life that can be the base for family reunification. But at the same time there is no specific requirements on how the family life should be exercised or how close their relation should be. In order for the relationship to be the base for family reunification there must be a real family life or an intention to establish or keeping up such a family life. To establish if there Is a family life an individual assessment must be made based on the circumstances in the case and the age of the child.
	EMN NCP Norway	Yes	1. Applications for family reunification with a reference person who has protection in Norway must - as a general rule - be submitted from abroad, which could be the applicant's home country, or a country where the applicant has had legal residence for the past 6 months. In exceptional cases, applications can be submitted from Norway by the reference person, on behalf of the applicant. In rare occasions, when the applicant resides in Norway, the application can also be submitted from Norway. The application is first registered electronically, in which a fee is paid for adult applicants. Then the applicant must meet in person at an application centre where he/she will submit the application papers and any ID documents. The application centre receives the application on behalf of the Norwegian Embassy. 2. In rare occasions, parents can submit an application in Norway on behalf of a child abroad. In exceptional cases, which are temporary, we have the opportunity to assess alternative ways to submit the application. 3. The application date is the date the applicant meets in person at an application centre and submits the application. The waiting periods start to run from this date.

			4. Norway does not have any deadline for submitting an application for family reunification. 5. It is mainly the foreign service missions and VFS offices that are involved in the application process, particularly with regard to the handling of the application, such as receiving documentation, and guiding the applicant. The Norwegian Directorate of Immigration (UDI) is responsible for guiding the reference persons in Norway. DNA tests and interviews are carried out by the staff at the foreign service missions or the police in Norway. The VFS office can facilitate an interview via screen with a Norwegian foreign mission if this is located in a country other than where the applicant is located. VFS can also receive applications for residence permits, including taking facial photographs, fingerprints and signatures, enforcing the requirements for identity checks and providing general practical guidance on how the application should be submitted and which documents should be attached to the application. 6. Applications must be submitted using the correct form, and the attachments must be attached to the application when it is submitted to the police or the foreign service mission. The application form, or alternatively the covering letter when using an electronic application, must be signed by the applicant. If the applicant is under 18, the application must also be signed by the applicant's guardian. The applicant must also document his/her identity by presenting valid ID documents. If the applicant lacks ID documents, an explanation of why the documents cannot be provided must be attached. 7. N/A 8. In cases where the applicants do not have ID documents, or the documents generally have low notoriety, UDI makes an overall assessment of identity and relations, including the use of a DNA test, interview, comparison with information about family in the reference person's case, search in open sources etc. 9. In general, the parent sponsor must submit an application for family immigration before the child has turned 18. In exceptional cases, family immigration can also be granted to children over 18 years of age.

			10. In some cases, family reunification can be granted to adult children up to 21 years of age. 11. Norway has no specific deadline or timeframe for submitting an application for family reunification, even if the reference person has turned 18 during the application process in Norway. In general, it is too late to apply after the reference person has turned 18. We then have to assess whether we can make exceptions because there are circumstances beyond the applicant's control that caused the application to be submitted after the reference's 18th birthday, or whether we can make exceptions on the basis of other compassionate grounds. 12. N/A
	EMN NCP Serbia	**Yes**	1. Temporary residence on the grounds of family reunification is regulated by the Law on Foreigners. The Law on Foreigners, article 55, prescribes that temporary residence may be granted to a foreigner who is family member of a foreigner granted asylum in the Republic of Serbia. The immediate family, in terms of this law, mean spouses, common law partners, their children born either in or out of wedlock, adopted children or stepchildren under 18 years of age who have not entered into marriage, as well as parents or adoptive parents of children under 18 years of age who have not entered into marriage. Article 41 of the same law prescribes that application shall be submitted personally by a foreigner to the competent authority on a prescribed form. The competent authority is organizational unit within Ministry of Interior where the foreigner has last residence. Alongside the application for approval of a temporary residence permit, a foreigner shall submit (article 43): 1) Valid personal or service passport; 2) Evidence of means for subsistence during the planned stay; 3) Registered temporary residence or permanent residence in the Republic of Serbia; 4) Evidence of health insurance during the planned stay; Granting temporary residence to a nuclear family member of a foreigner granted asylum in the Republic of Serbia shall not require meeting all the general criteria provided in article 43 of the Law, or criteria referred to in article 41, Paragraph (2) of this Law, taking into consideration specific and personal

			circumstances of the foreigner granted asylum and his nuclear family members. If the foreigner granted asylum in the Republic of Serbia is a minor, temporary residence permit on the grounds of family reunification may be given to his parents with the aim to preserve family unity. 2. No, the application shall be submitted personally to the organizational unit within Ministry of Interior. 3. In accordance with the article 42 of the Law, the competent authority shall make the decision on approval or extension of temporary residence permit within 30 days of the date of submission of the application. 4. There is no time limitation for the submission of application for family unification for the family member of a foreigner granted asylum in the Republic of Serbia 5. State authorities and connected organisations performing tasks related to the fulfilment of different rights of foreigners, shall directly and continuously cooperate and exchange information necessary to implement procedures and tasks provided in this Law (article 116). 6. In addition to the general requirements described under Q1, the foreigner shall submit • Positive decision on granted asylum • Evidences being immediate family member such as birth certificate, marriage certificate, other proofs of marital status, decision on custody, proof that they do not have the necessary family support in their country of origin. 7. Not applicable (see Q4). 8. Granting temporary residence to a family member of a foreigner granted asylum in the Republic of Serbia shall not require meeting all the general criteria provided by this Law, taking into consideration specific and personal circumstances of the foreigner granted asylum and his nuclear family members respecting the principle of preserving family unity

			9. The Law allow exception in the case of adult child who has not married, and cannot satisfy his/her needs because of his/her health status (article 55 (3) of the Law on Foreigners). 10. Only children born either in or out of wedlock, adopted children or stepchildren under 18 years of age who have not entered into marriage are to be consider as a family member. 11. There are no specific provisions for such cases. 12. "Real family relationship" is not precisely defined by the Law on Foreigners, but in conjunction with the Family Law "real family relationship" could be established when “parents take care of the child, which includes keeping safe, raising, upbringing, educating, representing, supporting, and managing child's property. An adult child who is in regular education has the right to support from his parents in proportion to their capabilities, and at the latest until he reaches the age of 26, while an adult child who is unable to work and does not have enough means to support himself, has the right to support from his parents as long as such a condition lasts.”

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