



**Ad-Hoc Query (1 of 2) on family reunification of third country nationals receiving international protection**

**Requested by FI EMN NCP on the 9<sup>th</sup> of October 2015**

**Compilation produced on [16.2.2016]**

**Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom plus Croatia, Norway (21 in Total)**

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## **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 would like to ask the following:

1. Regarding situations of family reunification of third country nationals who have been granted international protection, please inform whether your national legislation establishes different requirements of the alternatives set out in article 7 (1) and (2) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification to those third country nationals who are granted refugee status and those who are granted subsidiary protection?

2. Concerning the possibility to set time limits according to the directive:

a) if, by imposing article 12(1), your national legislation requires refugees 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, please specify this time period; and

b) please inform (yes/no) whether it is required according to article 8 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. If so, what is the length of the period?

3. a) Please inform, which requirements (accommodation, sickness insurance, stable and regular resources, integration measures) your national legislation establishes as prerequisite for family reunification of those who are granted refugee status and on the other hand, those third country nationals receiving subsidiary protection.

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b) Please specify, keeping in mind possible differences in the application of the provisions of Article 7 (1) and 7(2) to refugees and third country nationals receiving subsidiary protection, if the requirements established in your national legislation are all applied concurrently or if they are even partly optional to one another.

c) Please also inform whether possible integration requirements focus on the sponsor or the family member?

We would very much appreciate your responses by the **6<sup>th</sup> of November 2015**.

### **Summary**

*21 member states have responded the query.*

*In ¾ of the member states which responded the family reunification requirements for those who have been granted an asylum or secondary protection correspond to the requirements in the family reunification directive's article 7. In Latvia, Lithuania, Czech Republic and Austria family reunification requirements are different for those with the asylum status and for those with the secondary protection status.*


*In almost all the member states which responded an adequate standard of living was requisite for the family reunification, unless the application was submitted within a time limit according to the directive. The most common time limit is 3 months. In Belgium the family reunification application shall be submitted within 12 months after the sponsor had been granted the residence permit. In Estonia, Hungary and Poland the corresponding time limit is 6 months. In the UK and Belgium adequate living is required only for the "new family members". For example Sweden and Croatia do not require adequate living as a requirement for the family reunification.*

*In general the sponsor's period of residence in the member state is not a requirement for the family reunification. In Latvia, Lithuania, Check Republic and Austria the sponsors with secondary protection are required to live 15-24 months in the member state before the family reunification.*

*In the most member states which responded there are exceptions to the family reunification directive's article 7 requirements when sponsor or applicant is a minor.*

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## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	
	Austria	Yes	<p>1. Neither for TCN who are granted refugee status, nor for those who are granted subsidiary protection the requirements set out in Art. 7 para 1 and para 2 of the Family Reunification Directive (2003/86/EC) are established in Austrian legislation (Art. 35 para 1 Asylum Act). The only difference regarding these two groups of persons is that family members of TCN who are granted <b>subsidiary protection</b> cannot apply for an entry title in order to apply for international protection before their sponsor's temporary residence title was extended for the first time, which is normally after <b>one year</b> (Art. 35 para 2 Asylum Act).</p> <p>2. None of the mentioned time limits are established in Austrian legislation.</p> <p>3. See Question 1.</p> <p>NOTE: A legislative draft concerning changes in relevant legislation is currently <b>under consideration</b> in the Austrian Parliament. The <b>proposed changes would change</b> the legislative situation as follows:</p> <p>1. <b>Yes</b>, Austrian legislation establishes different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection; see Question 3a).</p> <p>2. a) According to Art. 35 para 1 Asylum Act, refugees are required to meet the conditions referred to in Art. 7 para 1 [see Question 3a)] in cases where the application for family reunification is not submitted within <b>three months</b> after the granting of the refugee status.</p> <p>b) No.</p> <p>3. a) In case family members of TCN who are <b>granted refugee status</b> apply for an entry title in order to apply for international protection (Austrian system of family reunification) later than three months after the granting of the refugee status, their sponsor has to fulfil the requirements set out in Art. 60 para 2 subpara 1-3 Asylum Act (which are based on Art. 7 para 1 of the Family Reunification Directive 2003/86/EC):</p> <ul style="list-style-type: none"> <li>- Subpara 1: Accommodation regarded as normal for a comparable family in the same region</li> </ul>


