

# EMN Synthesis Report for the EMN Focussed Study 2016

## Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices



Migrapol EMN [Doc 382]

April 2017

This Synthesis Report is based on National Reports from EMN NCPs in the following (Member) States: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, SE, SI, SK, UK.

## Contents

Executive summary.....	4
1 Introduction.....	9
2 Overview of the international and EU legislative framework on family reunification .	14
3 Definition of sponsor and family members .....	20
4 Requirements for exercising the right to family reunification.....	24
5 Submission and examination of the application for family reunification.....	32
6 Access to rights following family reunification.....	38
7 Conclusions .....	43
Annex 1 Statistics on family reunification applications in (Member) States, disaggregated by gender of the sponsor (2011-2016) .....	49
Annex 2 Statistics on number of TCNs applying for family reunification in (Member) States, disaggregated by gender of the sponsor and/or family member (2011-2016).....	56
Annex 3 Statistics on family reunification applications in (Member) States, disaggregated by status of the sponsor (2011-2016) .....	62
Annex 4 Statistics on number of TCNs applying for family reunification in (Member) States, disaggregated by status of the sponsor (2011-2016) .....	78
Annex 5 Selected CJEU/ ECtHR as well as national case law rulings on family reunification...	90
Annex 6 References .....	96

## DISCLAIMER

This Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF-Odysseus) and EMN National Contact Points (EMN NCPs). The report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF-Odysseus) or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF-Odysseus and the EMN NCPs are in no way responsible for any use made of the information provided.

The Focussed Study was part of the 2016 Work Programme of the EMN.

## EXPLANATORY NOTE

This Synthesis Report was prepared on the basis of National Contributions from 26 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway**), according to a Common Template developed by the EMN and followed by EMN NCPs to ensure, to the extent possible, comparability.

National Contributions/ Reports were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources, reports and information from national authorities and interviews with national stakeholders. Statistics were sourced from Eurostat, national authorities and other (national) databases. The listing of (Member) States in the Synthesis Report results from the availability of information provided by the EMN NCPs in the National Contributions.

It is important to note that the information contained in this Report refers to the situation in the above-mentioned (Member) States up to and including 2016 and specifically the contributions from their EMN NCPs. More detailed information on the topics addressed here may be found in the National Contributions available [online](#) and it is strongly recommended that these are consulted as well.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this Study, but have done so for other EMN activities and reports.

## Executive summary

### KEY POINTS TO NOTE:

- ★ As **one of the main avenues for legal migration to the EU**, family reunification accounts for **approximately a third** of all arrivals of Third-Country Nationals (TCNs).<sup>1</sup> Latest Eurostat data show that, in 2015, **more than 440,000 first permits for family reasons** were issued to TCNs (reuniting with a TCN sponsor) in the EU Member States plus Norway. The **vast majority** of the first permits for family reasons granted to TCNs in 2015 were issued by **Germany, Italy, Spain, France, UK,<sup>2</sup> Sweden, Belgium and the Netherlands altogether**. Though data on the profile of TCNs, both sponsors and family members, are limited (see Annex 1 to 4), **the types of sponsors vary from one (Member) State to another**. The share of men and women appears to be **approximately equal**. The Study observes a general lack of comprehensive data on family reunification, particularly at national level.
- ★ The Study identifies **both commonalities and differences** between (Member) States' policies and practices on family reunification over the past few years, which depend to a great extent on (Member) States' discretion, despite being guided by the framework established by the Family Reunification Directive ([2003/86/EC](#)) at EU level. Whilst the Study identifies certain **divergences** in the rights and/ or procedures available to sponsors and/ or family members, it also finds that refugees and beneficiaries of subsidiary protection (who are not covered by the Family Reunification Directive) overall appear to benefit from **a similar level of access to family reunification across the EU**. As many **exceptions** apply, however, overall the Study finds that the right of TCNs to reunite with family could be **expanded, both at EU level and (Member) States' policy and practice**.

- ★ The Study highlights a number of **new (or modified) practices** which have been adopted by some (Member) States since 2011, which could be useful for policy-makers to contribute to policy/ practice to promote the right to family reunification in the EU. Moreover, the **review of some of the relevant case law in the field of family reunification** undertaken within this Study points to the significant impact of courts' interpretation of provisions on (Member) States' policies and practices.

### *What does the Study aim to do?*

The following Synthesis Report presents a **comparative overview** of the main findings of the 2016 EMN Focussed Study on *Family Reunification of Third-Country Nationals (TCNs) in the EU plus Norway: National Report*. The Study aims to compare **national policies and/ or practices on family reunification** between the different EU Member States plus Norway, and to provide up-to-date information on the **latest developments in this area of legal migration to Europe since 2011 onwards**. The Study further aims to provide comparable **data** on the scale of family reunification in the EU28 plus Norway at present, as well as over time (2011-2015 and 2016 where available), supplementing available Eurostat data with national statistics where available.

### *What is the scope of the Study?*

The Study covers **all TCNs residing legally within a (Member) State (=sponsors)**. This includes beneficiaries of international protection, notably refugees and beneficiaries of subsidiary protection, as well as holders of other residence permits, such as those issued for the purposes of work or study. Naturally, the Study also covers **sponsors' family members (who are likewise TCNs)** who wish to come to Europe through the legal channel of family reunification.

The Study does *not* cover conditions for family reunification for non-mobile EU nationals,<sup>3</sup> which are governed by national law, as well as for mobile EU nationals.<sup>4</sup>

<sup>1</sup> Based on Eurostat data (2011-2015) (extracted on 19-20 January 2017) concerning TCNs who received a residence permit in the EU and EFTA countries, or an EU Blue Card in the EU countries.

<sup>2</sup> UK does not have residence permits in the same way as other Member States so the UK figures are estimates.

<sup>3</sup> Non-mobile nationals are nationals that have not exercised their right to free movement within the EU (a German national residing in Germany).

<sup>4</sup> Mobile nationals are nationals that have exercised their right to free movement within the EU (a German national residing in the Netherlands) regulated by Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>

Nevertheless, in general more favourable provisions (such as a wider definition of family or unrestricted access to the labour market) appear to apply to the TCN family members of non-mobile EU citizens.

Family reunification under the Dublin III Regulation is *not* covered by this Study.

#### *How does EU and international legislation provide for family reunification?*

As mentioned above, family reunification in the EU is predominantly regulated by the **Family Reunification Directive**, which applies to all (Member) States except Denmark, Ireland, the United Kingdom and Norway. The following Synthesis Report thus refers to the framework (and relevant provisions) of this Directive. The Directive establishes a right to family reunification and provides for, among other provisions: **a definition of eligible sponsors and family members; optional requirements for exercising the right to family reunification, for example income; guidance on the application procedure for family reunification; and rights following family reunification, such as access to education, vocational training and guidance, employment and self-employment**. Other EU and international instruments protecting the right to family life are elaborated in Section 2 of the Study, along with an analysis of some of the relevant case law and its impact on (Member) States' policies.

#### *Who can be a sponsor to an application for family reunification?*

A **sponsor** to an application for family reunification in most (Member) States is a TCN who is in possession of a valid continuous or permanent residence permit, including beneficiaries of international protection. **Students** and/ or **workers** may act as sponsors in many (Member) States, provided that they fulfil the general requirements for family reunification. Furthermore, most national laws allow **beneficiaries of subsidiary protection** to apply for family reunification often under the same conditions as **refugees**. All but one (Member) State allow **unaccompanied minors (UAMs)** who have obtained refugee status or subsidiary protection to become sponsors of family reunification.

#### *Is the scope of family reunification extended beyond the nuclear family?*

(Member) States usually **extend the scope of family reunification beyond the nuclear family**, which consist of core members such as the mother, father and their minor unmarried children. Depending on the national law, the scope of family reunification can include parents, adult children, same-sex partners, non-married partners and/ or foster children. For example, **parents (of adult sponsors)**, as well as **adult children** may fall under the scope of family reunification in some (Member) States if they are not capable of taking care of themselves, for example due to health issues. In some (Member) States adult children may need to fulfil other conditions in order to fall within the scope of family reunification, such as being below a certain age at the time of application. Most (Member) States allow **same-sex partners (either registered or married)** to apply for family reunification, with many of the States providing same-sex partners with an equal right to family reunification as spouses from opposite sexes. Across (Member) States **non-married partners** are usually not included within the scope of family reunification, unless they have a registered partnership equivalent to a marriage or have been living together in a marriage-like relationship for a minimum number of years. Finally, most (Member) States consider that **dependent relatives**, other than core members of the family, have no right to family reunification defined in law, but maybe be eligible nonetheless in special circumstances.

#### *What are the requirements for exercising the right to family reunification?*

Most (Member) States require sponsors and/ or family members to fulfil certain **material requirements in order to exercise the right to family reunification**, including accommodation, health insurance and/ or sufficient financial resources. The most common requirement across (Member) States is **accommodation** suitable for the size of the family (which may vary from 6-12 m<sup>2</sup> of living space per family member) and/ or meeting certain health and safety standards. **Health insurance** is a further condition for family reunification in nearly all (Member) States. Last but not least, **sufficient financial resources**, which are assessed against a reference income threshold, are also required for family reunification in most (Member) States.

In most (Member) States the income threshold is either equivalent to or higher than the basic minimum monthly income or minimum subsistence amount per month of that country, whilst in certain (Member) States this often (also) depends on the size of the family.

*What are the integration measures TCNs may need to comply with before and/ or after admission for the purpose of family reunification?*

Further to the above-mentioned material requirements, some (Member) States require family members to comply with certain **integration requirements** prior to and/ or after admission in the country. Few (Member) States require such integration measures prior to family reunification, but the ones who do usually require family members to demonstrate **basic language proficiency** or **civic knowledge** of the respective (Member) State. Following admission, a few (Member) States require family members to acquire **further language proficiency** or take a civic integration exam at this stage, often as part of the (Member) State's integration programme for TCNs.

*Is there a waiting period before a sponsor's family members can reunite with him/ her?*

Many (Member) States do not set a **waiting period** before a sponsor's family is eligible to apply for family reunification, but where this provision applies, the waiting period can vary between **one, one and a half, two or three years** (from the date the sponsor became resident in the country/ received a final decision granting international protection). Many **exemptions** from the waiting period can be applied by (Member) States.

*Can an application for family reunification be rejected on grounds of public policy, public security or public health?*

By law, the **possibility to reject an application for family reunification on grounds of public policy, public security or public health** exists in nearly all (Member) States (though some national laws may not include public health considerations). In practice, however, (Member) States rarely seem to reject an application for family reunification **solely** on grounds of public policy, public security or public health.

*What are the more favourable family reunification rules for refugees and do similar provisions apply for beneficiaries of subsidiary protection?*

Most (Member) States apply **similar family reunification rules** for refugees and beneficiaries of subsidiary protection. **More favourable family reunification provisions** applicable to these groups may include their **exemption from the material requirements mentioned above altogether, or for a minimum period of three, six or twelve months** depending on the (Member) State. More than half of the (Member) States restrict the application of the more favourable family reunification rules for beneficiaries of international protection to **family ties preceding the arrival of the sponsor** in a (Member) State. Just over half of the (Member) States further apply more favourable family reunification rules to **UAMs, in particular a wider definition of family members**. Overall, rarely do the national laws exclude beneficiaries of subsidiary protection from the possibility to exercise the right to family reunification, though their access to this right has recently been temporarily suspended in **Germany** and **Sweden**.

*Who can be formal party to an application for family reunification? Where can an application for family reunification be submitted and what documentation is required?*

The **formal party** to an application for family reunification is either the sponsor or the family member who would be joining the sponsor in the respective (Member) State. Despite family members being most often the formal party to an application, this can **vary** across (Member) States, for example depending on the type of family reunification concerned.

As a general rule, where the main party to an application is the family member, s/he should submit the application outside the (Member) State, **at a diplomatic mission or consular office** in the respective country of origin or (permanent) residence. In some cases, family members can submit the application in the country where s/he has been residing legally or in the closest neighbouring country if there is no diplomatic representation in the country of origin. Family members of certain types of TCNs can submit their application **in the (Member) State concerned** if they are already residing lawfully or where exceptional conditions justify this.



As regards the **documentary evidence required to prove the family relationship**, where the applicant is the **spouse** of the sponsor, s/he must present a **marriage certificate** or equivalent confirming the marriage contract. **Other forms of partnership** are verified through a civil union contract or a registered partnership agreement. Where the applicant is the **child** of the sponsor and/ or spouse, a document proving the family relationship, i.e. a **birth certificate** must be presented or a certificate of adoption (where applicable). Where the scope of family reunification has been **extended beyond the core members of the family**, as a general rule applicants must submit relevant documents that support the existence of the relationship. Documentary evidence is also required in the case of extended family members who are **dependent** on the sponsor, for example continuous and long-term wire transfers via a bank to prove material dependency. In **guardianship** cases, the applicant must provide a document certifying the establishment of guardianship.

*What are the procedure(s) that apply to family members when an application for entry and residence for the purpose of family reunification is submitted? Are the best interests of the child taken into account during the examination of the application for family reunification?*

A number of **procedures** apply to sponsors and/ or family members when an application for family reunification is submitted. In order to **verify that certain material requirements are achieved**, (Member) States usually require from the sponsor a documentary proof of ownership or lease as proof their accommodation is fitting. Where health insurance is a requirement, sponsors must show that they have access to health insurance, either public or paid. Where financial resources are a requirement, the person applying for family reunification has to provide evidence of their income, usually through an employment contract or salary slips. As regards **compliance with integration measures**, where such measures exist, applicants are required to provide certificates proving elementary language proficiency and civic knowledge of the (Member) State concerned.

(Member) States apply **several different methods to verify whether or not a family member constitutes a threat to public policy and/ or public security** in the form of background checks or by requesting information from relevant internal intelligence services, other national bodies or databases, for example.

Family members may be requested to present a criminal record certificate issued by the country of origin or residence, or to undergo necessary medical tests as soon as they arrive in the territory of a (Member) State, or to provide a medical report (concerning HIV, Hepatitis B and C, syphilis or TB) from their country of origin in order not to endanger public health.

According to the law and general policy of many (Member) States, **the best interests of the child** must be a priority consideration with regard to institutions dealing with applications for family reunification. Comprehensive and specific guidelines concerning policy and practice measures in this regard seem somewhat scarce however, except in the case of UAMs.

*What is the duration of the procedure deciding on an application for family reunification?*

A number of Member States' laws determine that applications for family reunification should be processed **without undue delay**. The time limit prescribed by law, which commences after submission or complete submission of the application, varies considerably among (Member) States, spanning **from 1 to 12 months**. This time limit can vary within a (Member) State depending on the category of TCN or type of request, with **more favourable time conditions** laid down especially for family members of a sponsor who is a holder of a particular residence permit. The processing time may be **extended** in certain or exceptional circumstances, for example due to a complexity of the examination of an application.

*What are the rights of family members that follow on from family reunification?*

Family members have access to certain rights following reunification, such as access to education, vocational training and guidance, employment and self-employment. Often the access to these rights can depend on the status of the sponsor. **Access to education** is compulsory for school children in the majority of (Member) States, but appears to be less prevalent for those TCNs who are above the age of compulsory education. Less than half of the (Member) States provide unrestricted **access to the labour market** for TCNs and certain countries require family members to obtain a work permit or pass a labour market test. Often family members' access to the labour market depends on the validity of their residence permit. Regarding **self-employment**, with a few exceptions TCNs, including beneficiaries of international protection are usually not subject to any restrictions across (Member) States.

TCNs have access to the **general vocational guidance and training services** as other legally staying TCNs in just over half of the (Member) States, whilst in some countries this may be available only for beneficiaries of international protection and their family members. Most (Member) States recognise the **right of TCNs to apply for autonomous residence or permanent residence or citizenship**, provided they fulfil certain requirements. As a general rule, TCNs need to continue to satisfy the general conditions for a residence permit required initially, such as existence/ continuation of family ties in order to renew/ extend their residence in the EU. Although a residence permit can be subject to withdrawal or non-renewal, for example due to non-compliance with integration measures in the (Member) States concerned, some (Member) States report taking **individual circumstances** into account to mitigate the negative consequences of any withdrawal or non-renewal.



## 1 Introduction

This Synthesis Report presents the main findings of the 2016 EMN Focussed Study on *Family Reunification of Third-Country Nationals (TCNs) in the EU plus Norway: National Report*. The Study aims to compare national policies and/ or practices on family reunification between the different (Member) States, and provide up-to-date information on recent developments in this field (i.e. since 2011 onwards). The Study further aims to provide comparable data on the scale of family reunification in the EU plus Norway at present, as well as over time (2011-2015), supplementing it with national statistics where available.

### 1.1 OBJECTIVES OF THE STUDY

In particular, the Study on *Family Reunification of Third-Country Nationals (TCNs) in the EU plus Norway: National Report* examines (Member) States' policies and/ or practices on family reunification with regard to:

- ★ Eligibility criteria for both sponsors and family members;
- ★ Requirements for family reunification, as well as integration measures prior to and after admission;
- ★ Procedural aspects of the application for family reunification;
- ★ Rights granted to TCNs reuniting with family in the EU; and
- ★ Policies regarding non-renewal or withdrawal of the residence permits of family members.

### 1.2 DEFINITION AND SCOPE OF THE STUDY

The scope of the Study includes the family members<sup>5</sup> of TCNs residing legally on the territory of the EU and Norway (=sponsors), who come to these (Member) States through the channel of family reunification together with the sponsor or at a later stage. The sponsor is a TCN who resides in the EU or Norway as a beneficiary of international protection, which means either refugee or beneficiary of subsidiary protection, or is a holder of another residence permit (e.g. worker, student, etc.).

Conditions for family reunification for non-mobile EU nationals,<sup>6</sup> which are governed by national law, as well as for mobile EU nationals<sup>7</sup> are *not* covered by this Study. Family reunification under the Dublin III Regulation is *not* within the scope of the Study.

This Synthesis Report follows the provisions contained within the Family Reunification Directive (2003/86/EC)<sup>8</sup> on the right to family reunification. The Directive establishes a right to family reunification and provides: a definition of eligible sponsors and family members (Section 3); optional requirements for exercising the right to family reunification, for example income (Section 4); guidance on the application procedure (Section 5); and rights following family reunification, such as access to education and training (Section 6). The Family Reunification Directive is used as a framework through which policies and laws in the EU and Norway are discussed. Most sections in this Synthesis Report therefore refer to the relevant provisions in the Directive. The Directive applies to all (Member) States, except Denmark, Ireland, the United Kingdom and Norway.

### 1.3 RATIONALE OF THE STUDY

As mentioned above, at EU level, the regulation of family reunification – one of the legal avenues for migration to Europe – is predominantly regulated in the Family Reunification Directive (2003/86/EC), with some relevant provisions in other instruments related to legal migration and asylum (see Section 2). The past few years have witnessed revisions to many of the EU legal instruments concerning asylum, as well as regular migration which have implications for the right to family reunification, most notably:

- ★ The proposal for a revised Blue Card Directive (2009/50/EC);
- ★ The Intra-Corporate Transfer Directive (2014/66/EU);
- ★ The revised Directive on Students and Researchers (2016/801 recast);
- ★ The Long-Term Residents Directive (2003/109/EC), amended by Directive 2011/51/EU;

freely within the territory of the Member States, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>

<sup>8</sup> The Directive applies to all (Member) States, except Denmark, Ireland, the United Kingdom and Norway.

<sup>5</sup> Who are also TCNs under the scope of the Study.

<sup>6</sup> Non-mobile nationals are nationals that have not exercised their right to free movement within the EU (a German national residing in Germany).

<sup>7</sup> Mobile nationals are nationals that have exercised their right to free movement within the EU (a German national residing in the Netherlands) regulated by Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside

- ★ The revised Qualification Directive (2011/95/EU recast);
- ★ The revised Procedures Directive (2013/32/EU recast).
- ★ The revised Reception Conditions Directive (2013/33/EU recast);
- ★ The revised Dublin Regulation (604/2013/EU).

