



Ad-Hoc Query on conditions for family reunification of third country nationals receiving international protection

Requested by FI EMN NCP on the 9th of October 2015

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Summary prepared by NO EMN NCP of the responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Croatia and Norway

Disclaimer: The responses were provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs did provide, to the best of their knowledge, information that was 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

The Finnish legislation regulates the right to family reunification of third country nationals who have been granted international protection. Currently in Finland, third country nationals who are granted either refugee status or subsidiary protection (or national humanitarian protection) have the right to family reunification according to similar requirements regardless of their protection status. However, Finland has recently established a legislative

project to review the family reunification criteria according to the Family Reunification Directive. Please note that the possible differences in scope or definition of family members between refugees and subsidiary protection, is not of interest in this questionnaire. With this background Finland asked: concerning:

1. Different requirements for the right to family reunification to those third country nationals who are granted refugee status and those who are granted subsidiary protection?
2. Do refugees need to meet the conditions referred to in Article 7(1) in cases where the application for family reunification is not submitted within a specific period of time after the granting of the refugee status, and the time period; and whether it is required for the sponsor to have stayed lawfully in the territory for a period not exceeding two years, before having his/her family members join him/her, and the length of the period?
3. Which requirements concerning accommodation, sickness insurance, stable and regular resources, integration measures the national legislation establishes as prerequisite for family reunification of those who are granted refugee status and those third country nationals receiving subsidiary protection, as well as whether the requirements are all applied concurrently or if they are even partly optional to one another. In addition it was asked whether possible integration requirements focus on the sponsor or the family member.
4. Whether the legislation includes exceptions in cases where minor children are concerned either as a sponsor or family member?
5. Whether family members are charged an application fee during the process of applying for family reunification in the case of a family member of a refugee or a family member of a third country national who is granted subsidiary protection, as well as the size of the application fee?
6. Whether the national legislation includes a category of international protection different from refugee status and subsidiary protection?

Summary of responses

1. In $\frac{3}{4}$ of the responding (member) states the family reunification requirements for those who have been granted asylum or secondary protection correspond to the requirements in the family reunification directive's article 7. In LV, LT, CZ and AT family reunification requirements differ by the status of the sponsor.
2. From all but 8 responding (member) states it was reported that an application for family reunification had to be submitted within a specified time limit to circumvent the sponsor having to document an adequate standard of living. The most common time limit was 3 months. In BE and NO the family reunification application has to be submitted within 12 months after the sponsor had been granted a residence permit. In EE, HU and PL this time limit was 6 months. In AT a time limit of one year applied only when the sponsor had been granted subsidiary protection. Only 2 MS stated that there was a requirement that the sponsor for a family reunification permit should have stayed lawfully in the territory for a specified period of time, namely 15 months (CZ) and 2 years (Lithuania) respectively. NO reported that for a family establishment permit to be granted, the sponsor had to have been a lawful resident for 4 years.

3. In about half the responses it was stated that there were no special requirements concerning accommodations, or health insurance etc for the application for family reunification, as long as the family relationship existed at the time of the sponsor's application for protection. In one response (NL) it was explicitly stated that the family members had to have been listed at the time of that application. In 5 responses the normal requirements would apply when the sponsor had been granted subsidiary protection and in 5 responses such requirements would apply also when the sponsor had been granted protection as a refugee. None of the responses indicated that there is an integration requirement for granting a family reunification permit when the sponsor has been given protection, but in two responses no explicit information was given.
4. Exceptions where minors are concerned either as sponsor or a family member were indicated in 5 of the responses, with an additional 3 responses signaling that such exceptions might be granted following an individual assessment in each case. In 8 responses it was stated that exceptions would not be made, and in 3 responses it was signaled that the issue was not relevant.
5. In 11 responses it was reported that no fee is charged when applying for a family reunification permit with a sponsor holding a residence permit based on protection. The fees charged varied. In two countries (LV and LT) the size of the fee depends on how fast the case handling has to be completed.
6. Five MS reported that the national legislation includes a category of international protection different from refugee status and subsidiary protection, of which 3 refer to 'humanitarian considerations'. The response for NO is not among these, although there is a provision for this in the national legislation.