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

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



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			<ul style="list-style-type: none"> <li>- Subpara 2: Sickness insurance in respect of all risks which is liable in Austria</li> <li>- Subpara 3: No risk of recourse to the Austrian social assistance system; reference to further definition in Art. 11 para 5 Settlement and Residence Act: a stable and regular income which is sufficient to maintain himself/herself and the members of his/her family.</li> </ul> <p>TCN who are <b>granted subsidiary protection</b> have to fulfil the above described requirements of Art. 60 para 2 subpara 1-3 Asylum Act in any case. Furthermore, the application for an entry title in order to apply for international protection can be made at the earliest <b>three years after the granting</b> of the subsidiary protection status. (Art. 35 para 2 Asylum Act)</p> <p>b) The requirements described in 3a) are all applied concurrently.</p> <p>c) Concerning family reunification, no integration requirements are established in Austrian legislation.</p> <p>It should be underlined that these changes are <b>not yet decided and not yet in force</b>. Further information about the ongoing legislative process can be found under: <a href="http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/index.shtml">http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/index.shtml</a>.</p>
	<p><b>Belgium</b></p>	<p><b>Yes</b></p>	<p>1. No. There are no different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</p> <p>2. a) In general: yes. <b>Within one year</b> after the recognition of the protection status and if the family relationship (with the family member) existed already before the arrival in Belgium, more favorable conditions apply: the person will not need to provide evidence of sufficient, regular and stable means of subsistence, adequate accommodation and sickness insurance.</p> <ul style="list-style-type: none"> <li>• The above mentioned exemption does not apply to a family reunification with an <b>adult child with a disability</b> (evidence of sufficient, regular and stable means of subsistence, adequate accommodation and sickness insurance always needs to be provided).</li> <li>• No. There is no time limit with regard to <b>unaccompanied minors</b> who wish to be joined by their parents. For them, proof of adequate housing , health insurance and sufficient, stable and regular means of subsistence is never required.</li> </ul> <p>b) No.</p> <p>3. a) Accommodation, sickness insurance, and stable and regular resources are required for both refugees and third country nationals receiving subsidiary protection if the family relationship has not been established before the sponsor has entered the country (article 9(2)). If the family relationship did exist before, see answer 2. Integration measures are not applied as a prerequisite for family reunification.</p> <p>b) For those refugees/beneficiaries of subsidiary protection who are not exempt of the conditions (see above, answer 2), accommodation, sickness insurance, and stable and regular resources are required.</p> <p>c) There are no integration requirements.</p>



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			<p>Remark: Integration policy is not the competence of the federal state and it is not a requirement for family reunification. However, once they arrived in Belgium and received a residence permit, family members aged 18 and more are obliged to follow a civic integration programme (Flanders) and a reception module (Walloon region). No courses are obliged in the Brussels capital region.</p> <p>More information: Belgian Refugee Council (CBAR-BCHV), Family reunification of recognized refugees in Belgium  <a href="http://www.cbar-bchv.be/LinkClick.aspx?fileticket=UqILgfySTO8%3d&amp;tabid=106&amp;mid=566&amp;language=nl-NL">http://www.cbar-bchv.be/LinkClick.aspx?fileticket=UqILgfySTO8%3d&amp;tabid=106&amp;mid=566&amp;language=nl-NL</a></p>
	<b>Czech Republic</b>	<b>Yes</b>	<p>1. Yes. The Czech national legislation establishes softer requirements for family reunification of those third country nationals who have been granted refugee status.  For example, the national legislation establishes the possibility for an applicant for family reunification with a third country national who has been granted refugee status to submit only a travel document, photographs and to prove a family relationship if an application for family reunification is lodged within 3 months after granting the refugee status to the sponsor.  It should be taken into account that family members of third country nationals receiving subsidiary protection must apply for permits according to the national rules (not according to the rules set out in the family reunification directive because of the article 3/2 of the directive). Thus, in case of family reunification of third country nationals receiving subsidiary protection, an ordinary procedure is applied which means that an applicant is obliged to submit the documents confirming accommodation, sickness insurance, funds to cover the stay and also the purpose of stay (evidence of the family relationship).</p> <p>2. a) Yes. Our national legislation establishes the time period of 3 months in relation with Article 12/1 of the family reunification directive.</p> <p>b) Yes. In general, the Czech national legislation requires the sponsors to have stayed lawfully in the Czech republic for the time period of 15 months but in case of sponsors who have been granted refugee status no waiting period is required.</p> <p>3. a) No mentioned requirements are required in case of family reunification with those who have been granted refugee status if an application for a permit for the purpose of family reunification is filed within a time limit of three months from the date when the granted asylum came into force. On the other hand, in case of family reunification of third country nationals receiving subsidiary protection, an ordinary procedure is applied which means that an applicant is obliged to submit documents confirming accommodation, sickness insurance, funds to cover the stay and also the purpose of stay (evidence of the family relationship).</p> <p>b) In case of family reunification of those who have been granted refugee status no requirements mentioned in article 7/1 or 2 are requested if the required period of 3 months for submission of an application is met. As mentioned above, in case of family reunification of third country nationals receiving subsidiary protection, we apply general procedure which means that an applicant is obliged to submit at the same time the documents confirming accommodation, sickness insurance, funds to cover the stay and also the purpose of stay (evidence of the family relationship).</p>