The Family Reunification Directive determines the conditions under which family reunification is to be granted to family members of legally staying TCNs, as well as the rights of the family members concerned. The Directive includes many discretionary provisions ('may' clauses). In fact, in its [First Implementation Report](#)<sup>9</sup> in 2008, the European Commission concludes that Directive 2003/86/EC has had relatively low impact at EU level and on harmonisation across Europe. Since then, the significance of the Directive has gained importance through case law at the national and EU level. The Court of Justice of the EU (CJEU) has developed standards on the application of the Directive arising from case law (see Annex 4 for a selection of relevant case law). In 2014, the Commission issued a Communication ([COM \(2014\)2010](#)) providing guidelines for the application of the Directive.

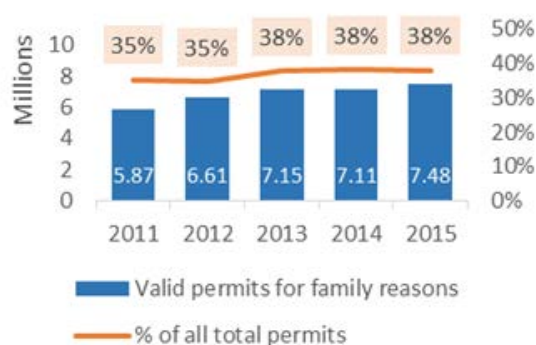
As the details of the implementation of family reunification in the EU depend on national rules, policies and/ or practices, it is important to map these through the present Study. Moreover, the Study is particularly timely in the current migration context: a number of (Member) States have recently modified their policies/ practices towards refugees and/ or beneficiaries of subsidiary protection as a response to the increased number of asylum applications (see Section 1.5). The results of the Study also feed into the horizontal assessment of the legal migration legislation (Fitness Check) being carried out by the European Commission.

#### 1.4 SCALE OF FAMILY REUNIFICATION IN THE EU28 PLUS NORWAY

Eurostat data provide an overview of the scale of family reunification in the EU28 plus Norway.<sup>10</sup> These data have a broader perspective than the scope of the Study since they show how many TCNs<sup>11</sup> came to the EU for family reasons (Figure 1.1), while the Study looks at instances where the sponsor is a TCN already residing in the EU who reunites with family members from abroad (Figure 1.5). In this context, a residence permit is considered as a first permit if it is issued to a person for the first time and also if the time gap between expiry of the old permit and the start of validity of the new permit issued for the same reason is at least 6 months, regardless of the year of issuance of the permit.<sup>12</sup>

In 2015, 38% of all valid residence permits<sup>13</sup> issued in the (Member) States were for the purposes of family reunification, an increase by three percentage points since 2011 (Figure 1.1). First permits issued for family reasons represented a stable 29% (of the total first permits) in the period 2013-2015 (Figure 1.2).

Figure 1.1: All valid residence permits for family reasons and percentage out of total valid permits issued in EU28 plus Norway (2011-2015)



Source: Eurostat

<sup>9</sup> The Second Implementation Report is expected in 2017 and the main implementation/ application issues will be covered in the 'fitness check' of the legal migration acquis which is currently being undertaken by the European Commission.

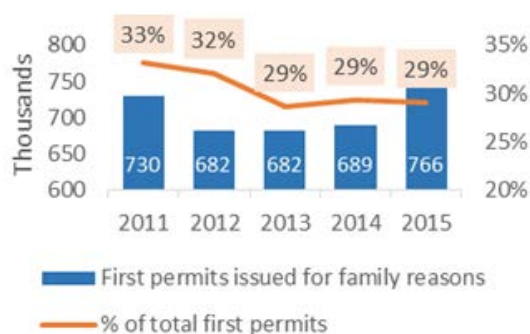
<sup>10</sup> The Eurostat data (extracted on 19-20 January 2017) concern TCNs who received a residence permit in the EU and EFTA countries, or an EU Blue Card in the EU countries.

<sup>11</sup> Means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty.

<sup>12</sup> Based on Eurostat metadata on residence permits (migr\_res), please see concepts and definitions section.

<sup>13</sup> This includes any authorisation valid for at least 3 months issued by the authorities of a Member (State) allowing a third-country national to stay legally on its territory.

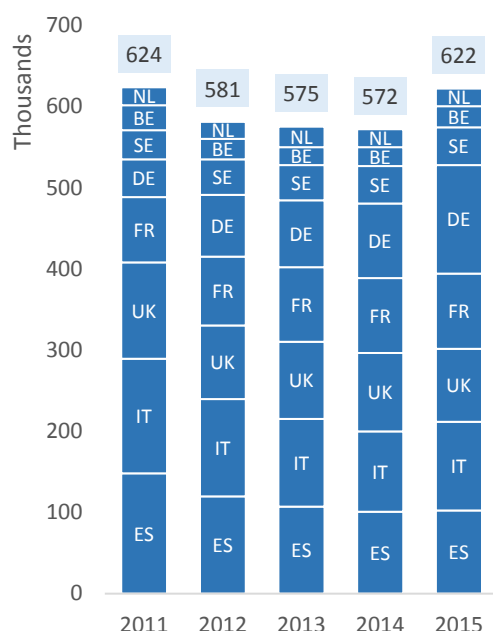
Figure 1.2: First residence permits for family reasons and percentage out of total first permits issued in EU28 plus Norway (2011-2015)



Source: Eurostat

The top eight Member States which issued the most first permits for family reasons in the EU in 2015 are **Germany, Italy, Spain, France, UK,<sup>14</sup> Sweden, Belgium and the Netherlands** (Figure 1.3). As seen in the figure, after a drop in the period 2012-2014, the total number of first permits for family reasons issued by these Member States in 2015 is slightly less than its 2011 value. In comparison to the previous three years, in 2015 there is a significant increase in the number of first permits issued by some of these Member States, notably **Germany**.

Figure 1.3: First permits issued for family reasons in top eight Member States (2011-2015)



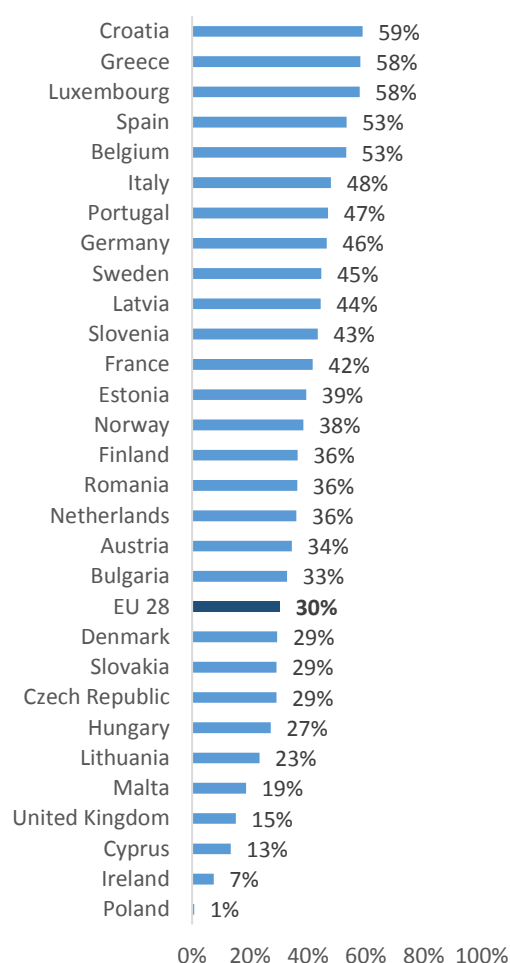
Source: Eurostat

<sup>14</sup> UK does not have residence permits in the same way as other Member States so the UK figures are estimates.

Out of all (Member) States, **Croatia** has issued the largest proportion of first permits for family reasons out of total first permits in the past five years (59%), followed closely by **Greece** and **Luxembourg** (with 58% each). On the other end of the scale are **Poland** (1%) and **Ireland** (7%) who have issued the lowest proportions of first permits for family reasons out of total first permits since 2011 onwards<sup>15</sup> (Figure 1.4).

More than 400 thousand first permits for family reasons have been issued in the EU to persons joining non-EU citizens annually since 2011 onwards. Nearly half of these first permits have been issued to children joining non-EU citizens, followed by spouses or partners joining TCNs.

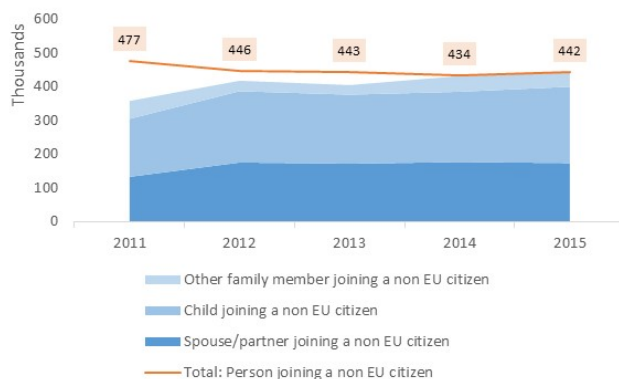
Figure 1.4: Percentage of first permits for family reasons out of total first permits (2011-2015)



Source: Eurostat

<sup>15</sup> Most of the permits issued in these Member States are issued for other reasons (than family reunification), hence the low percentages.

Figure 1.5: First permits issued for family reasons to TCNs for joining a non EU citizen sponsor, by family member joining in EU28 (2011-2015)



Source: Eurostat

Further data on the scale of family reunification in individual (Member) States is provided in Annex 1 and 2.

### 1.5 BASIS FOR LEGISLATION/ POLICY ON FAMILY REUNIFICATION AND RECENT CHANGES IN THE (MEMBER) STATES

Many (Member) States have made recent changes to their policies and/ or practices on family reunification. The types of changes vary from one State to another. Some (Member) States appear to have introduced overall more stringent requirements for family reunification (AT, BE, DE, FI, IE, NL, SE), for example, in **Belgium**, material requirements such as the income requirement for exercising the right to family reunification were introduced in 2011. More recently, the rules were tightened on some aspects of family reunification, including introduction of a charge for the application<sup>16</sup> and stepping up the fight against marriages of convenience and other abuses, as well as lengthening the processing time for family reunification requests from 6 to 9 months. Other (Member) States seem to have eased the conditions for exercising the right to family reunification (EE) and/ or introduced measures supporting family reunification (LU, NL) in recent years.

Sponsors no longer need to reside in **Estonia** for at least two years on the basis of a residence permit before they can reunite with family. Some (Member) States have strengthened the rights of family members.

For example, in **Bulgaria**, family members of beneficiaries of international protection now have the same rights and obligations as the sponsor. In **Spain**, since 2015, the concept of family members has been broadened for investors, entrepreneurs, highly-skilled professionals, researchers and university professors and intra-corporate transferees.

Some (Member) States have introduced new verification systems.

Many (Member) States have introduced or revised specific family reunification rules for refugees and/ or beneficiaries of subsidiary protection recently (CY, DE, FI, HU, IE, NO, SE, SI, SK). For example, in **Greece** and **Slovenia** the possibility for beneficiaries of subsidiary protection to reunite with family exists since 2014; on the other hand, since 2014, the right to family reunification in **Cyprus** applies only to refugees (and not to beneficiaries of subsidiary protection).

Due to the massive influx of asylum-seekers in **Germany** and **Sweden**, these Member States introduced temporary orders in 2016 which limit the right to family reunification of beneficiaries of subsidiary protection. Other (Member) States have also recently reduced or eliminated the three-month period<sup>17</sup> within which refugees and/ or beneficiaries of subsidiary protection have to apply for family reunification in order to benefit from the more favourable rules<sup>18</sup> of the Directive (HU, SI), or limited (IE) or expanded (SI,<sup>19</sup> SK<sup>20</sup>) the definition of the family.

Finally, nearly all (Member) States who refer to the Commission Guidelines ([COM \(2014\)2010](#)) (see Section 1.3) in their National Reports (i.e. BE, BG, EE, ES, FI, NO, SE) mention that this has not brought any significant recent change to the way these (Member) States interpret and apply the Family Reunification Directive. For example, this is due to the fact that national legislation is already more favourable, especially towards family members of refugees (EE, FI), or the fact that some of these (Member) States are not bound by the Family Reunification Directive (NO). An exception is **Sweden** which reports that the Commission guidance has been particularly useful in dealing with parental consent in cases of children under shared custody and in assessments under some of the provisions of the temporary act mentioned above, for example, maintenance requirements.

<sup>16</sup> Except for family members of beneficiaries of international protection who are exempted from the fee.

<sup>17</sup> As per Art. 12 of the Family Reunification Directive.

<sup>18</sup> I.e. before the material requirements for exercising the right to family reunification apply to refugees and/ or beneficiaries of subsidiary protection.

<sup>19</sup> Dependent adult children and parents.

<sup>20</sup> Persons entrusted with the custody of minors.

Similarly, as a result of the Commission guidelines, the Immigration Offices in **Spain** (competent for processing resident permits for family reunification) have been informed that they should consider the possibility of reducing the sponsor's financial resources when they are going to reunite foreign minors, by carrying out an individual assessment of each application submitted.

## 1.6 STRUCTURE OF THE STUDY

In addition to this introduction (Section 1), the Synthesis Report consists of the following Sections (see Section 1.2):

<b>Section 2:</b>	Overview of the international and EU legislative framework
<b>Section 3:</b>	Definition of sponsor and family members
<b>Section 4:</b>	Requirements for exercising the right to family reunification
<b>Section 5:</b>	Submission and examination of the application for family reunification
<b>Section 6:</b>	Access to rights following family reunification
<b>Section 7:</b>	Conclusions



## 2 Overview of the international and EU legislative framework on family reunification

This section reviews the international and EU legal framework guiding national legislation in relation to family reunification. It provides a mapping of the relevant provisions in the EU *acquis*, and how these fit into the broader international legal framework on family reunification.

The central rights associated with family reunification for TCNs are enshrined in the Family Reunification Directive.<sup>21</sup> Section 2.1 therefore discusses the principles and obligations of this Directive, as interpreted by the Court of Justice of the European Union (CJEU). Section 2.2 highlights relevant provisions in other EU and international instruments and case-law. Specific attention is given to the special provisions concerning the family reunification of refugees, which is discussed in Section 2.3.

### 2.1 FAMILY REUNIFICATION DIRECTIVE

The Family Reunification Directive has established a subjective right to family reunification for the persons concerned, based on the consideration that family reunification promotes the integration of TCNs and their family members.

The Directive is applicable if the sponsor has a residence permit valid for one year or more and has 'reasonable prospects of obtaining the right of permanent residence'.<sup>22</sup> The Directive provides an exhaustive list of conditions which Member States are allowed to impose on the sponsor or the spouse (see Section 3). If these conditions are met, Member States are left no discretion: they have to admit the members of the nuclear family of the sponsor.

Member States are left with a certain margin of appreciation to verify whether the requirements are met, but this should not lead to undermining the objective of the Directive, which is that family reunification should be promoted.<sup>23</sup>

Article 17 of the Directive prescribes that each application must be examined individually, thereby taking all relevant circumstances and interests into account.<sup>24</sup> This individual assessment has to take place in accordance with the general principles of EU law, in particular the principles of effectiveness and proportionality, but also the Charter on Fundamental Rights and relevant Treaties like the European Convention on Human Rights (ECHR) and the UN Convention on the Rights of the Child (CRC).<sup>25</sup>

The Family Reunification Directive does not apply to family members of Union citizens.<sup>26</sup> Union citizens who exercised their right to free movement can invoke the more favourable rules of Directive 2004/38. In case of internal situations, i.e. family reunification of Union citizens who did not use their free movement rights, Member States rely on their national legislation. They however have the option to apply the Directive to internal situations, including their own citizens (e.g. NL<sup>27</sup>).

The more favourable rules of Chapter V of the Family Reunification Directive exempt refugees from the waiting period and from complying with income, housing and integration requirements (Article 12), and obliges Member States to be flexible regarding evidence to establish the family relationship (Article 11(2)).<sup>28</sup> Member States are allowed to adopt a wider definition of the family members in case of refugees (Article 10 (2)), but they have to apply Chapter V at least to members of the nuclear family of refugees, mentioned in Article 4(1) of the Family Reunification Directive.

A preliminary question is pending before the CJEU as to whether the reference date of unaccompanied minor refugees, relating to their right to family reunification, applies to the date of entrance in the Member State (in case the refugee status is granted retroactively) or the date of applying for family reunification. This is relevant if an unaccompanied minor (UAM) comes of age in between those moments.<sup>29</sup>

<sup>21</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

<sup>22</sup> Article 3.1 Directive 2003/86.

<sup>23</sup> CJEU Case C-540/03, *European Parliament v. Council*, 27 June 2006, § 54, 59, 61-62, and CJEU Case C-578/08, *Chakroun*, 4 March 2010, §43 and 47.

<sup>24</sup> CJEU Case C-540/03, *European Parliament v. Council*, 27 June 2006, §48.

<sup>25</sup> CJEU Case C-540/03, *European Parliament v Council*, 27 June 2006, §37 and 105.

<sup>26</sup> Article 3(3) of the Family Reunification Directive. See also C-87/12, *Ymeraga*, 8 mei 2013, §26.

<sup>27</sup> On 17 December 2014, the Dutch judicial department of the Council of State judged that Dutch citizens can rely on the Directive, as the transposition legislation is identically applying to them (ECLI:NL:RVS:2014:4650). The Council of State referred to CJEU Case C-28/95, *Leur-Bloem*, 17 juli 1997 and C-313/12, 7 November 2013.

<sup>28</sup> COM (2014)210, para 6.1.2.

<sup>29</sup> Case C-550/16, A. and S. against the Netherlands, 31 October 2016.



Beneficiaries of subsidiary protection are outside the scope of the Family Reunification Directive<sup>30</sup> due to the absence of a definition of the scope of subsidiary protection in EU law at the moment the Directive was adopted.<sup>31</sup> In 2008, the Commission noted that at least nine Member States apply the Directive to beneficiaries of subsidiary protection.<sup>32</sup>

With the first Qualification Directive (2004/83) a common definition of subsidiary protection had been established, and the recast Qualification Directive (2011/95) shows that the rights of refugees and beneficiaries of subsidiary protection are now only differentiated with regard to the duration of the residence permit and the right to social assistance.<sup>33</sup> The Qualification Directive provides for the right to family unity to refugees but also to beneficiaries of subsidiary protection where their family members are already residing in the Member State but does not give a right to family reunification beyond that.<sup>34</sup>

The Commission emphasised in its Guidelines on the application of the Family Reunification Directive that 'in any case, even when a situation is not covered by European Union law, Member States are still obliged to respect Article 8 and 14 ECHR. When interpreting Article 14, the ECtHR requires a reasonable and objective justification and, in some cases, requires substantiated reasons for differential treatment of groups or persons who are in a similar situation.'<sup>35</sup>

## 2.2 OTHER EU INSTRUMENTS ABOUT FAMILY REUNIFICATION

There are other instruments of EU legal migration legislation containing rules on family reunification. They rely on the Family Reunification Directive but provide for more favourable rules and include some sponsors who do not fall under the latter Directive.

The Blue Card Directive (2009/50/EC) and the Intra-Corporate Transfer Directive (2014/66/EU) both depart from the Family Reunification Directive in four important aspects:<sup>36</sup>

- ★ They do not require reasonable prospects of obtaining permanent residence rights or having a minimum period of legal residence;
- ★ No pre-departure integration requirements may be applied;
- ★ The time limit given for processing and granting permits for family members is shorter, limited to 90 days in the Intra-corporate Transfer Directive and six months in the Blue Card Directive, whereas the Family Reunification Directive imposes a time-limit of nine months;<sup>37</sup>
- ★ Where Article 14(2) of the Family Reunification Directive allows Member States to restrict access to the labour market for family members during the first year of residence, the two other Directives grant them immediate access.