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			c) No integration requirements are established. We did not transpose the article 7(2) of the directive.
	<b>Estonia</b>	<b>Yes</b>	<p>1. No. Estonian national legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection.</p> <p>2. a) According to Estonian legislation, the family member should submit an application for residence permit at the earliest opportunity but not later than six months as of the date of issuing a residence permit to the refugee (Article 46 (5) of the Act on Granting International Protection to Aliens). Estonian legislation does not regulate what is the time period after granting of the refugee status the application for family reunification should be submitted.</p> <p>b) No. Estonia does not require a period of stay.</p> <p>3. a) According to § 46 (6) of the Act on Granting International Protection to Aliens if family reunification is possible in another country, the Police and Border Guard Board <u>may require</u> that upon application for a residence permit of a family member an alien with whom the family member wishes to reside is required to have, at the time of applying for a residence permit of a family member, permanent legal income which shall ensure that the family be maintained in Estonia, the family shall have an actual dwelling in Estonia and the family member of the alien shall have a valid health insurance policy which guarantees the payment of the medical expenses incurred by him or her as a result of illness or injury during the period of validity of the residence permit. Subsection 7 of the same paragraph stipulates that if a family member submits an application for residence permit later than 6 months as of the date of issuing a residence permit to the refugee, the Police and Border Guard Board <u>may demand</u> compliance with the requirements provided for in subsection 6.</p> <p>b) The abovementioned requirements are established concurrently, but the legislator has left some discretion to the Police and Border Guard Board. In practice the Police and Border Guard Board has the right to decide whether to demand the fulfillment of the requirements.</p> <p>c) No integration requirements are established.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. No. National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</p> <p>2. a) Finland does not impose the time period as introduced in article 12. However, it may be useful to point out that according to national legislation the requirement of stable and regular resources must be fulfilled by both refugees and those receiving subsidiary protection if the family relationship has not been established before the sponsor has entered the country (article 9(2)).</p> <p>b) No. Finland does not require a period of stay.</p> <p>3. a) Stable and regular resources are required from both refugees and third country nationals receiving subsidiary protection if the family relationship has not been established before the sponsor has entered the country (article 9(2)). Accommodation, sickness insurance and</p>

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			<p>integration measures are not applied as a prerequisite for family reunification.</p> <p>b) Only one requirement (stable and regular resources) is established.</p> <p>c) No integration requirements are established.</p>
	<b>France</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. France has implemented for TCN who are granted refugee status or subsidiary protection a specific process different from the family reunification: it is not subject to conditions usually required for family reunification such as duration of stay, housing, resources.</li> <li>2. <ol style="list-style-type: none"> <li>a) The law on asylum dated July 29, 2015, has created a new article in the Code for entry and residence of foreigners and right of asylum which precises that the residence permit has to be issued within 3 months after the status of refugee is granted.</li> <li>b) NO France has not implemented any condition related to a minimum residence before having the family join the sponsor. Family members are allowed to join the sponsor as soon as s/he has granted the status.</li> <li>3a) no requirements – see question 1</li> <li>3b) not applicable</li> <li>3c) no integration requirements. However, the family reunification can be refused if the sponsor does not respect the main principles of the French Republic which characterize the family life in France. A family member can also be rejected from the application if s/he can be a threat for public order</li> </ol> </li> </ol>
	<b>Germany</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No, refugees and persons entitled to subsidiary protection can avail themselves of the family unification instrument under the same conditions.</li> <li>2) <ol style="list-style-type: none"> <li>a) The requirement for the availability of sufficient accommodation (§ 29, section 1, number 2, German Residence Act) and the requirement for a secure source of income (§ 5, section 1, number 1, German Residence Act) are to be waived in the case of the immigration of the spouse and children of minor age if the application as required for the issuing of a residence title is being filed within three months after having received the irrevocable recognition as a refugee and if the establishment of a conjugal relationship is not possible in a third country where a special relationship of the applicant /family member may prevail (§ 29, section 2, page 2 German Residence Act).</li> <li>b) No.</li> </ol> </li> <li>3) <ol style="list-style-type: none"> <li>a) Conditions for the family unification always include (apart from other conditions such as the clarification of the identity, the absence of deportation interests) a secure source of income (§ 5, section 1, number 1, German Residence Act, which also includes the health insurance) and sufficient accommodation (§ 29, section 1, number 2, German Residence Act). <ol style="list-style-type: none"> <li>aa) These conditions <u>may be</u> waived in the case of spouses and children of minor age and in the case of those requiring subsidiary protection (§ 29, section 2, page 1, German Residence Act). Such conditions are to be waived if the conditions listed under 2)a) (three-months-deadline and the impossibility of conducting a conjugal relationship in a third country) do prevail.</li> </ol> </li> </ol> </li> </ol>





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			<p>bb) In the case of the unification of parents with a minor, the requirements of a secure source of income and sufficient accommodation are to be waived if no parent with the sole right of custody is residing in Germany.</p> <p>b) If the conditions as named above are relevant, these are to be fulfilled cumulatively.</p> <p>Integration efforts are not a condition for the unification of family.</p>
	Hungary	Yes	<p><b>1.</b> <b>Yes</b>, as refugees are provided with a six-month-long period after the granting of the refugee status during which their family members do not need to prove admission conditions, but after this period the set of admission conditions are the same. National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection; both groups have the right to family reunification under the same conditions. Nevertheless, family members of recognized refugees only have to meet certain admission requirements if their application for a residence permit is submitted more than 6 months after the sponsor was granted a refugee status.</p> <p><b>2.</b> <b>a, Yes.</b> Hungarian national legislation requires refugees to meet the conditions referred to in Article 7(1) in cases where the application for family reunification is not submitted within <b>6 months</b> after the granting of the refugee status.</p> <p><b>b, No.</b> Hungary does not require a period of stay.</p> <p><b>3.</b> <b>a,</b> As a general rule, family reunification of refugees may be requested under favourable conditions: family members do not have to verify compliance with the requirements set out in Article 13 (1) points e)-g) of Act II of 2007 (accommodations or place of residence in Hungary, sufficient means of subsistence and financial resources to cover their accommodation costs, health insurance or sufficient financial resources for healthcare services). They are requested to verify these conditions <b>only if more than six months have elapsed</b> between the time of granting refugee status and the time of lodging the request for family reunification. Within 6 months after the granting of the refugee status the family member only needs to submit the following: valid passport, photo, application form, application fee and the proof of the family link. The above mentioned <b>favourable conditions cannot be applied to family members of beneficiaries of subsidiary protection</b>, therefore they always have to fulfill requirements on accommodation, sickness insurance and sufficient resources, as well. It should also be noted that <b>Hungary does not apply any integration admission criteria</b> for groups of third-country nationals covered by the scope of Directive 2003/86/EC.</p> <p><b>b, Admission requirements are applied concurrently</b>, the criteria set out by the Hungarian law all have to be fulfilled at the same time and are not optional to one another. Hungarian national law, nevertheless, allows using several means for proving the fulfilment of the conditions, especially the requirement of having sufficient resources.</p> <p><b>c, N/A. Hungary does not apply any integration admission criteria</b> for groups of third-country nationals covered by the scope of</p>


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			Directive 2003/86/EC.
	<b>Italy</b>	<b>Yes</b>	<p>1. No. Article 22(4) of Legislative Decree No 251/2007 established that “A third-country national admitted to subsidiary protection is entitled to family reunification under Article 29” of the <i>Consolidated Act on Immigration</i>. Article 29 regulates family reunification for the holders of refugee status.</p> <p>2. a), b). No. National legislation on family reunification for the beneficiaries of international protection does not set a time limit for lodging an application for family reunification, which can be submitted any time, even immediately after protection has been granted. There is no minimum length of stay in the territory of the country required for the application to be validly lodged and received.</p> <p>3 a), b), c). When applying for family reunification, both holders of refugee status and beneficiaries of subsidiary protection should only prove that the conditions of family relationship are met under Article 29 (1) of the <i>Consolidated Act on Immigration</i>. The application should be accompanied by documentary evidence of family relationship between the applicants and the sponsors. Moreover, the competent authority for the decision on an application for family reunification cannot request additional documents.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1. National legislation establishes different requirements for those who are granted refugee and subsidiary protection.</p> <p>According to the Asylum Law person who has acquired refugee and alternative status has the right to reunite with family members who are located in foreign countries. A person who has acquired alternative 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.</p> <p>A minor unaccompanied refugee who is not married has the right to take in his or her mother and father who have arrived from a foreign country. (<i>will be changed after the new Asylum Law will come into force and both unaccompanied refugee and person who is granted subsidiary protection will have rights to reunify with mother and father</i>)</p> <p>A family member of a refugee shall be issued a permanent residence permit. A family member of a person who has acquired alternative status shall be issued a temporary residence permit for the same period of time for which a temporary residence permit has been issued to the person who has acquired alternative status.</p> <p>In both situations a family may reunite if it has existed in the country of origin.</p> <p>In order for a family to reunite, a refugee or person who has acquired alternative status or temporary protection shall draw up an invitation for the request of a residence permit at the Office of Citizenship and Migration Affairs. All family members wishing to be reunited shall be indicated in the invitation. When drawing up an invitation, a refugee or person who has acquired alternative status or temporary protection shall present a valid personal identification document and submit a payment document which confirms payment of the State fee for approval of an invitation. Unaccompanied minor refugee may reunite with his or her mother and father if an opinion of the Orphan’s Court has been received that it is in the interests of the child to reunite with his or her mother and father in the Republic of Latvia.</p> <p>In addition when drawing up an invitation person who has granted subsidiary protection shall submit:</p> <ul style="list-style-type: none"> <li>- a document certifying the expected place of residence in the Republic of Latvia and the right to reside therein (for example, documents certifying property rights, a rental contract); and</li> <li>- a certification that the respective person has stable and regular income which is sufficient to provide for himself or herself and family members, without using State social assistance.</li> </ul> <p>After the invitation has been made and approved the family members shall submit the following to the diplomatic or consular</p>