The proposal for a revised Blue Card Directive provides for yet more favourable conditions for family reunification, as family members will be entitled to receive their permits immediately when the EU Blue Card is issued and thereby be able to join the worker without any delay.<sup>38</sup> This follows the example of what is provided for family members of intra-corporate transferees and researchers (under the recast Directive).

For the acquisition of the autonomous residence permit, the required five years of residence will include the periods of residence in different Member States.<sup>39</sup> The recast Directive on Students and Researchers, adopted in May 2016, includes differences compared to the Family Reunification Directive for family members of researchers similar to those listed above.<sup>40</sup> In addition, those family members benefit from intra-EU mobility in the same way as researchers themselves.

<sup>30</sup> Article 3 (2) of the Family Reunification Directive. It does not exclude beneficiaries of international protection *in accordance with EU law*.

<sup>31</sup> COM (2000)624. This is one of the reasons that Article 19 of the Family Reunification Directive, which includes a *rendez-vous* clause for reviewing the Directive, refers to Art. 3 of the Family Reunification Directive.

<sup>32</sup> 2008 Implementation Report on the application of Directive 2003/86/EC on the right to family reunification, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008DC0610&from=EN>

<sup>33</sup> See Article 24 and 29 Directive 2011/95. This differentiation is also included in the Commission proposal for the Qualification Regulation, see Article 26 and 34 in the proposed Qualification Regulation, COM(2016)466.

<sup>34</sup> Directive 2011/95, Article 2 sub j; Council doc. no. 5463/10, p. 37 and 15303/10, p. 23.

<sup>35</sup> Point 6.2 of Commission Guidelines on the application of the Family Reunification Directive, COM (2014)201. See the relevant recent case-law of the ECtHR: *Hode and Abdi v UK* 6 Nov 2012, 22341/09, § 54-55; *Pajić v Croatia* 23 Feb 2016, 68453/13, § 81-83; *Taddeuci v Italy* 30 June 2016, 51362/09, § 94-98; *Biao v Denmark* 24 May 2016, 38590/10, § 122-137.

<sup>36</sup> Article 15 Blue Card Directive and Article 19 Intra-Corporate Transfer Directive.

<sup>37</sup> Article 5(4) of the Family Reunification Directive.

<sup>38</sup> COM(2016)378, 7 June 2016, Article 16 (4).

<sup>39</sup> COM(2016)378, 7 June 2016, Article 16 (7).

<sup>40</sup> Article 26 of Directive (EU) 2016/801.

The Seasonal Workers Directive, however, does not provide for the right to family reunification.<sup>41</sup> As the Seasonal Workers Directive limits the residence right to between five and nine out of twelve months, seasonal workers remain excluded from the scope of the Family Reunification Directive.<sup>42</sup>

The Single Permit Directive does not alter the right to family reunification, but it grants the sponsor as well as the admitted family members who have entered the labour market, a common set of rights based on equal treatment with the nationals of the Member State.<sup>43</sup>

Finally, family reunification is mentioned in the Long-Term Residents (LTR) Directive.<sup>44</sup> Article 16 of this Directive allows family members who lived with a holder of a LTR-permit to accompany him/her while settling in a second EU Member State, if they apply within three months after entrance in the second Member State.<sup>45</sup>

Although this right is restricted to members of the nuclear family, Recital 20 of the Long-Term Residents Directive encourages Member States to take into account the situation of 'disabled adult children and of first-degree relatives in the direct ascending line who are dependent on them'. Article 16(5) of the Long-Term Residents Directive refers to the Family Reunification Directive for the admission of family members who did not live with the sponsor in the first Member State.

Regarding their access to the labour market, education or vocational training of the family members, the provisions of the Family Reunification Directive are applicable.<sup>46</sup> As far as the asylum instruments are concerned as referred above, the Qualification Directive obliges Member States to ensure that family unity can be maintained.<sup>47</sup> Therefore, family members of both refugees, as well as beneficiaries of subsidiary protection who are already present in Member States are entitled to

a residence permit and to the same rights as protection beneficiaries.<sup>48</sup> These provisions are specific and complementary to the ones in the Family Reunification Directive, but they do not replace them.

The Reception Conditions Directive 2013/33 is silent on the issue of family reunification. It only provides in Article 12 that Member States "shall take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned". Family members of asylum seekers fall under the scope of the Directive in so far as the family already existed in the country of origin.<sup>49</sup>

In the proposal of the Commission for a new recast Reception Conditions Directive, the definition of family members is extended by including family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State.<sup>50</sup> The same amendment has been made in the proposal for the Qualification Regulation.<sup>51</sup>

Certain provisions in the Dublin Regulation may contribute to the maintenance of family unity and even result in bringing about family reunification for asylum seekers who are living in different EU Member States.<sup>52</sup> In January 2016 a UK court on the basis of these rules ordered the UK government to admit four minor asylum seekers living in the 'jungle' in Calais to reunite with family members in the UK, once they had filed an application for asylum with the French authorities.<sup>53</sup> The proposed amendment of the Dublin Regulation however will, if adopted, make it more difficult for family members to reunite with beneficiaries of protection residing in another Member State, as it obliges the first Member State where the asylum claim is lodged to return the applicant to a first country of asylum, a safe third country or a safe country of origin, if applicable.<sup>54</sup>

<sup>41</sup> Directive 2014/36/EU, Directive on the conditions of entry and stay of TCNs for the purpose of employment as seasonal workers, Recital 46, third paragraph.

<sup>42</sup> Article 14(1) of Directive 2014/36.

<sup>43</sup> See 2011/98, recital 20, article 1 (b), and in particular article 12, where the main rights are established.

<sup>44</sup> Directive 2003/109/EC of 25 November 2003 concerning the status of TCNs who are long-term residents, amended by Directive 2011/51, on 11 May 2011.

<sup>45</sup> Article 16 (3) LTR. Paragraph 4 of Article 16 allows the second Member State to require evidence of a sustainable income and residence rights in the first Member State.

<sup>46</sup> Article 21(3) of Directive 2003/109.

<sup>47</sup> Article 23(1) of Directive 2011/95.

<sup>48</sup> See Article 23 (2) Directive 2011/95, referring to the rights enshrined in Article 24 to 35; Article 25 (1),

COM(2016)466, referring to the rights as enshrined in Article 27-39.

<sup>49</sup> See Article 2 (c) 2013/33. Those family members are the spouse, unmarried partner and minor children, or parents or another adult responsible for an unmarried minor.

<sup>50</sup> Article 2(3), COM (2016)465, 13 July 2016.

<sup>51</sup> Article 2(9), COM (2016)466, 13 July 2016.

<sup>52</sup> Articles 4, 6 - 11, 16, 17 and 20, and Recital 15 of Regulation 604/2013 of 26 June 2013, OJ L 2013, 180/31.

<sup>53</sup> Upper Tribunal Immigration and Asylum Chamber 22 January 2016 in ZAT and Others, [2016] UKUT 61.

<sup>54</sup> Article 3(3) COM (2016)270, 4 May 2016. See also the explanation at page 15.

This inadmissibility procedure takes precedence over applying the family criteria, which will therefore become less relevant.<sup>55</sup> Besides this restriction, the proposed amendment of the Dublin Regulation extends the definition of family members by including families formed in transit and siblings of the applicant.<sup>56</sup>

### 2.3 THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

Article 8 ECHR influences the interpretation of the Family Reunification Directive, as rights enshrined in ECHR represent fundamental principles of Union law.<sup>57</sup> But Article 8 can also be invoked by sponsors who are excluded from the scope of the Family Reunification Directive, but falling within the scope of national law.<sup>58</sup>

While article 8(1) ECHR grants everyone “the right to respect for his private life and family life”, interference with that right by a public authority is only allowed on the grounds mentioned in Article 8(2).<sup>59</sup>

In immigration cases, family relationships with family members other than spouses, unmarried partners, parents and children, can only qualify if there is evidence of dependency ‘involving more than the normal emotional ties’.<sup>60</sup> Contrary to the Family Reunification Directive, Article 8 does not grant an express right to family reunification and thus leaves States more discretion in policies as well as individual decision making. This implies that Article 8 ECHR lacks an absolute obligation to respect people’s choice of residence as a family.<sup>61</sup>

The obligations of a State to admit to its territory relatives of persons residing there depends on the particular circumstances of the persons involved as well as the general interest of the State.<sup>62</sup> At all times the State must strike a fair balance between the competing interests of the individual and the community as a whole.<sup>63</sup> The case *Biao v. Denmark* illustrates that national discretion in first admission rules is limited by the prohibition of discrimination.<sup>64</sup>

Children’s rights and interests are taking an increasingly central role in the assessments by both the CJEU and the ECtHR.<sup>65</sup> In the *Jeunesse case*, the ECtHR ruled that regarding the best interests of the child determination, the contracting parties must ‘advert to and assess evidence in respect of the practicality, feasibility and proportionality’ of the expulsion of a parent.<sup>66</sup>

Taking the best interests of the child into account also requires that a visa application for his/ her reunification with his/ her parents is examined rapidly, attentively and with particular diligence.<sup>67</sup> In the *El Ghatet* case, the Court confirmed that the child’s best interests have to be placed at the centre of the balancing exercise and reasoning and that domestic courts should fully scrutinise this balancing exercise.<sup>68</sup>

The ECtHR has held that Article 8 ECHR obliges Member States to recognise the right to family life where its disruption was solely a result of a decision to flee the country of origin out of a genuine fear of persecution within the meaning of the Refugee Convention.<sup>69</sup>

<sup>55</sup> The family criteria are laid down in Articles 8-11 of Regulation 604/2013, and in Articles 10-13 of COM (2016)270.

<sup>56</sup> Article 2(g) and Article 19, COM (2016)270, 4 May 2016.

<sup>57</sup> Article 6(3) Treaty on European Union (TEU).

<sup>58</sup> See Article 1 ECHR enabling all persons falling within the jurisdiction of a Treaty Party, to invoke the Convention.

<sup>59</sup> Article 8(2) ECHR states: “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

<sup>60</sup> See *Onur v. the United Kingdom*, judgment of 17 February 2009, app. no. 27319/07, §45; *A.W. Khan v. the United Kingdom*, judgment of 12 January 2010, app. no. 47486/06, §32.

<sup>61</sup> See f.i. *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, judgment of 28 May 1985, Series A no. 94, p. 34, § 67; *Hode and Abdi v. the United Kingdom*, judgment of 6 November 2012, app. no. 22341/09 § 43.

<sup>62</sup> *Gül v. Switzerland*, judgment of 1 February 1996, app. no. 23218/94, § 38.

<sup>63</sup> *Rodrigues da Silva and Hoogkamer v. the Netherlands*, judgment of 31 January 2006, app. no. 50435/99, §39.

<sup>64</sup> *Biao v. Denmark*, judgment of 24 May 2016, app. no. 38590/10.

<sup>65</sup> *Neulinger and Shuruk v. Switzerland* - 41615/07 [2010] ECHR 1053 (6 July 2010), §135; *Osman v Denmark* - 38058/09 [2011] ECHR 926 (14 June 2011), §73; *Nunez v. Norway* - 55597/09 [2011] ECHR 1047 (28 June 2011), para. 84; *Jeunesse v. the Netherlands* - 12738/10 - Grand Chamber Judgment [2014] ECHR 1036 (03 October 2014), §120. *El Ghatet v. Switzerland* - 56971/10 (Judgment (Merits and Just Satisfaction): Court (Third Section)) [2016] ECHR 963 (08 November 2016), §53.

<sup>66</sup> *Jeunesse v. Netherlands*, app. no. 12738/10, 3 October 2014.

<sup>67</sup> *Senigo Longue and Others v. France*, app. no. 19113/09, 14 July 2010.

<sup>68</sup> *El Ghatet v. Switzerland*, app. no. 56971/10, 8 November 2016.

<sup>69</sup> *Mayeka and Kaniki Mitunga v. Belgium*, appl. no. 13178/03, 12 October 2006, §75 and *ECtHR Tanda-Muzinga v. France*, app. no. 2260/10, 10 July, §74.

As a result, Article 8 ECHR also requires particular procedural guarantees of flexibility, promptness and effectiveness regarding their applications for family reunification.<sup>70</sup> The situation of refugees implies the existence of an unsurmountable obstacle to live (and enjoy family life) in the country of origin.<sup>71</sup> The Court observed that the need for a more favourable procedure for family reunification of refugees was recognized in international and European law.<sup>72</sup>

As the Family Reunification Directive offers the strongest residence right in the EU, Article 8 ECHR only becomes relevant after an individual assessment based on the Directive is undertaken or if the Directive is not applicable. Across (Member) States, Article 8 ECHR has been influential in the development of legislation and policy on family reunification (AT, BE, BG, EL, FI, HR, IT, LU, NL, PL). For example, although legislation in the **Netherlands** contains relatively few references to Article 8 ECHR, it plays an important role in the implementation of the Dutch family reunification policy.

In almost all cases, with the exception of family reunification in the case of beneficiaries of international protection,<sup>73</sup> where the Immigration and Naturalisation Service (IND) refuses a request for (continuation of) stay or terminates the stay based on a residence permit, the IND assesses whether this decision would contravene Article 8 ECHR.<sup>74</sup> If the IND finds that the decision would constitute a violation of Article 8 ECHR, it can grant a residence permit based on Article 8 ECHR (see also Box 9). In addition, a TCN may also submit an application directly referring to Article 8 ECHR.<sup>76</sup>

## 2.4 UNITED NATIONS INSTRUMENTS

Although the implementation of international human rights law in (Member) States is limited, it provides an overarching framework for the right to family reunification from which the EU Charter, the ECHR, other EU legislative instruments and domestic law have drawn provisions.

The CRC which sets out the principle of the best interest of the child was expressly referred to by the Court of Justice in its first judgment on the Family Reunification Directive.<sup>77</sup> Although the CRC does not provide an explicit right to family reunification or to remain in a state to enjoy family life, Article 9 (1) CRC obliges States to ensure that a child will not be separated from his or her parents against their will unless such separation is necessary for the best interests of the child; Art. 9(2) CRC stresses the importance of maintaining regular, personal relations and direct contact with both parents, even if a child is separated from one or both parents.<sup>78</sup> Article 10 CRC obliges contracting States to deal with applications for family reunification ‘in a positive, humane and expeditious manner’.

Article 3(1), stipulating that in all actions concerning children, the best interests of the child shall be a primary consideration is laid down in Article 24 (2) of the ECtHR and, in somewhat different wording, in Article 5(5) of the Family Reunification Directive.

The 1951 Convention Relating to the Status of Refugees does not provide for a right to family reunification or family unity explicitly. However, the Final Act of the UN Conference of Plenipotentiaries states that *“the unity of the family (...) is an essential right of the refugee”*. It recommends that States take the necessary measures to ensure that the family unity is maintained, *‘particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country’*.<sup>79</sup>

<sup>70</sup> Muzinga v. France, appl. no. 52701/09; Tanda-Muzinga v. France, appl. no. 2260/10, 10 July 2014.

<sup>71</sup> Tanda-Munziga, §73.

<sup>72</sup> Regarding the Council of Europe, the Court referred to Rec. no. R(99)23 of the Committee of Ministers and Memorandum by the Commissioner for Human Rights (May 2008). See *Tanda-Muzinga v. France*, §43-49.

<sup>73</sup> Refugee family reunification is a special form of family reunification in the Netherlands aiming to reunite the beneficiary of international protection with his/ her family.

<sup>74</sup> Exceptions are: refusal of a residence permit based on the special policy for family members of holders of an asylum residence permit (refugee family reunification), refusal of an application for an asylum residence permit asylum that has been submitted after 6 months after entry into the Netherlands, refusal of

an application for family reunification with a holder of an asylum residence permit submitted within 6 months after granting a residence permit to the principle migrant, withdrawal of the permanent asylum residence permit.

<sup>75</sup> IND. Working Instruction 2015/4 - Guidelines for applying Article 8 ECHR (see also Box 6).

<sup>76</sup> Ibid.

<sup>77</sup> CJEU C-540/03, *Parliament against Council*, 27 June 2006, §37, 50, 57.

<sup>78</sup> This right is enshrined in Article 24(3) Charter of Fundamental Rights.

<sup>79</sup> Final Act of the UN Conference of Plenipotentiaries convened to complete the drafting of and to sign the Convention relating to the Status of Refugees and Stateless Persons, 25 July 1951; UNHCR, Handbook on



The States participating in the UNHCR Executive Committee have adopted specific conclusions on family reunification in 1977, 1981 and 1999, and other EXCOM conclusions include recommendations concerning family unity and especially the interest of children in reunification with their refugee parent(s).<sup>80</sup>

## 2.5 NATIONAL AND INTERNATIONAL CASE LAW

During the last decade, relevant case law has been produced by the CJEU, ECtHR and domestic courts on the interpretation and application of the provisions of the Family Reunification Directive.<sup>81</sup> Upon the adoption of the Family Reunification Directive, the CJEU was referred to by the European Parliament in *C-540/03, European Parliament v Council of the European Union*,<sup>82</sup> which requested the annulment of some optional provisions of the Directive.<sup>83</sup> The Court ruled that these optional clauses do not constitute a violation of Article 8 ECHR, but that Member States have to apply them in accordance with Union law (including the Charter of Fundamental Rights) and Article 8 ECHR. The Court also made clear that the Directive has established a subjective right to family reunification and imposed positive obligations on Member States to promote family reunification.<sup>84</sup>

The Court of Justice has ruled in two cases on the Family Reunification Directive on the income requirement of Article 7 (1)<sup>85</sup> and in one case on the integration requirement of Article 7 (2)<sup>86</sup>. In all three rulings the Court emphasised that, as authorisation of family reunification is the general rule, optional clauses should be interpreted strictly and not in a manner that would undermine the objective of the Directive, which is to promote family reunification. Instead of applying a condition rigidly, Member States are required to examine each application individually, taking into account the interests of the family members and their circumstances in order to take a decision which is in compliance with Article 17 and the Charter, is proportional

and does not undermine the effectiveness of the Directive.

In the *Chakroun* case, the Court also ruled that Member States are not allowed to make a distinction between family reunification and family formation, except where the Directive provides for more favourable rules for family reunification in Chapter V.

Annex 5 considers selected relevant CJEU/ECtHR case law and its impact on policy and/ or practice on family reunification in (Member) States. It also highlights other relevant case law that has had an impact on legal frameworks and practices in (Member) States.

Procedures and Criteria for Determining Refugee Status, reissued in 2011, §183.

<sup>80</sup> UNHCR, *Thematic Compilation of Executive Committee Conclusions*, 2014, 7th edition, p. 223-229, available at: <http://www.unhcr.org/53b26db69.html>. These conclusions are generally accepted as constituting 'soft law', contributing to the interpretation and application of refugee law instruments.

<sup>81</sup> Although extensive case law has been produced also on the right of family reunification for EU nationals (e.g. case C-34/09 - Gerardo Ruiz Zambrano v Office national de l'emploi, and its follow-up case law, such as C-256/11 - Murat Dereci and Others v Bundesministerium für Inneres, and the joined cases C-356/11 and C-357/11, O, S, Maahanmuuttovirasto

and Maahanmuuttovirasto), in consideration of the scope of this Study, only case law on family reunification for TCNs residing in the EU is covered.

<sup>82</sup> Judgment of the Court (Grand Chamber) of 27 June 2006. *European Parliament v Council of the European Union*. Case C-540/03, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-540/03>

<sup>83</sup> These options concerned Article 4(1) last paragraph, Article 4(6) and Article 8(2) FRD.

<sup>84</sup> CJEU Case C-540/03, *European Parliament v. Council*, 27 June 2006.

<sup>85</sup> CJEU Case C-578/08, *Chakroun*, 4 March 2010 and CJEU Case C-558/14, *Khachab*, 21 April 2016.

<sup>86</sup> CJEU Case C-153/14, *K. and A.*, 9 July 2015.

### 3 Definition of sponsor and family members

This section of the Synthesis Report aims to clarify: i) who is eligible to be a sponsor to an application for family reunification and ii) the family members eligible for family reunification across the (Member) States.