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			<p>mission of the Republic of Latvia:</p> <ul style="list-style-type: none"> <li>- a completed application for the request of a residence permit which has been drawn up in accordance with the regulatory enactments regulating the issuance of residence permits;</li> <li>- a copy of a valid travel document or transfer document recognised in the Republic of Latvia (presenting the original) (a copy of the transfer document shall be submitted if family members reside in the territory of a European Union Member State which granted temporary protection thereto);</li> <li>- copies of documents (presenting the originals), which certify kinship or marriage to the person who has drawn up the invitation;</li> <li>- a photograph of each family member (35 x 45 mm, the face of the person in the picture shall be uncovered, without headgear); and</li> <li>- a payment document which certifies payment of the State fee for examination of the documents necessary for the request of a residence permit.</li> </ul> <p>2. a) No. b) No.</p> <p>3. a) and b) Please see answer to the question No.1.</p> <p>c) No integration requirements are established.</p>
	<b>Lithuania</b>	<b>Yes</b>	<p>1. Yes. In Lithuania conditions for family reunification differ for persons who receive a refugee status and persons who receive subsidiary protection. Family members of persons granted refugee status in Lithuania are eligible for immediate family reunification if they submit an application for family reunification within 3 months after one of the family members was granted a refugee status in Lithuania. Beneficiaries of subsidiary protection have no immediate right for family reunification and general rules for family reunification are applied for them.</p> <p>2a. Yes, application for family reunification must be submitted within 3 months. 2b. This requirement is applied to beneficiaries of subsidiary protection. A sponsor must have been legally residing in Lithuania for 2 years.</p> <p>3a. Family members of a person who was granted a refugee status in Lithuania are exempt from general requirements applied to family members of other third country nationals (to provide health insurance, to have adequate means of subsistence, place of residence) if application for family reunification was submitted within 3 months after the sponsor received a refugee status in Lithuania. Family members of persons granted subsidiary protection must meet general requirements for family reunification (accommodation, insurance, financial resources). 3b. See answers to 3a. 3c. Lithuania does not have specific integration requirements for family members of persons who have received international protection in Lithuania.</p>
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. No. In Luxembourg, article 45 of the amended law of 5 May 2006 and article 69 (2) of the amended law of 29 August 2008 on</p>