Pursuant to the Family Reunification Directive, legally residing non-EU nationals (sponsors) holding a residence permit for a period of validity of one year or more, who have “reasonable prospects of obtaining the right of permanent residence,” have the right to bring their family members to the (Member) State in which they are residing.<sup>87</sup> The Directive lays down provisions for the members of the ‘nuclear family’, i.e. the mother, father and the minor<sup>88</sup> unmarried children of the parents,<sup>89</sup> with adopted children regarded in the same way as biological children.

#### 3.1 WHO CAN BE A SPONSOR?

In the majority of (Member) States a sponsor to an application for family reunification in the EU is a TCN who is in possession of a valid continuous or permanent residence permit, as well as persons granted refugee status or subsidiary protection (BE, CZ, CY, DE,<sup>90</sup> EE, EL, ES, FR, HR, HU, IE, IT, LT, LU, MT, NL, LV, PL, SK, NO, UK<sup>91</sup>).

In **Bulgaria** and **Sweden** the sponsor can be a TCN with the right to reside for no less than one year on their territory. In **Belgium** and **Slovenia**, sponsors can be both those with a permanent residence permit and TCNs with a residence permit valid for at least one year. Sponsors can be students (BE, DE, FI, HR, IE, LV, NL, SI) and/ or workers (BE, CY, DE, FI, HR, IE, IT, NL, SI), provided that they have the necessary continuous permit or permit for at least one year and fulfil the general requirements for family reunification. UAMs can become sponsors in almost all (Member) States<sup>92</sup> if they are granted refugee status or subsidiary protection.

#### 3.1.1 BENEFICIARIES OF SUBSIDIARY PROTECTION

Across (Member) States, national laws allow beneficiaries of subsidiary protection<sup>93</sup> to apply for family reunification (AT, BE, BG, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, NO, SE, SK, UK).

In many (Member) States beneficiaries of subsidiary protection can apply for family reunification under the same conditions as refugees (BE, BG, EE, EL, ES, FR, HR, HU,<sup>94</sup> IE, IT, LT, LU, NL, NO, SI, SK, UK). In certain (Member) States, the law provides for family reunification with beneficiaries of subsidiary protection at the earliest **three years** (AT) or **two years** (LV) from the date of obtaining subsidiary status. In **Slovenia**, the law gives the right to family reunification to a TCN who has been granted subsidiary protection **for more than a year** under the condition that the family existed before the beneficiary of subsidiary protection entered the country. Any marriage or registered partnership with beneficiaries of subsidiary protection or persons granted refugee status must have already existed in the country of origin or prior to entry in some (Member) States (AT, DE, EE, IE, HR, NL). In **Croatia** and **Hungary**, a decision to refuse an application for family reunification cannot be based exclusively on the fact that no official documents exist to prove a specific family relationship.

The laws of some Member States, such as **Cyprus** do not allow beneficiaries of subsidiary protection to apply for family reunification, whilst other (Member) States such as the **Czech Republic** allow them to do so under a national scheme (parallel to the Family Reunification Directive). Finally, recently in **Germany** the Act on the Introduction of Accelerated Asylum Procedures has restricted family reunification for certain beneficiaries of subsidiary protection. Family reunification will be suspended until mid-March 2018 for all those who were granted a residence permit under subsidiary protection after mid-March 2016.

<sup>87</sup> As per Art. 3 of the Family Reunification Directive.

<sup>88</sup> Defined by national legislation according to Art. 4(1) of the Family Reunification Directive.

<sup>89</sup> As per Art. 4 of the Family Reunification Directive.

<sup>90</sup> Temporary measures in Germany to exclude beneficiaries from subsidiary protection from family reunification.

<sup>91</sup> In the UK, the term ‘family reunion’ relates only to individuals joining someone who has been granted protection. Individuals may also apply for a family visa to join family members who are settled in the UK or

are British citizens. In addition, dependants may accompany or join family members who apply for temporary stay in the UK for reasons such as work or study.

<sup>92</sup> Except for the UK.

<sup>93</sup> Currently, beneficiaries of subsidiary protection are not covered by Directive 2003/86/EC.

<sup>94</sup> The grace period is not applicable for beneficiaries of subsidiary protection in Hungary, however, they can apply for family reunification under the conditions as refugees, according to the Hungarian regulation.



The three-month period during which beneficiaries of subsidiary protection have easier access to family reunification will begin on 16 March 2018. Similarly, **Sweden** introduced a temporary act in 2016 suspending the family reunification of beneficiaries of subsidiary protection until 2019.

### 3.2 DEFINITION OF FAMILY MEMBERS

As provided for by the Family Reunification Directive, (Member) States usually extend the scope of family reunification beyond core members of the family. Depending on the national law, the scope of family reunification can include parents, adult children, same-sex partners (registered or married), non-married partners, foster children, etc. Further detail on (Member) States' policies regarding the family members eligible for family reunification is provided below.

#### 3.2.1 PARENTS

In general, the scope of family reunification includes parents, except in **Belgium**, **Hungary**<sup>95</sup> and the **Netherlands**<sup>96</sup> where this is not allowed unless it applies to unaccompanied minors (UAMs) with refugee status or subsidiary protection. In **Austria** and the **Netherlands**, parents are entitled to family reunification in exceptional cases on the basis of Art. 8 ECHR and if they are parents of minors granted international protection. In **France** the scope of family reunification includes parents concerning cases of minors in general, but only if the latter are not married. In the **UK**, the family reunification of UAMs with parents is not allowed.

In some (Member) States, parents of adult children fall under the scope of family reunification if they are not capable to take care of themselves on their own due to age or health issues (BG, CZ, DE,<sup>97</sup> EL, HU, IT, LV<sup>98</sup>), or if they are dependent on the TCN and do not enjoy proper family support in their country of origin

(EE, ES, FI,<sup>99</sup> LT, LU). In **Ireland**, family reunification is not governed by legislation, with the exception of beneficiaries of international protection and so there is no automatic right of family reunification with parents, but applications may be made and they are then determined at the discretion of the Minister for Justice and Equality, including in cases of dependency. In **Austria** and **Poland**, parents may reunite with adult children in order to safeguard the right to family life.

#### 3.2.2 ADULT CHILDREN

Some (Member) States (AT, DE) allow family reunification with adult children in cases where the latter are: unable to cope independently due to health or disability issues (BE, BG, EE, ES, HU, IT, LU, SE, SI, SK); not over a certain age (26 years in CZ,<sup>100</sup> 23 years in IE<sup>101</sup>); or in exceptional circumstances or for compassionate reasons (DE, UK). For example, in the **UK**, the 'exceptional reasons' include being left alone in a conflict zone or dangerous situation; being dependent on immediate family in the country of origin and not leading an independent life; having no other relatives to turn to and likely to become destitute on their own with no means of support.

#### 3.2.3 SAME-SEX PARTNERS (EITHER MARRIED OR REGISTERED)

Most (Member) States' laws allow same-sex partners (either married or registered) to apply for family reunification (AT, BE, CY, CZ, DE, ES, FI, FR,<sup>102</sup> HU, IE,<sup>103</sup> LU, NL, NO, SE, SI, UK). A smaller number of (Member) States does not permit this (EE, LT, LV, MT, PL, SK).

<sup>95</sup> In Hungary, the scope of family reunification includes parents in case of UAMs and dependent parents in case of refugees and beneficiaries of subsidiary protection.

<sup>96</sup> In the Netherlands, national provisions do not provide for family reunification of parents. However, they can be admitted if the rejection of their application would constitute a violation of article 8 of the ECHR. The same is true for other family members outside the core family, such as grandparents, siblings, etc.

<sup>97</sup> If necessary to prevent particular hardship, for example if the family member needs support which can only be provided (by the family members living) in Germany.

<sup>98</sup> Latvia allows family reunification with parents only in cases if the parent joins the citizen or non-citizen of Latvia and if s/he has reached the age of retirement.

<sup>99</sup> In Finland, relatives other than family members, such as parents of an adult sponsor or adult children, can be issued with a permit if they intend to resume

their close family life or if the relative is fully dependent on the sponsor.

<sup>100</sup> Adult children in the Czech Republic must further be in full time education and dependent on their parents for support.

<sup>101</sup> Applications are at the discretion of the Minister for Justice and Equality.

<sup>102</sup> France distinguishes between family reunification (*regroupement familial*) and family reunification of refugees, beneficiaries of subsidiary protection or stateless persons (*réunification familiale*). In this context, France allows married same-sex partners to apply for family reunification. Same-sex partners who are registered under a civil union can only apply in the frame of family reunification of refugees if they are over the age of 18 and the civil union took place prior to the date upon which they requested protection.

<sup>103</sup> In the context of international protection.

Same-sex couples have an equal right to family reunification as spouses from opposite sexes in **Austria, Belgium, Cyprus, the Czech Republic, Finland, Ireland,<sup>104</sup> Luxembourg, the Netherlands, Norway, Slovenia, Sweden** and the **UK**.

### 3.2.4 OTHER NON-MARRIED PARTNERS

Other non-married partners are not included in the scope of family reunification of TCNs in many (Member) States (AT, BG, CZ, DE, EE, HU, IT, LV, PL, SE). In other (Member) States they are included (IE,<sup>105</sup> NL, SI, UK). In certain (Member) States non-married partners fall under the scope of the Family Reunification Directive, provided that the couple has a registered partnership equivalent to a marriage (BE, ES, IT, LT, LU) or the partners have been living together in a marriage-like relationship for at least two years (FI,<sup>106</sup> IE, NO) and three years or shorter if a child was born into such union (HR).

In **France**, non-married partners are only included in the scope of family reunification of refugees when they are over the age of 18 and if a sufficiently stable and continuous cohabiting relationship has already existed prior to the application for protection.

### 3.2.5 OTHER DEPENDENT PERSONS

Family reunification with dependent persons is allowed in **Estonia,<sup>107</sup> Norway** and **Spain**, as well as **Latvia** but only if the guardianship or trusteeship over the dependent person has been recognised by a court adjudication. The rest of the (Member) States (AT, BE, CZ, DE,<sup>108</sup> HU, IE,<sup>109</sup> LT, NL,<sup>110</sup> SE, SI, SK, UK) consider that dependent relatives, other than core ones, have no legally grounded right to family reunification, except in special circumstances. **France** has no provisions for dependent persons in its legislation.

<sup>104</sup> This is not set out in law. Applications are at the discretion of the Minister for Justice and Equality.

<sup>105</sup> Ibid.

<sup>106</sup> Exceptions to the required two-year period can be made, for instance, if the couple have a child in their joint custody.

<sup>107</sup> In EE this depends on the sponsor. The guardian has to be able to provide for the ward.

<sup>108</sup> If necessary to prevent particular hardship, for example if the family member needs support which can only be provided (by the family members living) in Germany.

<sup>109</sup> Applications may nevertheless be made under administrative procedures – decisions are at the discretion of the Minister for Justice and Equality.

<sup>110</sup> In the Netherlands, national provisions do not provide for family reunification of dependent persons. However, they can be admitted if the rejection of their application would constitute a violation of article 8 of

### 3.2.6 OTHER

Foster children (of the sponsor or of his/ her spouse) are treated by some national laws in the same way as native children for the purposes of family reunification (BG, DE, EE, EL, ES, FI, FR, HU, LV, NO, PL, SK) – although they often have to provide reliable information showing that the person concerned was the sponsor's de facto guardian before the sponsor entered the (Member) State. In other (Member) States foster children can be issued a residence permit under certain conditions (CZ, IE, LU, NL). In **Belgium** and **Sweden**, foster children do not have the same right as adoptive and native children to be granted a residence permit.

As to polygamous marriages,<sup>111</sup> family reunification of a spouse shall not be authorised if the sponsor already has a spouse living with him/ her in the (Member) State (AT, BE, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, PL). Finally, proxy marriages<sup>112</sup> may be recognised under some national laws (FI, HU, IE) if they were legal marriages registered in the country of origin.

#### Box 1 : Impact of national case law on family reunification with (minor) refugees and/ or beneficiaries of subsidiary protection

Although outside the scope of the Family Reunification Directive, certain national courts extended the application of the Directive's provisions to beneficiaries of subsidiary protection. The **Belgian Constitutional Court** has ruled in a decision in 2013 that beneficiaries of subsidiary protection are exempted from complying with certain requirements for family reunification under specific conditions, just like refugees.<sup>113</sup> The **Hungarian Supreme Court** decided that the provisions applicable for the family reunification of refugees should also apply to the family reunification of beneficiaries of subsidiary protection.<sup>114</sup> Although Ireland did not

the ECHR. The same is true for other family members outside the core family, such as grandparents, siblings, etc.

<sup>111</sup> As per Art. 4 para 4 of the Family Reunification Directive.

<sup>112</sup> A proxy marriage is a wedding in which one or both of the individuals being united are not physically present and instead are usually represented by other persons.

<sup>113</sup> Belgian Constitutional Court, case n° 121/2013, 26 September 2013. This exemption refers to requirements of subsistence, housing and health insurance where the application for family reunification is lodged within the year following the recognition of protection status and if family ties existed before the arrival in Belgium.

<sup>114</sup> Hungarian Supreme Court, decisions Kfv.III.37.225/2010/6. and Kfv.III.37.925/2009/7.

opt into the Family Reunification Directive, the Irish High Court, confirmed by the **Irish Supreme Court**, held that national provisions on refugee protection should be interpreted in a manner consistent with the objectives of the Family Reunification Directive.<sup>115</sup> Other decisions of Irish courts clarify the dependency criteria of family members when the sponsor is a (minor) refugee, referring at times to the Directive.<sup>116</sup>

Recently the **Slovenian Constitutional Court** has brought changes to the national legislation regarding the definition of family members that a minor refugee or beneficiary of subsidiary protection can be reunited with to also include siblings.<sup>117</sup> **The Belgian Constitutional Court** decided that UAMs with refugee or subsidiary protection status can assert their right to family reunification with their parents even if they are not granted a permanent residence permit. Additionally, as long as the child does not reach the age of majority, parents can renew their residence permit every year without bringing proof of sufficient means of subsistence.<sup>118</sup>

Where a minor applicant (or minor sponsor) reaches the age of majority during the family reunification process, **Finland's Supreme Court** has ruled that due account must be taken of whether the processing of the application has been delayed significantly due to a reason beyond the applicant's or sponsor's control.<sup>119</sup>

*Source: Belgian, Finnish, Hungarian, Irish and Slovenian National Reports*

<sup>115</sup> Hamza & Anor v. The Minister for Justice, Equality and Law Reform [2010] IEHC 427 at 31 – 34; Hamza v Minister for Justice [2013] IESC 9.

<sup>116</sup> A.A.M. [Somalia] v. The Minister for Justice and Equality [2013] IEHC 68. A UAM who was recognised as a refugee applied for family reunification with his mother and four siblings. The application was refused on grounds that the family members were not financially dependent on the applicant. While recognising that, as provided by the Family Reunification Directive, that Member States can impose pre-conditions for the family reunification of

refugees, the Irish High Court quashed the decision following an absence in national legislation and practice of any guidelines helping to assess the dependency of family members on the refugee sponsor.

<sup>117</sup> Constitutional Court of the Republic of Slovenia, Decision U I 309/13 of 14 January 2015.

<sup>118</sup> Belgian Constitutional Court, 26 September 2013, n° 121/2013. They do need to proof sufficient means of subsistence to receive a permanent residence permit.

<sup>119</sup> Finland's Supreme Court: KHO:2016:79.

## 4 Requirements for exercising the right to family reunification

The following section of the Synthesis Report reports on the requirements for sponsors and/ or family members for exercising the right to family reunification:<sup>120</sup> accommodation suitable for the size of the family and meeting health and safety standards, health insurance for the sponsor and his/ her family, and stable and regular resources sufficient to maintain the family without recourse to social assistance.

Moreover, (Member) States may require TCNs to comply with some pre-departure or post-departure integration measures, according to national provisions. If this measure concerns passing an examination, the CJEU has held that the required knowledge should promote integration and not undermine the Directive, and that the fees should not be disproportionate. If the spouse fails the test, (Member) States have to take into account the background of the spouse (education, age etc.) and the efforts undertaken, in order to prevent that the test becomes an obstacle for exercising the right to family reunification.<sup>121</sup>

The sponsor may also be required to have been resident for a maximum period of two years, or exceptionally three years (only if national legislation allowed for a three year waiting period at the date of adoption of the Directive), before reuniting with the family. In addition, the family reunification of refugees is subject to specific, more favourable rules in the Family Reunification Directive, including an exemption from the obligations to meet the material requirements or only after a period of three months after the granting of the refugee status and to fulfil the integration measures as a pre-condition to obtain family reunification. In addition, the waiting period does not apply to sponsors who are refugees.

<sup>120</sup> As per Art. 6-9 of the Family Reunification Directive.

<sup>121</sup> CJEU C-153/13, K. and A., 9 July 2015, paragraphs 56-59.

<sup>122</sup> Exceptions apply (i.a. refugees, including resettlement-refugees, BSPs).

<sup>123</sup> Exceptions apply to beneficiaries of international protection and also to some cases of legal migration.

<sup>124</sup> Exceptions apply (children applying for family reunification with a parent and vice versa, refugees, including resettled refugees, BSPs and sponsors holding a permanent residence permit and residing in Sweden for at least 4 years), however, several of them do not apply under the temporary act which is in force from 2016 to 2019.

<sup>125</sup> Except for refugees applying within the first 3 months.

<sup>126</sup> Settled persons sponsors only.

<sup>127</sup> Children up to the age of 2 years not included in the calculation. Adequate availability of facilities (kitchen,

## 4.1 MATERIAL REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

### 4.1.1 ACCOMMODATION

Accommodation which is suitable for the size of the family, as well as meeting certain health and safety standards is a requirement for sponsors to exercise the right to family reunification in most (Member) States (AT, BE, BG, CY, CZ, DE<sup>122</sup>, EE, <sup>123</sup> EL, ES, FR, HU, IT, LT, LU, LV, PL, SE, <sup>124</sup> SK, <sup>125</sup> UK<sup>126</sup>).

In the rest of the (Member) States evidence of suitable accommodation is not a requirement for family reunification overall (HR, IE (except for elderly parents), NL, SI) or for specific family members and/ or sponsors (NO, UK). For example, in **Norway**, accommodation is not a prerequisite for family reunification with the sponsor's spouse, cohabitant or child under the age of 18 years, or where the sponsor is a child under the age of 18 years.

The size of the accommodation considered suitable varies across (Member) States, from 6 m<sup>2</sup> of living space per family member in **Hungary** to 12 m<sup>2</sup> of living space for each family member aged 6+ years old (or 10 m<sup>2</sup> otherwise) in **Germany**<sup>127</sup> and 12 m<sup>2</sup> for the first occupant and 9 m<sup>2</sup> per additional occupant in **Luxembourg**.<sup>128</sup> Other (Member) States (LV, <sup>129</sup> SE) do not appear to have set specific criteria for assessing the suitability of the size of the accommodation for sponsors to exercise the right to family reunification.

### 4.1.2 HEALTH INSURANCE

Similarly, in most (Member) States health insurance is a requirement for sponsors (or family members) to exercise the right to family reunification (AT, BE, BG, CY, CZ, DE, EE<sup>130</sup>, EL, ES, HR, HU, LT, LU, <sup>131</sup> LV, <sup>132</sup> PL, SI<sup>133</sup>).

bathrooms, lavatories). A shortfall of about 10% is acceptable.

<sup>128</sup> Except for beneficiaries of international protection applying within the first 3 months.

<sup>129</sup> No specific criteria at the time of writing, except for registration in the State Address Register.

<sup>130</sup> In EE in case of family members of beneficiaries of international protection the requirement applies only as a precondition for obtaining a long-stay visa, but all other TCNs who apply for a temporary residence permit must have a health insurance.

<sup>131</sup> Except for beneficiaries of international protection applying within the first 3 months.