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			<p>free movement of persons and immigration do not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</p> <p>2.</p> <p>a. Luxembourg does impose a time period for applying for family reunification. Article 69 (2) establishes that the conditions of: a) producing evidence showing that he/she has stable and regular resources which are sufficient to meet his/her own needs and those of his/her family members for whom he/she is financially responsible, without recourse to the social assistance system; b) he/she has appropriate accommodation to receive the family member(s) in question; and c) he/she has sickness insurance cover for him/herself and his/her family members need not be met unless the application for family reunification is lodged more than three months after the grant of international protection.</p> <p>b. No.</p> <p>3.</p> <p>a. After the above mentioned period of three months the beneficiaries of international protection (refugee status and subsidiary protection) have to fulfil the conditions of stable and regular resources, accommodation and sickness insurance (article 69 (1) of the amended law of 29 August 2008). There is no difference made between both statuses.</p> <p>b. After the above mentioned period of three months, all the three conditions have obligatory to be fulfilled (no options).</p> <p>c. There are no specific integration requirements for the sponsor or the family member.</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>1. No. National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</p> <p>2. a) Netherlands imposes the time period as introduced in article 12 of <b>three months</b>.</p> <p>b) No. Netherlands does not require a period of stay for the sponsor.</p> <p>3. a) To be eligible for family reunification with the permit-holder, family members of both categories (refugees and third country nationals receiving subsidiary protection) must have already belonged to that person's family before entry to the Netherlands and family ties may not have been severed. Family members who were not mentioned by the permit-holder during his asylum procedure are not eligible. The family members must enter the Netherlands at the same time as the permit-holder or within three months of that person's asylum permit being granted. Or they must have applied for family reunification within this time frame. In that case no other requirements are seen as a prerequisite. If they have failed to do so, or their application was lodged out of that time frame the requirements as set for family reunification in general will apply. So to summarize the same requirements apply to those who are granted refugee status and on the other hand those third country nationals receiving subsidiary protection.</p> <p>b) There are no differences in the application for both categories.</p> <p>c) No integration requirements are established.</p>




**EMN BE Ad-Hoc Query: Prevention campaigns for transport firms**

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	<b>Poland</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No. National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</li> <li>2.             <ol style="list-style-type: none"> <li>a) the refugee or the person granted subsidiary protection is not obliged to meet conditions established in article 12(1) if the application for family reunification is submitted in the first six months after being granted protection.</li> <li>b) no</li> </ol> </li> <li>3.             <ol style="list-style-type: none"> <li>a) foreigners (including persons granted protection) must have health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds, or a document confirming that the costs of treatment in the territory of the Republic of Poland will be covered by the insurer, a source of steady and regular income sufficient to cover the costs of subsistence for the foreigner himself/herself and family members dependent on him/her and a guaranteed place of accommodation in the territory of the Republic of Poland</li> <li>b) all requirements are applied currently</li> <li>c) no</li> </ol> </li> </ol>
	<b>Portugal</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No. As Finland the Portuguese legal framework does not establishes different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</li> <li>2.             <ol style="list-style-type: none"> <li>a) Not applicable.</li> <li>b) No. Portugal does not require a period of stay.</li> </ol> </li> <li>3.             <ol style="list-style-type: none"> <li>a) In these situations the Portuguese legal framework does not requires such prerequisites for family reunification.</li> <li>b) They are all applied for both situations.</li> <li>c) No integration requirements are established.</li> </ol> </li> </ol>
	<b>Slovak Republic</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2.             <ol style="list-style-type: none"> <li>a. Yes. If a third-country national lodges and application for a temporary residence permit for the purpose of family reunification with a persons granted asylum <u>three months</u> after this person has been granted asylum, he/she has to submit his/her valid travel document and a document proving his/her family ties or other proof of the existence of their family ties.</li> <li>b. No.</li> </ol> </li> <li>3.             <ol style="list-style-type: none"> <li>a. If a third-country national lodges and application for a temporary residence permit for the purpose of family reunification with a beneficiary of international protection three months after this person has been granted asylum, he/she has to submit his/her valid travel document and a document proving his/her family ties or other proof of the existence of their family ties.</li> <li>b. The requirements are applied concurrently.</li> <li>c. The sponsor, i.e. a third-country national with whom the family reunification has been requested, is responsible for the</li> </ol> </li> </ol>

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			proof of the fulfilment of conditions (a document proving financial subsistence and accommodation, consent of the parent who is not a legal guardian but is allowed to meet the child). The other requirements focus on the family member.
	<b>Slovenia</b>	<b>Yes</b>	<p>Q.1. No. National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted subsidiary protection. Both groups have the right to family reunification under the same conditions.</p> <p>Q.2. a.) Yes. In case that person with recognized international protection (refugee and subsidiary protection) does not submit the application for residence permit within the time limit required in national legislation (the Alien Act), he/she also has to provide evidence of fulfilling other requirements determined by the national legislation and prove that there are no reasons to refuse to issue a permit. b.) No in case that person with recognized international protection (refugee/subsidiary protection) lodged application within 90 days from the day when his/her status is granted.</p> <p>Q.3. a.) If a person longed application after 90 days from the day when his/her status is granted the conditions which needs to be fulfil are more or less the same as for any applicant for residence permit. Base on Article 7 (1) and (2) of the FR Directive accommodation and integration measures are not applied as a prerequisite for family reunification. b.) Stable and regular resources and sickness insurance are required. c.) No.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. No, Swedish legislation does not make any differences between granted refugee status and granted subsidiary protection. The right to family reunification is regulated in the Swedish Aliens Act chapter 5 section 3 and covers the Council Directive 2003/86/EC.</p> <p>2. a) No time period limit restriction. Persons granted refugee status or subsidiary statuses are exempt from maintenance requirement. b) No requirement of stay.</p> <p>3. a) No prerequisite for family reunification from those who are granted refugee status and subsidiary protection. b) see answer a) above.</p> <p>c) The Swedish Public Employment Service has a responsibility to offer preparation activities in order to facilitate the integration process.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p><b>1. The UK has not adopted this directive and is not bound by or subject to it's application. However the answers below reflect the UK's policies where applicable.</b></p> <p>The UK's legislation and policy provides for the grant of Humanitarian Protection (HP) in the event that a claimant requires protection, but is not a refugee as defined by the Refugee Convention. This reflects the subsidiary protection provisions of Articles 15 - 19 of the Qualification Directive (2004/83/EC) of 29 April 2004. Such protection is intended to be complementary and additional to the protection available in the Refugee Convention.</p>