<sup>132</sup> In LV, all TCNs who have temporary residence permits must have health insurance, i.e. not a requirement only for the sponsor.

<sup>133</sup> Except for beneficiaries of international protection applying within the first 3 months (except when the family was formed after s/he entered Slovenia).

In the rest of the (Member) States health insurance is not a precondition for family reunification (FR, IE,<sup>134</sup> NL, NO, SE, SK), for example, because it is considered as a universal right for all residents (FI, IT, NO, SE). In **Ireland**, health insurance becomes a requirement upon registration, except in the case of beneficiaries of international protection. In **Italy**, health insurance or registration with the National Health Service (subject to a fee set by the Ministry of Labour) is required when applying for reunification with parents over 65 years of age. In the **UK**, a health surcharge is payable to those who apply for a family visa, but is not required for family reunion. Some (Member) States have set a minimum limit of liability for insurers (e.g. €42,600 in LV for the insurance period specified in the policy<sup>135</sup>).

#### 4.1.3 SUFFICIENT FINANCIAL RESOURCES

Most (Member) States (AT, BE, BG, CY, CZ, DE, EE,<sup>136</sup> EL, FI, FR, HR, HU, IE, LT, LU, LV, NL, NO, PL, SE, SI, SK, UK) have set a **reference income threshold** for assessing the sufficiency of financial resources required for exercising the right to family reunification.

In many (Member) States this sum is equivalent to (AT,<sup>137</sup> BG, DE, FR, IE, LT, LU, LV, NL, SI, SK)<sup>138</sup> or (contrary to the Chakroun judgment, paragraph 49) higher than (BE,<sup>139</sup> MT,<sup>140</sup> PL,<sup>141</sup>) the basic minimum monthly income or minimum subsistence amount per month of that country. In other (Member) States this is set at a specific amount (FI,<sup>142</sup> NO,<sup>143</sup> UK<sup>144</sup>), albeit the amount may vary depending on the size of the family (CZ, EE,<sup>145</sup> ES, FI, HR,<sup>146</sup> IE, IT,<sup>147</sup> UK).

#### Box 2: Assessing the requirement for adequate means of support in Finland

In **Finland**, when assessing whether the requirement for adequate means of support is met by applicants for family reunification, the Finnish Immigration Service takes the whole family's income into account. In particular, the social protection benefits that may be granted as compensation for costs and may therefore decrease the amount of required means of support, such as housing and child allowances, are taken into account. In individual cases, an adjustment of approximately 10% can be made to the required means of support, provided that the means of support are regular and other requirements for issuing a residence permit are met. Each application for family reunification is assessed individually and when making the decision, the proportionality principle is complied with and the best interests of the child are taken into account.

Source: Finnish National Report

Many (Member) States **do not set a different income requirement depending on the type of family member** being reunited (BG, HU, LU, SI). In some (Member) States, where a minor child is involved, the required subsistence of the child is 50% (CZ, LT, SK), 60% (LV) or about 60-75% (DE) of the minimum monthly income.

<sup>134</sup> Except in the case of elderly parents.

<sup>135</sup> Applies only to BSPs (refugees are exempt).

<sup>136</sup> Exceptions apply to beneficiaries of international protection.

<sup>137</sup> In Austria, this currently amounts to €882.78 (individual) and €1,323.58 (couple).

<sup>138</sup> In 2016, this amounted to: €370 in Latvia; €380 in Lithuania, €1,660 in the Netherlands (for married sponsors); €292.56 in Slovenia.; €198,09 in Slovakia..

<sup>139</sup> In Belgium, it is €1,387.84, which is 120% of the income support supplement.

<sup>140</sup> In Malta, this amounts to 20% above the average income.

<sup>141</sup> In Poland, this amounts to 514 PLN (€119) per month per person (couple) and 634 PLN per month (individual) (€147).

<sup>142</sup> In Finland, when applying for a spouse, the means of support are considered secure if the sponsor's approximate net income is €1,700.

<sup>143</sup> In Norway, this amounts to approx. 25,633 NOK per month (€2,892), though the Parliament has recently voted to reduce this amount.

<sup>144</sup> In the UK, settled persons sponsors must have a gross monthly income of at least £1,550.

<sup>145</sup> In Estonia, this amounts to: close relatives: €130 for one member and €104 for each additional family member; spouses: €264 for one member and €211 for each additional family member.

<sup>146</sup> In Croatia, this amounts to HRK 3,250 per month for a family of three.

<sup>147</sup> In Italy, a sponsor must have a yearly gross income, current or presumed, from legal sources that is not lower than the yearly social allowance. As provided for by the law, this amount is increased by half for each family member to be reunited.



### Box 3 : Impact of national case law on compliance with the income requirement for family reunification

Reference to minimum subsistence levels as calculated by national authorities was confirmed as a correct practice to assess the fulfilment of this resource condition in **Hungary**.<sup>148</sup>

Only in very exceptional cases can the commitment by a third party other than the sponsor or the applicant to secure the means of support be considered as sufficient proof of resources in **Finland**.<sup>149</sup>

Also in **Finland**, a court ruled that the best interests of the child is not sufficient ground for making an exception from the requirement for means of support solely based on the fact that refusing a residence permit could lead to the interruption of family life between the child and the other parent.<sup>150</sup> However certain individual circumstances, such as the health condition of the child, may require that (in respect of the best interests of the child) the other parent should receive a residence permit for **Finland**, constituting a ground for exemption from the requirement for means of support.<sup>151</sup>

In a **Belgian** case it was clarified that at the time of renewal of a residence permit granted for family reunification purposes, the requirement of sufficient resources can be met by taking into account the resources of both the sponsor and of the family member(s).<sup>152</sup> This is in line with Article 16 (1) (a) of the Directive.

Source: *Belgian, Finnish and Hungarian National Reports*

Most (Member) States (BE, BG, FI, DE, HR, IE, IT, LT, LU, LV, NL, SE, SI, SK, UK) apply **exemptions** to the income threshold, notably for refugees and/ or beneficiaries of subsidiary protection (AT, BE,<sup>153</sup> BG, DE, EE, ES, FI,<sup>154</sup> FR, HR, IE, LT,<sup>155</sup> LU, LV, SE, SI, SK, UK, NL<sup>156</sup>) (see also Section 4.1.5). Some (Member) States have not set an income threshold at all and are evaluating this on a **case-by-case basis** (CY, HU).

### 4.2 INTEGRATION MEASURES BEFORE AND/OR AFTER ADMISSION FOR THE PURPOSES OF FAMILY REUNIFICATION

Most (Member) States do not require TCNs to fulfil any specific integration measures in order to reunite with family (BG, CY, CZ,<sup>157</sup> EL, ES, FI, HR, HU, IE, LT, LU, NO, PL, SI, SK, UK), though such measures are under investigation or subject to proposals in some instances (FI, IE, LU,<sup>158</sup> NO<sup>159</sup>). Where integration measures exist prior to admission for family reunification, (Member) States usually require family members to demonstrate **basic language proficiency**, corresponding to A1 level of the Common European Framework of Reference for Languages (CEFR) (AT,<sup>160</sup> DE,<sup>161</sup> NL), or take a civic integration exam (NL); exemptions apply to family members of persons granted refugee status or subsidiary protection in some cases (AT, DE, NL<sup>162</sup>). Preparatory classes or online tutorials to obtain elementary knowledge of the language are usually at the initiative of family members and any costs must be borne by them (AT, DE, NL). Fees depend on the country of origin, course provider or course format (examination fee ranges from €75 to €130 for levels A1, A2 and B1 of CEFR in AT, €150 in NL).

<sup>148</sup> Hungarian Supreme Court, Kfv.II.37:520/2013/4

<sup>149</sup> Finland's Supreme Administrative Court, KHO:2011:43

<sup>150</sup> Finland's Supreme Administrative Court, KHO:2014:5

<sup>151</sup> Finland's Supreme Administrative Court, KHO:2014:51

<sup>152</sup> Belgian Constitutional Court, 26 September 2013, n° 121/2013.

<sup>153</sup> Only if applied for FR within 1 year after the status has been granted to the sponsor and if the family relationship existed before the waiting period.

<sup>154</sup> Only for family members of refugees who apply within the three-month grace period.

<sup>155</sup> Exemption not in law but in practice.

<sup>156</sup> Only for family members of refugees who apply within the three-month grace period

<sup>157</sup> Only if a TCN applies for a permanent residence permit.

<sup>158</sup> However, possible future compulsory measures would in no way impact on their right of residence, nor their right, in case they are eventually granted status, to apply for family reunification.

<sup>159</sup> The requirement that a sponsor must have worked or studied for a certain time before an application for family formation may be granted already applies in Norway. It is only where the family relationship was established after the sponsor arrived in Norway that this condition must be fulfilled (there is no such requirement in family reunification cases). Currently, Norway is considering increasing the time that the sponsor must have been in fulltime activity from four to six years.

<sup>160</sup> Exemptions are made for family members of individuals holding a temporary residence permit, minors below the age of 14 years, family members of individuals holding an EU Blue Card or holders of a Permanent Residence (following an EU Blue Card), UAMs and individuals who are not able to meet this requirement for health reasons.

<sup>161</sup> Exemptions apply to resettlement refugees, refugees, BSPs, holders of an EU LTR permit or Blue Card, etc.

<sup>162</sup> In the Netherlands, other exemptions exist as well, for example for children, persons that have already reached the retirement age, nationals of certain countries that do not need an entry visa, etc.



#### Box 4 : The Republican integration contract in France

French legislation does not stipulate prior integration measures for the sponsor or for family members. However, the joining family member (except for the family members of refugees, who obtain a residence permit directly), must, on arrival, participate in an integration process by signing the Republican integration contract (*contrat d'intégration républicaine* (CIR)). The CIR commits the foreign national for one year to "respect the principles and values of French society and the Republic and to follow seriously and diligently the training prescribed." The CIR is presented to the foreign national during the individual interview carried out at the French Office for Immigration and Integration (OFII), once the procedures regarding the residence permit have been carried out. During this interview, the person's social, professional and language needs are assessed. Compulsory civic training is prescribed to all signatories, along with, French language training up to the level A1 of the CEFR, if required. The integration requirement is verified in order to have access to a ten-year permit or a multi-year permit.

Source: French National Report

A small number of (Member) States may additionally require family members to acquire further language proficiency after admission (usually A2 or B1 level of CEFR) (AT, NL), or to take a **civic integration exam after admission** (NL, UK) – as part of their general integration programme or as part of requirements for permanent settlement in the country (AT,<sup>163</sup> DE, LV, NL, UK). Free-of-charge language training may be provided in some instances (EE, LV,<sup>164</sup> and NO).

Next to language proficiency, (Member) States' integration programmes may also include courses about their history and values, social orientation or professional guidance (BE, DE, EE, NL, SE<sup>165</sup>). Further integration measures may also be in the form of reporting to an integration centre (AT) or signing a declaration of integration (BE,<sup>166</sup> NL<sup>167</sup>). The non-respect of these integration measures may sometimes lead to withdrawal or non-renewal of a residence permit (see Section 6.7).

#### 4.3 WAITING PERIOD BEFORE AN APPLICATION FOR FAMILY REUNIFICATION CAN BE MADE

Many (Member) States do not set a waiting period before a sponsor's family is eligible to apply for family reunification (BG, EE,<sup>168</sup> IE,<sup>169</sup> FI, HR, HU, IT, NO,<sup>170</sup> SI,<sup>171</sup> SE,<sup>172</sup> SK). Where this provision applies, the waiting period to become eligible to sponsor an applicant for family reunification can be between **one** (IE,<sup>173</sup>

<sup>163</sup> Exemptions are made for minors below the age of 12 years, individuals unable to meet this requirement for health reasons and individuals who do not intend to stay in the country for more than 12 months within a 24-month period.

<sup>164</sup> Language training courses are free-of-charge only within the framework of EU-funded projects.

<sup>165</sup> These courses are not compulsory for TCNs in Sweden, linked in any way to the issuing of a residence permit, nor a post-arrival requirement.

<sup>166</sup> This measure was introduced in Belgian law but the date of entry into force has not yet been determined.

<sup>167</sup> In the Netherlands it has been proposed to introduce a 'Declaration of participation', which needs to be signed by all TCNs (including family members) that are obliged to pass the civic integration examination.

<sup>168</sup> Starting 17.01.2017, a family member is eligible to apply for family reunification without any waiting period.

<sup>169</sup> Immediately eligible are Critical Skills Employment Permit Holders, Investors, Entrepreneurs, Business Permission Holders, Researchers, INIS Approved Scholarship programme students (KASP), Intra Corporate Transferees, PhD Students (subject to conditions including no recourse to social welfare

payments), beneficiaries of international protection and Full time non-locum doctors in employment.

<sup>170</sup> However, as previously mentioned sponsors in family formation cases must document that they have worked and/or studied for four years before such an application can be granted, ref. Section 40a of the Immigration Act. In order for the four-year requirement to be met the work or study must in sum constitute full-time activity.

<sup>171</sup> This only applies to TCNs who possess a permanent residence permit. TCNs with a temporary residence permit can apply for family reunification if they have held a temporary residence permit, which is valid for at least one year, during a period of two years. These restrictions do not apply to EU Blue Card holders and temporary residence permits issued for research and higher education purposes. Refugees can apply for a permanent residence permit for the purpose of family reunification as soon as they are granted the refugee status (Aliens Act, Art. 47/1)

<sup>172</sup> The Temporary Act restricts the possibility for family reunification for sponsors for subsidiary protection (status).

<sup>173</sup> Non-critical skills employment permit holders, stamp 4 holders and Ministers of Religion are eligible after one year to apply for family reunification.

ES,<sup>174</sup> LU,<sup>175</sup> NL<sup>176</sup>), **one and a half** (FR<sup>177</sup>), **two** (CY, EL, HR,<sup>178</sup> LT,<sup>179</sup> LV,<sup>180</sup> MT,<sup>181</sup> PL) or **three years** (AT) from the point the sponsor became resident in the country or received a final decision granting international protection, with exemptions granted by individual Member (States).

In the case of **Austria**, family reunification under the Settlement and Residence Act is subject to a quota, resulting in potential delays if the quota has already been met. The quota applies to family members of successful asylum seekers, as well as individuals holding a Red-White-Red Card Plus,<sup>182</sup> permanent residence and/ or settlement permit. In **Belgium** and the **Netherlands**, the law distinguishes between different types of sponsors: sponsors with an unlimited right to remain have to have in principle<sup>183</sup> legally resided in Belgium or the Netherlands for 12 months, while no waiting period is set for beneficiaries of international protection, students and sponsors who have a limited right to remain.

In the **Czech Republic**, no waiting period is required if a sponsor is a Blue Card holder, a person who was granted international protection, a holder of a long-term residence permit for the purpose of scientific research, a long-term resident in the EC in another Member State. Waiting period also does not apply to certain categories of applicants (for instance dependent children of the sponsor or his/her ancestors). The waiting period for family reunification is 15 months if a sponsor is a holder of a long-term or permanent residence permit or 6 months if a sponsor is a holder of an Employee Card (a long-term residence permit for the purpose of employment according to the Single Permit Directive 2011/98/EU).

<sup>174</sup> The duration of the waiting period increases when the sponsor wishes to reunite ascendants or the ascendants of his/ her spouse or un-married partner. In this case, the sponsor must hold a long-term residence permit or long-term EU residence permit granted in Spain. The following foreign nationals do not have to demonstrate that they have resided previously in Spain in order to reunite their family members: residents in Spain based on their prior status as long-term EU residents in another European Union Member State; EU Blue Card holders; beneficiaries under the special system for researchers; international students.

<sup>175</sup> In Luxembourg, a notable change in legislation has been proposed with the introduction of bill n° 6992, namely the harmonisation of the conditions that apply to TCN employees with those of Blue Card holders and researchers. Thus, family reunification requirements for certain categories of applicants shall be alleviated through the abrogation of the 12-month residence requirement for the sponsor. This one year period is still required for first degree ascendants, adult unmarried dependent children, legal guardian or any other family member of an unaccompanied minor who is beneficiary of international protection.

In the case of **Germany**, a transitional period entered into force on 17 March 2016 for beneficiaries of subsidiary protection which will end on 16 March 2018. During this period, beneficiaries of subsidiary protection may not bring their family to **Germany**, except in cases of special hardship.

#### 4.4 REJECTION OF AN APPLICATION FOR FAMILY REUNIFICATION ON GROUNDS OF PUBLIC POLICY, PUBLIC SECURITY OR PUBLIC HEALTH

In principle, the possibility to reject an application for family reunification on grounds of public policy, public security or public health exists in most (Member) States (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, SI, SK, UK), though it does not always include public health considerations (NO, PL, SE). In practice, many (Member) States report that they rarely reject an application for family reunification exclusively on such grounds (CY, EE, FI, IT, LU, MT, LT, SE, and SK).

For example, the number of family reunification applications rejected purely on such grounds in **Finland** and **Norway** has been less than 10 per year since 2011. The concepts of (risk to) 'public policy' and 'public security' are Community concepts, which cannot be defined solely by the various national systems.<sup>184</sup>

<sup>176</sup> In the Netherlands, sponsors that have to undergo the civic integration procedure generally have to wait one year until they can apply for family reunification. Beneficiaries of international protection are exempted from the waiting period.

<sup>177</sup> In France, the waiting period does not apply to refugees and beneficiaries of subsidiary protection.

<sup>178</sup> For sponsors issued with a certain type of work permit.

<sup>179</sup> Asylum seekers, temporary residence permit holders, trainees and foreign employees are exempt from that.

<sup>180</sup> Applies only to beneficiaries of subsidiary protection.

<sup>181</sup> Despite the legal ground rules sponsors can apply after one year. No legal explanation as to why this is possible.

<sup>182</sup> Similar to an EU Blue Card.

<sup>183</sup> Except for cases where a marriage or partnership existed prior to the immigration to Belgium; spouses have a child/ren; or for sponsors who benefit from international protection.

<sup>184</sup> See f.i. CJEU 11 June 2015, C-554/13, ZH. and O., para. 48 and 54.

#### 4.5 MORE FAVOURABLE FAMILY REUNIFICATION RULES FOR REFUGEES AND/ OR BENEFICIARIES OF SUBSIDIARY PROTECTION, AS WELL AS UNACCOMPANIED MINORS

Across the EU **more favourable family reunification rules** apply to refugees, notably:

- ★ The material requirements do not have to be fulfilled or may be subject to a grace period of minimum three months<sup>185</sup> before these requirements apply to refugees and/ or beneficiaries of subsidiary protection (AT, BE, CZ, DE, EE, FI,<sup>186</sup> HU,<sup>187</sup> IT, LT, LU, NL, NO, PL, SE, SK); six months (EE<sup>188</sup>, NL,<sup>189</sup> PL); or 12 months (BE, NO). Notably, some (Member) States (BG, CY, EL, FR, HR, IE, LV, MT, SI, UK) have not set a certain period within which the material requirements must be met by refugees and/ or beneficiaries of subsidiary protection, meaning that these (Member) States have an even more favourable regime towards beneficiaries of international protection.
- ★ More than half of the (Member) States restrict the application of more favourable family reunification rules for beneficiaries of international protection to **family ties that precede the arrival of a sponsor** (AT, BE, CY, CZ, DE, EE, EL, FI, FR,<sup>190</sup> HU, IE, IT, NL, NO, SI, SE,<sup>191</sup> SK, UK). In the rest of the (Member) States, this is not limited to pre-existing family relationships (i.e. those established before entry) (BG, ES, HR, LT, LU, LV, MT, PL, and SI).

Most (Member) States apply **similar rules for the family reunification of beneficiaries of subsidiary protection as they do for refugees** (AT, BE, BG, DE,<sup>192</sup> EE, ES, FR, HU,<sup>193</sup> HR, IE, IT, LT, LU, LV, NL, NO, PL, SE<sup>194</sup>). The **UK** (which does not use the classification of beneficiaries of subsidiary protection) applies similar family reunification rules (as refugees) to recipients of humanitarian protection.