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		<p>National legislation does not establish different requirements for third country nationals who are granted refugee status and those who are granted humanitarian protection. Both groups have the right to family reunification under the same conditions. Paragraphs 352D to 352FJ of the Immigration Rules sets out the specific criteria that need to be met for someone to qualify under family reunification provisions.</p> <p>2. a) There are no time restrictions imposed upon applications for family reunification. However, refugees (and those with Humanitarian Protection) are entitled to apply for citizenship after having completed five years limited leave to remain and one year indefinite leave to remain in the UK. When someone becomes a British citizen they cease to be a refugee and as such would not be able to sponsor family members under the family reunion provisions.</p> <p>b) No</p> <p>3. a) Family reunion sponsors who are refugees or those with humanitarian protection are not required to meet the normal, English language requirement, Knowledge of Life in the UK test or maintenance and accommodation requirements. There are no integration requirements for the sponsor or the family member.</p> <p>A family member must however be a pre-existing family member and meet other eligibility requirements:</p> <p>Paragraphs 352A-FJ of Part 11 of the Immigration Rules lay out the detailed eligibility for the different family reunion applications which may be made. The particular rule applicable to a family reunion application will depend upon the relationship of the applicant to the sponsor, and on the sponsor's status.</p> <p>Link to Part 11 of the Immigration Rules:  <a href="https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum">https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum</a></p> <p><b><i>Eligible applicants</i></b></p> <p><i>For the purposes of family reunion, paragraphs 352A-FJ define a qualifying family member of a person granted refugee status or humanitarian protection as;</i></p> <ul style="list-style-type: none"> <li>• <i>A spouse</i></li> <li>• <i>A civil partner</i></li> <li>• <i>An unmarried/same sex partner providing that the parties have lived together in a relationship akin to either marriage or civil partnership</i></li> <li>• <i>for two years or more and the sponsor was granted asylum or humanitarian protection on or after 9 October 2006.</i></li> <li>• <i>A child under the age of 18, who is not leading an independent life, is unmarried and is not in a civil partnership and has not formed an</i></li> <li>• <i>independent family unit.</i></li> </ul>
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		<p><b>Ineligible applicants</b></p> <p><i>The Immigration Rules and the Home Office policy do not allow the following persons to be applicants for family reunion purposes:</i></p> <ul style="list-style-type: none"> <li>• <i>Persons who fall within the terms of one of the exclusion clauses listed under 1F of the 1951 Refugee Convention</i></li> <li>• <i>Post-flight family members, including persons who formed the relationship with the sponsor in a third country, after the sponsor fled their country of origin and arrived in the UK to seek asylum</i></li> <li>• <i>Fiancees, unless satisfying another rule, e.g. as a civil partner or unmarried/same sex partner (Immigration Rules 352A or 352AA)</i></li> <li>• <i>A dependent child over the age of 18 and other dependent relatives (e.g., elderly parents, siblings, etc.).</i></li> <li>• <i>Family members party to a polygamous marriage</i></li> <li>• <i>Family members in a consanguineous relationship</i></li> <li>• <i>Family members of children who have been recognised as a refugee or have been given humanitarian protection</i></li> <li>• <i>De facto adoption cases</i></li> <li>• <i>UK born children born after the grant of asylum (unless conceived pre-flight, children conceived before the refugee fled to seek asylum in the UK and UK Born children).</i></li> </ul> <p><i>Some individuals within some of these categories may, however, qualify under another Immigration Rule (see Gov.uk website <a href="https://www.gov.uk/join-family-in-uk">https://www.gov.uk/join-family-in-uk</a>)</i></p> <p><b>Eligible sponsors</b></p> <p><i>For the purposes of family reunion, paragraphs 352A-FJ define a sponsor as;</i></p> <ul style="list-style-type: none"> <li>• <i>A person who has been recognised in the UK as a refugee, who has not yet obtained British citizenship.</i></li> <li>• <i>A person who has been granted 5 years humanitarian protection but has not yet obtained British citizenship.</i></li> <li>• <i>A person who acquired their refugee status as a result of being the dependant of a sponsor who was recognised as a refugee but has not yet obtained British citizenship.