Other (Member) States may apply similar eligibility rules to the family members of beneficiaries of subsidiary protection (CZ, FI), but may not exempt the latter from the requirements for exercising the right to family

reunification (CZ, EE, FI, HU, IT, SK). Furthermore, some of these (Member) States may not apply a waiting period for beneficiaries of subsidiary protection (CZ), while others do (AT, LV, SI). Family reunification for beneficiaries of subsidiary protection is not provided for in **Cyprus**, nor **Malta**.

#### Box 5 : One-status system for refugees and beneficiaries of subsidiary protection in the Netherlands

The **Netherlands** has a 'one-status system' which does not distinguish between refugees and beneficiaries of subsidiary protection when it comes to their residence status. Both groups receive the same type of residence permit with the same conditions and rights. This one-status system is a measure which, in common practice, is perceived to lead to many advantages for both asylum seekers and the Dutch authorities. Due to the one-status system beneficiaries of subsidiary protection have no incentive to go to court to obtain refugee status, as both statuses confer exactly the same rights. The introduction of the one-status system has resulted in a reduction of costs and processing times at the Dutch Immigration and Naturalisation Service. Beneficiaries of subsidiary protection enjoy the same rights as refugees, including immediate access to the labour market and support during the civic integration procedure, which in turn leads to better integration.

Source: Dutch National Report

<sup>185</sup> Art. 12 of the Family Reunification Directive

<sup>186</sup> Only applies to family members of refugees.

<sup>187</sup> This does not apply to BSPs.

<sup>188</sup> In practice it is up to the Police and Border Guard Board to decide whether to apply any requirements.

<sup>189</sup> At the time of writing, there was a legislative proposal to extend the grace period in the Netherlands to 6 months.

<sup>190</sup> In **France**: restriction to family ties that precede the application for international protection.

<sup>191</sup> According to the temporary act in force until 2019 only (and not the case according to the Aliens Act).

<sup>192</sup> However, in Germany the right to family reunification has been suspended until 16 March 2018 for TCN who were granted subsidiary protection after 17 March 2016.

<sup>193</sup> Except for grace period of 3 months.

<sup>194</sup> Only in the Aliens Act and not the temporary act which was in place in Sweden at the time of writing.

#### 4.6 DIFFERENCES IN THE REQUIREMENTS FOR EXERCISING FAMILY REUNIFICATION FOR (MEMBER) STATE NATIONALS

Differences in the requirements to be met for exercising family reunification in comparison to a similar request by an EU citizen who has not exercised his/ her free movement rights exist in the following Member States: AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, PL, SI, SK. These rules are largely similar in: LT, NL, NO, SE.<sup>195</sup>

Where such differences exist, **more favourable provisions for TCN family members of non-mobile EU citizens** exist. Such provisions may include, for example: a **broadier definition of family** (AT, BE, ES, HU, LV) and/ or waiver of specific conditions that must be fulfilled by family members (age requirement in LT, SK); **no income threshold** (ES, FI, FR, PL, SE) or a lower reference amount or less onerous assessment of financial circumstances (HR, IE, SI); **no waiting period or a shortened one** (CY, DE, ES, IE, PL); **no quota requirement** (AT) or **free access to the labour market** (CY,<sup>196</sup> HR, HU, IE<sup>197</sup>, LV<sup>198</sup>).

#### 4.7 ANY AVAILABLE RESEARCH ON THE EFFECTS OF THE ABOVE MEASURES

Little research has been conducted on the effects of the above-mentioned material requirements and integration measures on the right to family reunification and integration of TCNs; or on the effects of the minimum age requirement on the prevention of forced marriages or any misuse of family reunification.

Examples of studies which have been published in (Member) States on these issues have been identified in: AT, BE, FI, HU, IE, NL, NO, SE, UK – with some interesting references provided below:

- ★ A study on the impact of family reunification policies in Austria, Germany, Ireland, The Netherlands, Portugal and the United Kingdom on the integration of family members found evidence that restrictive measures (such as integration requirement or age limits) impact negatively on integration, resulting in experiences of stress and frustration due to long periods of

separation. Women, low-skilled persons, certain nationals and elderly people face more often difficulties in meeting the requirements on integration and income.<sup>199</sup>

- ★ In Austria, a study on the individual impact of the requirements on family reunification and integration of TCNs<sup>200</sup> revealed that in particular the income requirement can negatively impact long-term job prospects of TCNs, given that the need to find employment may prevent them from acquiring language proficiency and training opportunities.
- ★ In **Finland**, the challenges associated with accessing family reunification have been discussed by various publications.<sup>201</sup>
- ★ In the **UK**, in 2012, the AIRE Centre<sup>202</sup> published a study on family reunification requirements, finding that there was little UK literature that directly considered the link between family reunification and integration.

#### 4.8 CHALLENGES EXPERIENCED BY SPONSORS AND/ OR FAMILY MEMBERS WITH REGARD TO ACCESSING THE RIGHT TO FAMILY REUNIFICATION OR BY (MEMBER) STATES IN ITS IMPLEMENTATION

Many (Member) States report issues with sponsors and/ or families as a whole in meeting the income threshold for accessing the right to family reunification (AT, BE, ES, FI, IE, LT, LU, LV, NL, PL). Fulfilling the accommodation requirement is additionally reported to be an issue in other States (AT, FR, and LU).

<sup>195</sup> According to the Aliens Act only; current rules are largely similar under the temporary act in force until 2019.

<sup>196</sup> In Cyprus, free access to the labour market is granted only to family members of sponsors who also have free access to the labour market.

<sup>197</sup> In some cases.

<sup>198</sup> Certain categories of TCNs who are spouses of Latvian citizens only.

<sup>199</sup> Strik, De Hart and Nissen, 'Family Reunification: a barrier or facilitator of integration? A comparative study', IFCAP project, 2013, Nijmegen: Wolf legal publishers.

<sup>200</sup> Kraler et al., 2013

<sup>201</sup> Publications include Perheenyhdistäminen (Vastapaino), Suspect Families (Routledge)

<sup>202</sup> [http://www.airecentre.org/data/files/AIRE\\_Centre\\_Summary\\_Report\\_Family\\_Reunification\\_Requirements\\_Jan\\_2012.pdf](http://www.airecentre.org/data/files/AIRE_Centre_Summary_Report_Family_Reunification_Requirements_Jan_2012.pdf)



**Box 6 : Provision of user-friendly information on family reunification by the Directorate of Immigration in Norway**

The Directorate of Immigration in **Norway** has taken several measures to make information about the requirements for exercising the right to family reunification more accessible to sponsors and/ or applicants. For example, to make it easier for applicants to understand why an application has been rejected, the Directorate has made changes to the structure of the decisions, to simplify the content and make the language easier to understand (using 'plain language'). To this end, decisions begin with a brief paragraph stating why an application has been rejected, followed by a more substantial explanation referencing the relevant provisions.

Furthermore, a checklist with information that can be filtered based on the type of family immigration the applicant is applying for, as well as his/ her nationality is accessible to sponsors and applicants on the Directorate's website ([www.udiregelverk.no](http://www.udiregelverk.no)). The checklist aims to ensure that applicants are only given information that is relevant to their individual situation.

Whilst information is generally provided in Norwegian and English, brochures in other languages have been developed for some topics concerning specific groups of applicants, for example, the right to a residence permit on an independent basis for foreign nationals who are exposed to violence by their partners.

*Source: Norwegian National Report*

As well, the requirement of a prior period of residence for the sponsors before submitting an application may delay the reunification of minors, with implications for their entry into the Member State's education system, thus hindering their social integration (ES). These issues highlight the importance of considering the individual circumstances of each case (which is further discussed in Section 5.7).

<sup>203</sup>Administrative High Court, 1 March 2016, Ro 2015/18/0002.

<sup>204</sup> Swedish Migration Court of Appeal, MIG 2011:11; this case concerned the requirement of applicants to establish their identity, especially in cases where only temporary residence permits are issued. In cases where an adult applies for family reunification with an adult sponsor, and only a temporary residence permit can be issued, it is necessary for the applicant to prove his/her identity before an assessment of the family ties can be made.

<sup>205</sup> Swedish Migration Court of Appeal, MIG 2014:16. Spouses/ partners who have only visited each other cannot be regarded as having lived together in the country of origin before (Swedish Migration Court of Appeal, MIG 2016:16)

Further specific examples of challenges are provided in the National Reports (see Annex 6), with some of them showing the difficulty of striking a balance between protection of the family on the one hand and orderly migration management on the other hand.

**Box 7 : Impact of national case law on the submission and examination of the application for family reunification**

The **Austrian Administrative High Court** has recently ruled that family members residing in other countries cannot submit an application for asylum but can only apply for a visa for the purpose of family reunification. If the application for such visa is refused, a complaint can be lodged with the Federal Administrative Court which can verify whether the assessment by national authorities of the likelihood of international protection being granted is correct.<sup>203</sup>

**Sweden** and **Finland** report a number of decisions issued by their national courts related to the impossibility for an applicant for family reunification to provide for a valid travel or identity document at the moment of application. In principle, it is necessary for the applicant to prove his/her identity before an assessment of the family ties can be made.<sup>204</sup> Additionally, while it is not required for parents and children to live in a joint household in the country of origin to benefit from the alleviation of the evidentiary burden (i.e. prove his/her identity), it is nonetheless required for parents to live together before they move to Sweden.<sup>205</sup> Exceptional circumstances, where the applicant is from a Third-Country where it is difficult to obtain such documents (for example Somalia), can justify an exemption from the requirement of a valid travel document<sup>206</sup> or possibly confirm family ties through alternative means, such as DNA tests.<sup>207</sup>

*Source: Austrian, Finnish and Swedish National Reports*

<sup>206</sup> Finland's Supreme Court. KHO: 2015:107. Swedish Migration Court of Appeal, MIG 2016:13: Applicants who are adult children (i.e. dependents, extended family members) can benefit from the alleviation of evidentiary requirement (to prove their identity). Swedish Migration Court of Appeal, MIG 2012:5: case concerned a man from Somalia who had fathered a child pending the decision on his application for asylum. The mother of the child had received a permanent residence permit. Since Somali passports are not accepted, the man would, if returned to Somalia, in practice be unable to return to Sweden. The family ties would entitle him to a temporary residence permit, but only if he could fulfil the passport requirement set in the Aliens Act. Hence, the court considered there were extraordinary reasons at hand.

<sup>207</sup> Swedish Migration Court of Appeal, MIG 2012:1

## 5 Submission and examination of the application for family reunification

The following section of the Synthesis Report discusses the process for submitting and examining an application for family reunification in the (Member) States or abroad.<sup>208</sup> In particular, the section aims to provide an overview of the procedures for verifying the fulfilment of the requirements and integration measures for sponsors and/ or family members to exercise the right to family reunification covered in Section 4 above.<sup>209</sup>

### 5.1 FORMAL PARTY TO AN APPLICATION FOR FAMILY REUNIFICATION AND PLACE OF SUBMISSION OF THE APPLICATION

In many (Member) States, (AT, BE, CZ, DE, FI, HU, IE, IT, LV, SK, UK, NO) the **formal party to an application for family reunification is the family member** wishing to join the sponsor in the respective (Member) State.<sup>210</sup> The **sponsor** acts as the formal party only in some (Member) States (BG, CY, EL, MT, PL, and SI). In other (Member) States (EE, ES, NL, SE), either the sponsor or the family member submits the application, depending on factors, such as the ground for residence of the sponsor<sup>211</sup> or specific circumstances, or the type of family reunification concerned (FR<sup>212</sup>).

Where the main party is the family member, as a general rule, s/he should submit their application outside the (Member) State, **at a diplomatic mission or consular office** in the applicant's country of origin or (permanent) residence, or, in exceptional cases, where s/he has been residing legally (DE, FI, HU, IT, NO, SE), or in the closest neighbouring country if there is no diplomatic representation in the country of origin (LU, NL, NO).

<sup>208</sup> As per Article 5 of the Family Reunification Directive.

<sup>209</sup> Accordingly, the Directive specifies **who** (sponsor or family member) can apply **where** (outside the territory, exceptionally inside) for family reunification, **what** documentary evidence must be submitted (namely to prove family relationship and requirements of the sponsor) and other methods of proof (i.e. interviews and other investigations), **when** a decision must be issued (i.e. up to 9 months after submission of the application), incl. a possible extension. When examining the application for family reunification, the MS shall have due regard to the best interest of the child.

<sup>210</sup> In special or exceptional circumstances, the formal party is the sponsor in BE, DE, NO, SK, SE.

<sup>211</sup> In Estonia, the main party is the sponsor if beneficiary of international protection, the family member if other type of migration.

<sup>212</sup> In **France**, the sponsor submits the request for family reunification (*regroupement familial*). The application for family reunification of refugees

In **Ireland, Finland and Sweden**, applications may be submitted online.<sup>213</sup> Family members of certain types of TCNs can submit their application in the territory of the (Member) State, if they are already residing lawfully there (BE, CZ, DE, EE, HR, HU, IE, LV), or where exceptional conditions justify it (AT, FI, LU, NO), e.g. where there is an obstacle in doing so in the country of origin. In **Austria** and **Ireland**, a family member may travel to and apply from within the State if s/he is not required to have a visa.

### 5.2 REQUIRED DOCUMENTATION AND METHODS OF INVESTIGATION IN THE ABSENCE OF DOCUMENTARY EVIDENCE

As a main rule, the applicant must **confirm his/her identity with a valid identity document** issued by a public authority, such as a valid passport or certified copy thereof, or a valid travel document (AT, BE, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IE, IT, LU, LT, LV, NL<sup>214</sup>, NO, PL, SE, SI, SK), or other identity document (BG, EE). Some (Member) States request in addition a birth certificate or a comparable document (AT, HR, LU, SI).<sup>215</sup>

As regards the requirement of **documentary evidence for family relationship**, where the applicant is the **spouse** of the sponsor, s/he must present a **marriage certificate** or equivalent confirming the marriage contract (AT, BE, BG, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR,

(*réunification familiale*) is submitted by the family member(s) to the French diplomatic or consular authority in their country of origin.

<sup>213</sup> In Ireland, the application for a long stay (join family) visa must be submitted online if visa required, and subsequently submit documents to the embassy or immigration service.

<sup>214</sup> However for beneficiaries of international protection a valid national passport is not a prerequisite for the (asylum) permit.

<sup>215</sup> Exemptions from the requirement to present a passport can be made in the case of beneficiaries of international protection (AT, FI, NO, SE). The applicant must prove his/her case of lack of passport and demonstrate that he or she has done everything to obtain this documentary evidence (e.g. it would jeopardize the safety of the applicant to contact the authorities; armed conflict in home country etc.).



HU, IE,<sup>216</sup> IT, LU, LT, LV, NL, NO, SE, SK).<sup>217</sup>

Some (Member) States require in addition a birth certificate (BG, IE, LU, SI); or any other document attesting the existence of family relationship (HR, HU IE<sup>218</sup>). Where the applicant is the **child** of the sponsor and/ or spouse, a document proving the family relationship, i.e. a **birth certificate** must be presented (BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, SK, NL, NO), or a certificate of adoption (where applicable).

**In the absence of (reliable) documentation,** (Member) States resort to alternative methods of investigating the identity and family ties in family reunification cases. Most of them take a **flexible approach**, especially with regard to beneficiaries of international protection and their family members, and often accept a range of all other proof, as long as they can verify the identity of the applicants and the existence of family ties. These include documents ranging from asylum interviews, evidence from an appeal hearing, notarised declarations or written statements to photos of events and receipts. The applicant can also provide witnesses.

Many (Member) States conduct **interviews with the sponsor and/ or family member also** in order to establish the existence of a family relationship (AT, BE, BG, CZ, EE, EL, FI, IT, LU, LV, NL, NO, UK). As for proving filiation, the (Member) State may request or suggest a **DNA test**, usually as a last resort, though in some (Member) States also in cases where documents have been submitted but when doubt persists and a more reliable confirmation is needed. Only very few (Member) States do not provide for DNA testing under any circumstances (BG, EL,<sup>219</sup> LV, PL<sup>220</sup>).

Where the scope of family reunification has been **extended beyond the nuclear family**, applicants must submit, as a general rule, relevant documents that confirm the relationship, in order to verify that they are

eligible for family reunification (e.g. dependency, close ties). No exemptions from fulfilling these conditions of eligibility have been mentioned in the National Reports. **Other forms of partnership** are verified through a civil union contract (CY, DE, IE), a registered partnership agreement (DE, ES, LT, LU), statements of partners on their previous cohabitation in the last three years (HR) or other supporting relevant evidence that confirm the existence and durability of the partnership, e.g. evidence of a previous joint residence (NO, IE, SE).

Documentary evidence is also required in the case of extended family members who are **dependent** on the sponsor (BE, BG, CZ, DE, EE, ES, HR, HU, IE, IT, LU, SK). Material dependency can be proven by continuous and long-term wire transfers via a bank, for example. Mental or physical dependency requires proof of a medical certificate or a medical document stating the health conditions and the necessary treatment, and from which it is clear that the person cannot care for him- or herself. In some (Member) States, a further condition narrows the dependency down to the sponsor alone: the applicant must be able to prove or make a statement that the dependent person cannot receive state support (e.g. financial support, (affordable) care or medical treatment) in their country of origin (FI, LU, UK), or that there are no other relatives in the country that could take care or provide for them (DE, EE, IE, LU, SE, SK). In **guardianship** cases, the applicant must provide a document certifying the establishment of guardianship (BE, DE, EE, ES, IE, IT, LV<sup>221</sup>).

Member States verify the fulfilment of these requirements for extended family members during the general procedure for application of family reunification, which may include, at a later stage, collecting evidence on their own initiative<sup>222</sup>, and/ or carrying out an interview (CZ, FI, SK<sup>223</sup>).

<sup>216</sup> If the sponsor is residing in Ireland and the sponsor and spouse have not resided together since the union, a relationship history must be provided (where/when the applicants met evidenced by visa, entry/exit stamps, photographs, correspondence by email/ phone, etc.). Relationships that developed solely over the internet, by telephone/SMS are not sufficient for immigration purposes. A number of face-to-face meetings between the parties are required for eligibility.

<sup>217</sup> In Belgium, for example, if the document was not established in Belgium, it must be translated, marked with an apostil and legalised, if necessary.

<sup>218</sup> In the case of Ireland, examples provided are: dowry agreement, marriage book(s), receipt for any registration fees paid for marriage; documentary evidence of shared resources (including joint bank

accounts), of money transfers from applicant to spouse, of their domicile at date of marriage.

<sup>219</sup> Greece has not yet introduced DNA testing, but is planning to.

<sup>220</sup> At least not outside court proceedings.

<sup>221</sup> In Latvia, this refers exclusively to the court adjudication regarding establishing trusteeship or guardianship, and this requirement has no exceptions.

<sup>222</sup> E.g. in Estonia and Finland, especially to verify whether necessary health care or other support systems in the country of origin exist for dependants or not. As regards Norway, in case of doubt, the authorities might instigate an investigation on what has happened to the parents or if there have been other adults acting as a caretaker or a guardian.

<sup>223</sup> In Slovakia, the interview takes place at the very beginning of the process.

### 5.3 PROCEDURES THAT APPLY TO SPONSORS AND/ OR FAMILY MEMBERS FOR FAMILY REUNIFICATION

The following sub-sections first discuss the verification of the fulfilment of the material requirements for family reunification applicable to sponsors and/ or family members (see Section 4.1), followed by an overview of the verification of compliance with the integration measures for family reunification applicable to family members (see Section 4.2).