</i></li> <li>• <i>A person who was granted 5 years humanitarian protection as a result of being the dependant of a sponsor who was granted 5 years humanitarian protection but has not yet obtained British citizenship.</i></li> </ul> <p><b>Ineligible sponsors</b></p> <p><i>The Immigration Rules and the Home Office policy do not allow the following persons to be sponsors for family reunion purposes:</i></p> <ul style="list-style-type: none"> <li>• <i>An asylum seeker whose claim in the UK has not been determined</i></li> <li>• <i>A British Citizen (even though they were previously granted refugee status or humanitarian protection)</i></li> <li>• <i>A minor with leave otherwise qualifying him/her as a sponsor (even to sponsor parents).</i></li> <li>• <i>A family member of a refugee (or person granted 5 years humanitarian protection) who has obtained entry clearance from</i></li> </ul>
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			<p>abroad to</p> <ul style="list-style-type: none"> <li>• join them in the UK and who has not qualified as a refugee (or person eligible for humanitarian protection) in their own right.</li> <li>• A family member of a refugee (or person granted 5 years humanitarian protection) who has been granted leave in line with the sponsor</li> <li>• following an in country application for family reunion, and who has not qualified as a refugee (or person eligible for humanitarian</li> <li>• protection) in their own right.</li> </ul> <p><b>The link below contains more information about the rights to family reunification of a refugee/recipient of international protection.</b></p> <p><b><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257465/familyreunion.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257465/familyreunion.pdf</a></b></p> <p>b). N/A</p> <p>c) There are no integration requirements on the sponsor or family member.</p>
	<b>Croatia</b>	<b>Yes</b>	<p>1. Croatian national legislation has not created a different requirements for third country nationals who are granted asylum and who are under subsidiary protection when applying for a family reunification. Application for family reunification is under the same conditions for a both categories.</p> <p>2. a) In the Croatian legislation which is covering a family reunification related to Article 12(1) and Article 7(1) there is <b>no</b> time limit imposed nor any other specific requirements. b) No. Croatian legislation does not require a specific period of stay before the sponsor granted refugee status or subsidiary protection can apply for the family reunion.</p> <p>3. a)None b) N/A c) Integration requirements have not been established.</p>
	<b>Norway</b>	<b>Yes</b>	<p>1. Norway is not bound by Council Directive 2003/86/EC of 22 September 2003. We do not require accommodation when the applicant is the sponsors wife, cohabitant or children. We do require accommodation for other family members. This applies regardless of the status of the sponsor.</p> <p>Sickness insurance is never required in an application for family migration according to our national legislation.</p> <p>As a main rule, the sponsor must satisfy the income requirement. If the sponsor has been granted refugee status or subsidiary protection, the sponsor's spouse, cohabitant and children under the age of 18 is exempted from the income requirement. It is a condition that the application for family reunification was received within a year after the sponsor was granted protection. For a spouse it is further a</p>

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			<p>condition that the marriage was contracted before the sponsor entered Norway.          If the sponsor is granted a residence permit on humanitarian grounds, this exemption does not apply.</p> <p>There is also a condition that the sponsor has worked or studied in Norway for 4 years.          This does apply for the sponsors spouse, fiancée and cohabitant. It does not apply for the sponsors children.          Further, it does not apply for a spouse or cohabitant the sponsor had before moving to Norway. It always applies for the sponsor's fiancé.</p> <p>The criteria apply both if the sponsor has a refugee status/ subsidiary protection or humanitarian protection.</p> <p>2. a) Again, Norway is not bound by Council Directive 2003/86/EC of 22 September 2003. When we require accommodation is specified above.          b) The condition that the sponsor has worked or studied in Norway for 4 years applies to certain cases, see 1.</p> <p>3. a) The rights for family reunification are the same in Norway regardless of whether the sponsor has been granted refugee status or subsidiary protection.          b-c) Integration requirements focus on the sponsor. The relevant integration requirements are the income requirement and the condition that the sponsor has worked or studied in Norway for 4 years.</p>
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