#### 5.3.1 VERIFICATION OF THE REQUIREMENTS FOR FAMILY REUNIFICATION

Where family reunification is dependent on the fulfilment of certain requirements, with regard to **accommodation**, some (Member) States have specified the standards in domestic law (BE, FR, IT, LU) or in a guideline (e.g. in SE, issued by the Swedish Migration Agency). In practice, (Member) States usually demand from the sponsor, as a minimum, a documentary proof of ownership or lease, such as a lease contract, a title deed or document from the land registry (AT, BE, CZ, DE, EE,<sup>224</sup> ES, HU, IT, LT, LU, LV, NO, SE SK). In case of doubt, the competent authorities may request the police or other officials who are specially authorised to check the accommodation conditions on site (BG, CZ, FR,<sup>225</sup> HU, IT, LU, SK). Other (Member) States do not assess the standards or conditions of accommodation specifically (EE, HR, IE, LV, NO, PL).

Where **health** insurance is a requirement, sponsors (or family members in some instances) must have access to health insurance.<sup>226</sup> Salaried sponsors automatically receive (public) health insurance (AT, BE, CY, CZ, DE, EE, HU, IT, LT, LU, SI), as well as beneficiaries of international protection (CZ, DE, IT, LT, LV, SI) or students of vocational or doctoral studies (EE). Others must take out a private health insurance.<sup>227</sup>

As for reaching a **minimum income**, in the majority of (Member) States, the **reference period** over which the income requirement is considered, covers the entire duration of the requested residence permit (AT, BG, DE, FI, LT, SI), normally one year in practice (AT, BE, ES, HR, IT, LT, NL, LU, LV, SK, NO). In **France**, the reference period covers the previous year at the time of application. Not all (Member) States specify a reference period (CZ, MT, SE). Past or future income of the sponsor is evaluated in practice through the submission of evidence of that income, usually through an employment contract or salary slips (AT, BE, CZ, FI, HR, IE, IT, LT, LU, LV, NL, NO, SE, SI, SK).

#### 5.3.2 VERIFICATION OF COMPLIANCE WITH INTEGRATION MEASURES

Where applicants **must comply with integration measures** (AT, BE,<sup>228</sup> DE, NL), the required language and integration certificates must be submitted to the authorities together with the application. In **Austria**, for example, an application for a residence title is normally to be rejected as unfounded if the applicant is unable to demonstrate elementary proficiency in German. The authorities can approve an **exemption** where warranted in order to maintain the individual's family life in accordance with Art. 8 ECHR or, in cases involving UAMs, to safeguard the best interests of the child. Such an exemption can only be made prior to the issuing of a first-instance decision.

Where not all of the above requirements (as well as those under Section 5.3.1 above) for family reunification that apply to family members or sponsors are completely fulfilled, some (Member) States (AT, CZ, DE, FR, NL, NO, PL, SI, UK) take into account the impact that a negative decision would have on private and family life, especially from the perspective of the child. By doing so, the various factors are evaluated and weighed against each other.<sup>229</sup> As a first measure, the authorities can issue a special residence permit by way of derogation for extraordinary (humanitarian) reasons (CY, HU, NO, SE) or in order to prevent particular hardships (DE).

<sup>224</sup> Except if it is possible for the PBGB to receive the information through queries to relevant registers.

<sup>225</sup> In France checks are always carried out, not only in case of doubt.

<sup>226</sup> It should be pointed out that in some Member States the requirement for a health insurance is valid also for the family members.

<sup>227</sup> There are however several exceptions. Some other sponsors also fall under the public health insurance scheme, for example, self-employed in Hungary or unemployed in Estonia.

<sup>228</sup> In Belgium, the integration requirement is only after the permit has been granted (if the person does not fulfill the requirement, the permit can be withdrawn). Hence, the certificates do not need to be submitted together with the application; they are verified afterwards, e.g. to renew the temporary permit.

<sup>229</sup> In Norway, for example, taking into account the best interest of the child may lead to an exemption from the subsistence requirement. An example is a case where the parties already live together in Norway and the sponsor is a poor caretaker for common children but the applicant is a good caretaker.

### 5.3.3 VERIFICATION WHETHER FAMILY MEMBER(S) CONSTITUTE A THREAT TO PUBLIC POLICY, PUBLIC SECURITY OR PUBLIC HEALTH

(Member) States apply several different methods to verify whether or not a family member **constitutes a threat to public policy and/ or public security**. If the person is already residing in the country, the most common procedure is for the (Member) State to conduct a background check against an official national criminal records registry (CZ, DE, EE, FI, HR, LU, LV, PL, SE, SI, SK). The (Member) State can request information from relevant internal intelligence services, other national bodies or databases (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LV, MT, NL, NO, PL, SK). In addition, the (Member) State can also check the family members through the Schengen Information System (BE, LU, SE, SI, SK) or other international databases (EE, NL, SK). Family members themselves may also be requested to submit a **criminal record certificate** issued by the country of origin or residence.<sup>230</sup> Interviews with the applicant may be carried out (AT, FI, HR, PL).

In order to verify whether the family member **constitutes a threat to public health**, they may be required to undergo necessary medical tests as soon as they arrive in the territory of the (Member) State (CY, EL, FR, HU, LU, LV, MT, NL,<sup>231</sup> SK). The medical certificate must then be presented to the competent authority. Family members must produce a medical report (concerning HIV, Hepatitis B and C, syphilis or TB) from their country of origin (CY, CZ, ES, HU), in particular when they come from a region where such illnesses are threatening public health (CZ). Family members state in their application whether they are aware that they suffer from a disease or illness which may pose a threat to public health (HU, LT).

### 5.3.4 DEFINITION OF THE TERM 'MINOR CHILD' AND ASSESSMENT OF THE BEST INTERESTS OF THE CHILD DURING THE EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION

Domestic law defines a **'minor child'** as a person **below the age of 18 years** in all (Member) States. However, a child may no longer be considered minor if married (DE, EE<sup>232</sup>, IE, LV, PL, SK, UK), or has a separate family, or leads an independent life (EE, UK). In several (Member) States, the age of the child at the time of the submission of the application is decisive (CY, DE, EE, EL, ES, FR, HR, IT, LU,<sup>233</sup> LV, NO, PL, SK), whereas in Austria<sup>234</sup> and **Finland and the Czech Republic**, for example, it is the date of the decision. According to the law and general policy in several (Member) States, **the best interests of the child** must be a priority consideration with regard to institutions dealing with among others applications for family reunification (AT, BE, EE, ES, FI, FR, HR, IT, PL, SE, SK). More comprehensive and specific guidelines concerning policy and practice measures in this regard seem however to be scarce (UAMs may be an exception). **Guidelines for officials** processing and dealing with the application in cases involving children have been issued by the competent immigration services of **Finland, the Netherlands and Norway**. With regard to beneficiaries of international protection, the officials in **Estonia** are trained to notice the signs in case the child is not safe and to inform a specialist.

In matters of **custody** the consent of the other party sharing custody is necessary before issuing a residence permit (EE, HR, IE). In **Ireland and Slovakia**, consent is needed from the parent who does not have the custody of the minor but has the right to meet the child. In **Slovakia**, the prior written consent of the minor to the granting of asylum or subsidiary protection for the purpose of family reunification must always be given. In **Norway and Finland**, before a decision on family reunification is issued, **children should be heard**<sup>235</sup> and their views taken into account; also, they should be informed about their rights (NO). The Finnish Immigration Service uses forms especially designed for interviewing children.

<sup>230</sup> CY and SK over the age of 16; LV over the age of 14 (for those under a visa obligation), AT, CZ.

<sup>231</sup> In the Netherlands, family members may be required to undergo a tuberculosis test.

<sup>232</sup> In EE exceptions apply.

<sup>233</sup> In case the applicant for international protection argues that s/he is a minor when filing the application, s/he will be treated as such until the medical examination proves otherwise. If there is a doubt on

the result of the medical test, the applicant will still be treated as a minor.

<sup>234</sup> In cases where the family member is the minor unmarried child of a person granted international protection, the age at the time of submission of the application is decisive.

<sup>235</sup> Finland: who are at least 12 years, or younger, if sufficiently mature (foster children from 8 years up); NO, at least 7 years, or younger if sufficiently mature.

**Box 8 : Instruction for IND employees in the Netherlands guiding assessments of violations of Article 8 ECHR**

The Immigration and Naturalisation Service (IND) in **the Netherlands** has developed an instruction for employees on how to assess whether a decision of the IND would constitute a violation of Article 8 ECHR. The IND keeps the instruction up-to-date, for example if new developments or case law emerge. The IND is also improving the instruction by organising expert meetings with external and internal experts at IND to discuss the contents of the instruction. The IND also prepares instructions on other topics regarding family migration (e.g. hearing children at an embassy) to promote consistency in the implementation of the Dutch family reunification policy.

*Source: Dutch National Report*

When examining cases where children are involved in applications for family reunification, certain exemptions to fulfilling the requirements are considered in some countries, if in the best interests of the child (AT, BE, CZ, EE, FI, FR, HR, IE, LU, PL, and SI). Processing times may be sped up in some (Member) States especially for those children who find themselves in a more vulnerable position (e.g. UAMs, illness) (BG, CY, FI, FR, HU, IE, and LV).

In an assessment for family reunification where children are concerned, some (Member) States perform age determination tests to ascertain the minority age, in case well-founded doubts on the claimed age of the child exist. For example, in **Austria** and **Germany**, the authorities can request radiological examinations to be performed.

### 5.3.5 DURATION OF THE PROCEDURE DECIDING ON AN APPLICATION FOR FAMILY REUNIFICATION

Some (Member) States do not prescribe any statutory time-limit for deciding on applications for family reunification (DE, NO, UK<sup>236</sup>). Nevertheless, the law in Norway and a number of Member States (AT, BE, EE, MT, PL, SI) determines that applications for family reunification should be processed **without undue delay**. The time-limit prescribed by law, which commences after submission or complete submission of the application, varies considerably among (Member) States, spanning **from 1 month** (BG, HR, LV, PL, SI) **to 12 months** (IE).

Applications must be processed within 1 ½ months (ES), 2 months (EE<sup>237</sup>, HU<sup>238</sup>), 3 months (NL,<sup>239</sup> SK), 4 months (LT<sup>240</sup>), 6 months (AT, FR, IT), 8 months (FR, when concerning family reunification of refugees) or 9 months (BE, CY, CZ, EL, FI, LU, MT, SE). The statutory law in most (Member) States thus follows the Directive's 9-month-time limit for submitting a decision.<sup>241</sup>

However, when comparing the time-limits, it needs to be taken into consideration that some (Member) States start counting the time of the procedure once the applicant has submitted the application (CZ, LU), whereas other (Member) States only upon reception of a complete submission (BE, HR, SI). Furthermore, some (Member) States allow for an extension of the time-limit, as provided for in the Directive. These factors may minimise the comparability between the (Member) States.

The time limit can vary within one (Member) State depending on the category of TCN or type of request. For example, **more favourable time conditions** are laid down especially for family members of a sponsor who is a holder of a particular residence permit.<sup>242</sup>

<sup>236</sup> The UK immigration agency has however issued standard processing times.

<sup>237</sup> In Estonia, the time-limit is 2 months for migrants holding a particular residence permit and is longer for beneficiaries of international protection: one month for the application submitted by the sponsor and up to 6 months for the application that the family member has to submit when (s)he has arrived in Estonia.

<sup>238</sup> If the family member wishes to enter into a contract with a specific employer or so-called preferred employer, the time limit is 70 and 60 days respectively.

<sup>239</sup> In the Netherlands, the legal time limit starts once the applicant has paid the fees (if applicable). If information is missing and the applicant is required to provide more information, the period is suspended. Moreover, the legal time limit of 3 month can be extended by another 3 month in case of special circumstances. Currently this extension is applied

systematically to applications for family reunification of beneficiaries of international protection.

<sup>240</sup> Or 2 months if these are family members of foreigners contributing to the economy (highly-qualified workers, start-up owners and entrepreneurs).

<sup>241</sup> Article 5 of the Directive further allows for an extension of the time-limit under exceptional circumstances.

<sup>242</sup> Long-term resident's EU residence permit: 5 months in CY; 4 months in FI and BE; national long-term visa for the "family purpose": 3 months in CZ; highly qualified workers, start-up owners and entrepreneurs: 2 months in LT; family member of an EU Blue-Card holder: 6 months in FI; entitled to apply for immediate family reunification: 6 months in IE.



In **Lithuania** and **Latvia**, accelerated processing is carried out upon the request of the applicant for an increased fee.<sup>243</sup> The time limits may be **extended** in certain or exceptional circumstances, for example due to a complexity of the examination of an application.<sup>244</sup> In case of an appeal against a rejection of an application, decisions must be issued no later than 1 month (PL), 2 months (SI) or 6 months (AT) thereafter. **Where time limits exist, the average duration of the procedure in practice** by and large corresponds with the time limit prescribed by law<sup>245</sup>, especially with regard to TCNs holding a specific residence permit, with only few exceptions.<sup>246</sup>

The high increase in the number of applications in, for example, **Germany**, **Sweden** and the **Netherlands** in recent years has led to a considerable backlog in these countries. Some (Member) States have taken practical measures to speed up the processing times; in most of them, this is achieved by adopting new internal organisational measures, such as an increase of staff (DE, NL) or training of staff (PL); centralisation of receiving and examining applications for family reunification (CY, UK); shifting single steps of examination of applications from the diplomatic missions and consulates to authorities in the (Member) States (DE); dividing the cases into different procedural categories instead of processing the applications in the order in which they were received (NO); signing agreements with International and national organisations to provide consultation for applicants during the visa procedure (DE); and digitalisation of parts (DE) or of the entire family reunification application procedure, including the possibility of online applications (FI, SE).

### 5.3.6 CHALLENGES EXPERIENCED BY SPONSORS, FAMILY MEMBERS AND/ OR (MEMBER) STATES DURING THE APPLICATION PROCEDURE FOR FAMILY REUNIFICATION

Applicants and/ or family members and (Member) States face many different types of **challenges** throughout the entire application procedure for family reunification. The challenge mentioned most frequently in (Member) States' National Reports relates to the applicant encountering difficulties to appear in person at a diplomatic mission to submit their application in the first place (AT, EE, FI, HU, IE, IT, LU, LV, NL, NO, SE), a challenge that applies to immigration more generally.

The reasons for this vary, but this problem has been raised especially by the smaller (Member) States that do not necessarily have a diplomatic representation in every country. The second most frequently reported challenge concerns the often exceedingly long processing time of an application (AT, BE, DE, FR, IE, IT, NL, NO, SE). Related to this, the third major challenge reported is lack of documents to process the application (AT, BE, CY, FI, IE, IT, LT, LU, LV, MT, NL), especially the proof of identity and family ties.

From the perspective of national authorities, an important challenge reported is the detection of forced or sham marriages, pretended registered partnerships and false declarations of parenthood (BE, EE, IE, IT, NO), which requires thorough investigation and in turn may affect processing times of applications. In **France**, checking the reality of family ties and verifying civil status documents represents one of the major challenges for the French authorities (including diplomatic posts). Further specific examples of challenges are provided in the National Reports (see Annex 6).

<sup>243</sup> In Latvia, within 10 or 5 business days; in LT: within 2 months.

<sup>244</sup> In Belgium, for a period of 3 months, which can be extended twice; and sponsors who are EU Blue-Card holders: for 4 months and extended once for an additional 3 months; LT and NL: 3 months; EE, for application submitted by sponsor in case of beneficiaries of international protection: 2 months; PL: 1 month; SK: 1 month, asylum cases: no time-limit indicated. LU and FI: no time-limit indicated. In those MS that do not set a time-limit, the average duration ranges from 40 days (UK) to several months (DE); and 3 to 15 months in NO, depending on the case.

<sup>245</sup> Corresponding to the maximum time-limit: BG; CY (for long-term visa); ES, LT; FI (for beneficiaries of international protection); NL: (for TCNs holding a particular residence permit) Below the statutory time-

limit: MT: 1 month (statutory: 9 months); CY: 2,5 months (for long-term permit statutory: 5 months); EE: 54 calendar days (for migrants holding a particular residence permit (statutory: 2 months); FI: 4 months (for TCNs holding a particular residence permit); BE: 5 months (statutory 6 months, but law has recently extended the time-limit); LU: 1-3 months (statutory: 9 months); LV: within 25 days (statutory: 1 month); and SK.

<sup>246</sup> (Member) States that exceed the regular time-limit: IE: Within 12-13 months or longer (statutory: 6 or 12 months); FI: where the sponsor is a beneficiary of international protection: 10 months (statutory: 9 months); PL: 2 months (statutory: 1 month plus 1 month extension). The greatest discrepancy is in SI: 9 months (statutory: 1 month).



## 6 Access to rights following family reunification

Once in the EU, eligible family members receive a residence permit entitling them to equal treatment with the sponsor in multiple areas, such as access to education, vocational training and guidance, employment and self-employment (which may be restricted for 1 year after carrying out labour market analysis).<sup>247</sup> This section therefore provides a comparative overview of the above-mentioned rights that follow on from family reunification in the (Member) States.

### 6.1 ACCESS TO EDUCATION

In the majority of (Member) States migrant **children** have access to the compulsory school education system (AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HU, IE, IT, LU, LV, NL, NO, SE, SK, UK). In addition, certain (Member) States have specific measures such as language support or classes for foreign children (CZ, BE, EE, FR, LT, LU, NL and SK). Some (Member) States do not have measures in place to support access to education which are *specifically* geared towards TCNs following family reunification (BE,<sup>248</sup> IE).

Where family members are above the age of compulsory education, they have the same access to education as nationals (BE, ES, FI, IT, NO, SE), as their sponsors (AT, BG, EE) or as other TCNs granted a residence permit (DE, NL, SI). In most (Member) States, **adult** family members have access to language courses (AT, BE, DE, EE, FR, FI, IT, MT, NO, SI) together with orientation and assistance on the (Member) States' society, such as guidance on the educational system of the (Member) State (AT, DE, EE, FI, FR, IT, NO, SE). These measures are generally part of a wider integration support or training provided to TCNs arriving in their territory (AT, BE, CZ, DE, EE, FR, FI, IT, LU, MT, NO, SE and SI).

<sup>247</sup> Articles 13-15 of Directive 2003/86/EC.

<sup>248</sup> BE provides however for an integration program for newcomers arriving to Belgium.

<sup>249</sup> For example, beneficiaries of international protection will get social and integration counselling, which includes access to education and advice for students before starting studies (NL); information and language courses (LT); free language courses are provided as part of the integration assistance to BIPs, including arranging documents, escort to institutions as needed, study help and cooperation with school employees (SI).

<sup>250</sup> In Spain, unlike other family members (spouse, non-married partners and children), reunited ascendants need to obtain a work permit.

<sup>251</sup> In Spain, access to the statutory civil service is reserved for nationals and EU citizens and their family members. Particular positions in the public sector that involves the interests of the State (military,

Access to education of **family members of refugees or beneficiaries of subsidiary protection** is linked to the right to education of their sponsor in a number of (Member) States (BG, CY, CZ, EL, IT, LU, LV, SI, SK). The right to education of family members of refugees or beneficiaries of subsidiary protection is generally part of a broader set of integration and information support in accessing public services for refugees or beneficiaries of subsidiary protection as provided in a number of (Member) States (BE, CZ, DE, EE, FI, IE, IT, LT, NL, SE, SK, UK).<sup>249</sup>

### 6.2 ACCESS TO EMPLOYMENT AND SELF-EMPLOYED ACTIVITY

#### 6.2.1 ACCESS TO THE LABOUR MARKET

In a number of (Member) States, family members have **unrestricted access to the labour market** based on their residence permit following family reunification (CZ, DE, EL, EE, ES,<sup>250</sup> FI, FR, IT, LT, PL, SE, SI), without the need to complete any additional administrative formalities. Access to the labour market of family members can be restricted based on the nature of certain activities, such as employment in the civil service (CY, EE, ES<sup>251</sup>, LU, LV, SI) or on nationality (ES, FR) or where pursuing regulated activities requiring certain qualifications (EE, FR). In some other (Member) States, family members in some cases may need to apply for a **work permit** (BE,<sup>252</sup> IE) or pass a **labour market test** a year after admission for family reunification (CY,<sup>253</sup> HU,<sup>254</sup> LU, SI).

A family member's right to employment – and need to apply for a separate work permit or not – can also be **dependent on the sponsor's status** in certain (Member) States. Where the sponsor's residence permit entitles him/her to work in a (Member) State, such access to the labour market will also be granted to the family member (BG, IT, LV, NL, UK).

international relations among others), are exclusively reserved to citizens.

<sup>252</sup> In Belgium, family members who wish to work must apply for a work permit which is however easily delivered and renewed.

<sup>253</sup> In Cyprus, a labour market test is necessary for family members only if such a test is required from the sponsor. Furthermore, labour access is granted the moment the labour market test is completed – even if prior to the completion of the first year of admission under family reunification.

<sup>254</sup> In Hungary, no labour market test is required for i) a family member who has been living together with the sponsor in HU for 5 years and the sponsor has been working in HU for 8 years, and for ii) a spouse of a person with permanent residence status if they have been living in HU for a year.

This impacts, for example, the access to the labour market for family members of sponsors holding particular residence permits such as the Blue Card or another permit for highly-skilled workers, researchers or students (BE, BG, IT, LV, LU, NL, SK, UK).<sup>255</sup>

Lastly, the validity of the residence permit – whether permanent or temporary – granted to the family member can have an impact on his/her access to the labour market.

In some (Member) States, where the family member is granted a permanent residence permit, the access is not conditional upon the acquisition of a work permit – which is necessary if the family member is holder of a temporary residence permit (BG, HR, HU, LV, SK).

#### 6.2.2 ACCESS TO SELF-EMPLOYED ACTIVITY

Access to self-employment activities for family members is not subject to restrictions in a majority of (Member) States (CZ, DE, EE, EL, ES,<sup>256</sup> FI, FR, HR, HU, IT, LT, PL,<sup>257</sup> SE, SI,<sup>258</sup> SK, NO). Few (Member) States request a specific authorisation before providing family members access to self-employment activities (BE, LU).<sup>259</sup> Other (Member) States will grant access to such activities only to certain categories of family members (CY, LV).<sup>260</sup> In a few (Member) States, certain categories of family members are barred from exercising self-employed activities in specific circumstances (AT, SK).<sup>261</sup>

<sup>255</sup> For e.g. family members of Blue Card holders or highly-qualified TCNs have access to the labour do not need to apply for a work permit in BG, LV, LU, SK, while a separate work permit is necessary in NL. Family members of students can either work under the same limitations as their sponsor (BE) or are not allowed to engage in employed activities in certain (Member) States (ES, NL, UK).

<sup>256</sup> In Spain, reunited ascendants need to obtain an authorisation in advance in order to be allowed to access self-employed activities.

<sup>257</sup> In Poland, third-country nationals may undertake and conduct business activity on the same basis as Polish citizens.

<sup>258</sup> For Slovenia, family members of TCNs have access to the labour market without any restriction, but market control will be proceed accordingly.

<sup>259</sup> Family members will have to apply for a 'professional card' in BE and for an 'independent worker residence permit' in LU.

<sup>260</sup> In Cyprus, access to self-employment activities is granted only to family members of refugees and long term residence permit holders. In Latvia, this access is available to family members of highly qualified third-country nationals and third-country investors as well

#### 6.2.3 ACCESS TO EMPLOYMENT AND SELF-EMPLOYMENT FOR FAMILY MEMBERS OF REFUGEES AND BENEFICIARIES OF SUBSIDIARY PROTECTION

Family members of refugees and beneficiaries of subsidiary protection have access to employment and self-employment activities without specific restrictions in a majority of (Member) States (AT, BG, CY, CZ, DE, EE, EL, FI,<sup>262</sup> FR, HR, IE, IT, LV, LT, LU, MT, NL, SE, SK, UK). Few (Member) States provide for certain limitations in this context (HU).<sup>263</sup>

#### 6.3 ACCESS TO VOCATIONAL GUIDANCE AND TRAINING

In a majority of (Member) States, family members do not have access to the same vocational guidance and training services as nationals, with the exception of **Finland**, the **Netherlands**, **France** and **Spain**. However, family members have access to the **general vocational guidance and training services as other legally staying TCNs** in the following (Member) States: AT, BE, CY, CZ, DE, EE, EL, HU, IE, IT, LU, LV, NO, SE, SI. These general measures are part of integration courses or support and include language courses, training courses,<sup>264</sup> and/or advice on vocational training and qualifications.<sup>265</sup>

as family members of refugees and persons that have obtained subsidiary protection.

<sup>261</sup> The possibility to carry out self-employed activity is excluded for family members who were granted temporary residence on the grounds of being dependent family members, of health condition or are dependent on the sponsor's care (SK).

<sup>262</sup> A family member of a refugee or beneficiary of subsidiary status has the possibility of being granted the same status as the sponsor if the family member is considered to have an equivalent need for asylum or subsidiary protection as the sponsor.

<sup>263</sup> Access to the labour market of family members of beneficiaries of international protection is granted after a year of residence in HU.

<sup>264</sup> In Norway, participating in an introduction program comprising language courses, insight into NO society and preparation for participation in working life is a *requirement* for newly arrived TCNs who need to obtain basic qualifications.

<sup>265</sup> For e.g. TCNs are provided advice on the recognition of vocational or educational qualifications obtained in third countries in DE.

In a few (Member) States, vocational guidance and training services are available only for **refugees and beneficiaries of subsidiary protection and their family members** (LT, SK)<sup>266</sup> or there is a more targeted range of measures available for this group of TCNs (EE, IE<sup>267</sup>, NL, SE, SI).<sup>268</sup>

#### 6.4 RIGHT TO APPLY FOR AUTONOMOUS RIGHT OF RESIDENCE

From the outset, it should be pointed out that most (Member) States recognise the right of TCNs who hold a family reunification residence permit to apply for a different permit of residence if they fulfil the requirements and can thus **apply for a change of status** (AT, BE, CZ, DE, EE, EL, ES, FI, , HR, HU, IE, IT, LT, LU, NL, SE, SI, SK, UK) (for further information, please see the 2015 EMN Focussed Study on change of status<sup>269</sup>).

Furthermore, an independent right of residence is granted in certain (Member) States to family members in the event that they acquire a permanent residence permit (AT, LV). In other (Member) States, this right is subject to a period of cohabitation of three years between spouses or registered partners on the territory of the (Member) State (DE, NO). As a rule, a family member's residence right in a (Member) State ends at the same time as their sponsor's residence permit or ends where **family ties no longer exist** due to the death of the sponsor, divorce or separation of partners, or where minor children have reached the age of majority.

An autonomous right of residence following death (NL), divorce or separation may be granted in certain (Member) States (AT, EE<sup>270</sup>, FI, IE, PL), whilst in other (Member) States this right is available only after a minimum number of years of residence following family reunification (BG, ES,<sup>271</sup> DE, HR, LU). Furthermore, a right of residence independent of that of the sponsor may be granted to family members in case of **domestic violence or abuse** (BE, DE, IE, FI, FR, LU) regardless of whether the minimum number of years of residence following family reunification has been reached or not (DE, CY, ES, SE, NL).

More specifically, an autonomous right of residence is granted to children when reaching majority in a number of (Member) States (CY<sup>272</sup>, DE, LU, NL).

A minor child will be granted residence permit after a minimum number of years of residence following family reunification (DE, LU, NL). In **Cyprus**, children who have become adults are entitled to an autonomous residence permit if they have completed 5 years of residence under family reunification.

#### 6.5 ADDITIONAL RIGHTS (NOT COVERED BY THE FAMILY REUNIFICATION DIRECTIVE) GRANTED TO FAMILY MEMBERS

In addition to education, vocational training and guidance, employment and self-employment, this sub-section explores whether family members may also have access to additional rights not covered by the Family Reunification Directive, such as healthcare, certain social benefits, long-term residency and citizenship.

##### 6.5.1 HEALTHCARE

Access to healthcare services for family members is dependent on certain conditions. While few (Member) States grant healthcare coverage to family members on the same conditions as native citizens (BE, FI, NL, NO, SE) or as other legally residing TCNs (CZ, EE, ES, FR, IT), in other (Member) States this access is dependent on the rights granted to the sponsor (BG, DE, LU) (see also Section 4.1.2). In other (Member) States, access to public healthcare is contingent on the payment of an 'immigration health surcharge' by the family member (UK<sup>273</sup>).

##### 6.5.2 SOCIAL BENEFITS

As for recourse to public funds, a few (Member) States provide access to the social benefits to family members on the same conditions as citizens (ES, FI, SE, NO), or other legally residing TCNs (EE, FR, IT, LT, LV<sup>274</sup>). A number of (Member) States provide such access to family members only after a number of years of residence following family reunification (CZ, LU).

<sup>266</sup> For e.g. in LT, only family members of BIPs have access to integration measures such as assessment of professional skills and assistance in acquiring and improving qualifications.

<sup>267</sup> This applies to programme/resettled refugees.

<sup>268</sup> In EE – assistance in finding information on interesting prospects in vocational education and training system, possibility to participate in vocational training organised for unemployed and job-seekers free of charge. NL – social counselling including access to education.

<sup>269</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/do](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/do)

cs/emn-studies/emn-studies-00.emn\_study\_on\_the\_change\_of\_status\_final.pdf

<sup>270</sup> In case the marriage lasted less than 3 years there is a condition that the obligation to leave Estonia ishas to be too burdensome for the third country national.

<sup>271</sup> After 2 years of cohabitation in Spain.

<sup>272</sup> In Cyprus, they are entitled to an autonomous residence permit if they have completed 5 years of residence under family reunification

<sup>273</sup> This is not the case for refugees.

<sup>274</sup> Only if the TCN is a permanent resident.

As to the type of social benefits, family allowances can be granted to family members in certain (Member) States (DE, EE, FR, and SK). In a number of (Member) States, however, access to public funds can affect the right to stay of family members, as their stay is conditional on an income requirement (BE, DE,<sup>275</sup> IT, NL<sup>276</sup>, UK<sup>277</sup>) and as a result, non-contributory social benefits (e.g. family benefits) are not accessible to family members unless they acquire an autonomous right of residence (BE, NL).

### 6.5.3 LONG-TERM RESIDENCY AND CITIZENSHIP

As a rule,<sup>278</sup> family members may apply for a **long term residence permit** after complying with residence requirements varying between **three** (NO), **four** (FI) and **five years** (AT, BE, BG, CZ, DE, EE, EL, ES, FR, HR, HU, IE, IT, LV, LT, LU, NL, PL, SK, UK). Additional conditions exist in some (Member) States, notably the fulfilment of integration measures (AT, DE, EE, LV, NL) and/ or sufficient income (AT, DE, EE, HR, IT).

As other legally residing TCNs, family members can obtain **citizenship through naturalisation** after a certain number of years of residence in a (Member) State (AT, DE, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, NO, PL, SE, SK, UK), with the minimum required residence in these (Member) States usually ranging from three to ten years. Further requirements might need to be met in some (Member) States, such as ensuring one's own subsistence (DE) and not being sentenced for a criminal offence (NL, DE). Citizenship requirements can be eased for TCNs in case of family reunification (AT<sup>279</sup>) or for family members of refugees (FR, NL and SE).

### 6.6 FAMILY REUNIFICATION OF FAMILY MEMBERS OF REFUGEES AND/ OR BENEFICIARIES OF SUBSIDIARY PROTECTION

In a majority of (Member) States, the residence permit granted to family members of refugees or beneficiaries of subsidiary protection is derived from the status of their sponsor (BE, BG, CY, CZ, FR, EE, EL, ES, IE, IT, LU, LV, NL, NO, PL, SE, SK). In other (Member) States, family members of refugees or beneficiaries of subsidiary protection are issued residence permits for family reunification purposes (DE, FI<sup>280</sup>, HR, HU).

These residence permits may be permanent in case the sponsor is granted refugee status (ES, IT, LV, LT, SE, SI, UK) or temporary (DE, EE, HR, LT,<sup>281</sup> LV, SK, SE, SI). In **Austria**, the residence permit for refugees is valid for three years in the first instance and may be prolonged for an unlimited period of time.

While in most (Member) States family members applying for a residence permit for family reunification with a refugee or beneficiary of subsidiary protection are or may be exempt from paying any fees (AT,<sup>282</sup> BE,<sup>283</sup> CY, DE, EE, IE, IT, NL, SI, SE, SK, UK), in certain (Member) States such application is subject to the payment of an application fee (ES, FI, FR, LT, LV, PL).

It is possible for the family member to apply for **refugee status, subsidiary protection or family asylum** in certain (Member) States if they fulfil the necessary conditions themselves (AT, BE, BG, CZ, DE, EE, FI,<sup>284</sup> FR, LT, LV, NL, SE, SK).

Ultimately, if a family member does not qualify for international protection, s/he can also apply for other grounds such as employment or studies

<sup>275</sup> In Germany, beneficiaries of protection are to be exempted from the income requirement if they apply for family reunification within three months of the final recognition of their protection status; this allows them to apply for social benefits. After this three-month period the competent authorities may exempt the mentioned status groups from the income requirements.

<sup>276</sup> In the Netherlands, beneficiaries of international protection are in principle exempted from the income requirement and can therefore also apply for social benefits.

<sup>277</sup> This is not the case of family reunion for refugees

<sup>278</sup> And following the provisions of the Long-Term Residence Directive (2003/109/EC).

<sup>279</sup> Citizenship granted to third-country nationals can also be expanded to include the spouses or registered partners of the recipients of citizenship where those individuals have also resided in Austria for at least 5 years.

<sup>280</sup> In Finland, a family member of a refugee or beneficiary of subsidiary status *may be* granted the

same status as the sponsor if the family member is considered to have an equivalent need for protection.

<sup>281</sup> In Lithuania, if a sponsor was granted refugee status, his/her the spouse will get temporary residence permit, while his/her children will be granted a permanent residence permit.

<sup>282</sup> Provided that a marriage or registered same-sex partnership existed prior to entry.

<sup>283</sup> In Belgium, family members of refugees and beneficiaries of subsidiary protection are exempted from the payment of a retribution for the introduction of the application for family reunification (which is 160 to 215 EUR for other applicants) yet they are not exempted from the fees which will be imposed by the consulate or local authority where the application is submitted.

<sup>284</sup> In Finland, consideration related to the granting of such status is carried out at the same time as consideration related to the granting of a residence permit.



and obtain an **autonomous right of residence** as detailed above.

## 6.7 WITHDRAWAL AND CONDITIONS FOR RENEWAL OF THE RESIDENCE PERMIT

When applying for renewal or extension of a residence permit granted on grounds of family reunification, TCNs need to continue to satisfy the general conditions for such a permit required initially (AT, BE, BG, CY, CZ, DE, EE, ES, HU, IT, NL). These requirements can be monitored by national authorities independently of any actual request for renewal or extension of a residence permit on an annual basis (IE, LV, NL).<sup>285</sup> The existence and continuation of family ties are one of the main conditions which are essential for the renewal of a residence permit granted on grounds of family reunification.

As a result, the existence of family ties during a certain period of time is regularly checked by national authorities in DE,<sup>286</sup> FR,<sup>287</sup> NO, SE.<sup>288</sup> Some (Member) States monitor closely any indications of abuse and suspicion of marriage/partnership or adoption of convenience (BE, CY, DE, IT, LT, NL). The non-respect of the conditions mentioned in Section 4.2, such as attendance of integration courses or fulfilling other integration obligations (AT, DE, NL) may lead to the withdrawal or non-issuance or non-renewal of a residence permit (AT<sup>289</sup>, BE<sup>290</sup>, DE<sup>291</sup>, NL<sup>292</sup>). There are (mostly) no negative consequences in **Estonia**<sup>293</sup> and **Norway**.

The obligations deriving from Article 17 of the Family Reunification Directive, the Charter of Fundamental Rights and the principles of proportionality and effectiveness oblige (Member) States to assess and take into account all individual interests and circumstances also while deciding on the continuation of residence. A number of (Member) States are taking **individual circumstances** into account to mitigate the consequences of such withdrawal or non-renewal (CZ, ES, FI, IE, NL), for example, the case of family members who are victims of domestic violence and abuse mentioned above.

In addition to this particular situation, (Member) States may grant a further residence permit to a family member even if not all conditions are fulfilled in situations where such an outcome would represent a risk to his/ her private and family life in accordance with the provisions of Article 8 ECHR (AT, BE, CZ, NL, SK). Factors taken into account may particularly include duration of stay (AT, CY, DE, FI, LU), solidity of family ties (CY), integration into society (AT, DE), employment (DE, SE), existence of family, cultural and social ties with the country of origin (AT, BE, CY, LU), or where refusing a residence permit would be an unreasonable consequence considering the individual circumstances of the family member (DE, FI, SK).<sup>294</sup>

<sup>285</sup> Article 16 (4) FRD limits the discretion to conduct specific checks and inspections to the moment of renewal of the permit and situations that give reason to suspect fraud or a marriage, partnership or adoption of convenience.

<sup>286</sup> Verification every time the residence permit needs to be renewed.

<sup>287</sup> Verification during the first 3 years following family reunification with the sponsor.

<sup>288</sup> Verification after the first 2 years following family reunification with the sponsor, after which a permanent residence permit is granted. This applies to (common law) spouses/partners initially issued a temporary residence permit on grounds of "deferral of immigrant status".

<sup>289</sup> This requirement does not apply to family members holding a temporary residence permit, refugees and

beneficiaries of subsidiary protection. Exemptions based on age and health grounds may also apply.

<sup>290</sup> See further case law relating to the withdrawal of residence permits by the Belgian Immigration Office.

<sup>291</sup> In case of non-compliance with the obligation to attend integration courses, a third-country national may have to pay for the costs of the courses. Renewal of the residence permit may be refused unless the TCN provides evidence that s/he has achieved integration into the community and society by other means.

<sup>292</sup> Including fine of up to €1,250 upon not passing a civic integration exam.

<sup>293</sup> I will be taken into account only for beneficiaries of international protection at the moment of assessing the extension of their residence permit.

<sup>294</sup> Article 17 of the Family Reunification Directive.



## 7 Conclusions

This EMN Focussed Study presents a comparative overview of EU Member States' plus Norway's policies and practices on family reunification, which is predominantly regulated at EU level by the Family Reunification Directive.<sup>295</sup> The Study covers all TCNs residing legally within a (Member) State (=sponsors), including beneficiaries of international protection (i.e. refugees and beneficiaries of subsidiary protection) and holders of other residence permits, such as for the purposes of work or study. The Study also covers sponsors' family members from third countries who wish to come to Europe through the legal avenue of family reunification. In accordance with Art. 1(3) of the Council Decision establishing the EMN,<sup>296</sup> this Synthesis Report may serve to inform policy-makers at EU and (Member) State level, as well as the general public by looking at current developments and national policies on family reunification in recent years (2011-2015, as well as 2016 where available).

As mentioned in the Introduction (Section 1) of this Synthesis Report, while the present Study does not focus on sponsors who are EU plus Norway citizens and who have not exercised their free movement rights, the Study briefly looked into whether differences exist between the family reunification rules which apply to this group and to TCN sponsors (Section 4.6). Generally, more favourable provisions (e.g. a wider definition of family, free access to the labour market) apply to the family members of non-mobile EU citizens who are from third countries.

### OVERALL CONCLUSIONS

The right to family reunification in the EU has remained **one of the most important channels of legal migration in the EU over the last few years**. At present, family reunification accounts for **nearly one third** of all arrivals of TCNs in Europe. Whilst this right is currently subject to a common framework, mainly provided through the Family Reunification Directive (and its 'shall' clauses), it is simultaneously dependent on a certain degree of discretion provided by the Directive ('may' clauses). This has resulted in **both commonalities and differences between (Member) States' policies and practices** on family reunification.

The Study identifies divergences **in the rights and/ or procedures available to sponsors and/ or family members**, including for refugees and/ or beneficiaries of subsidiary protection and their family members, particularly given the current migration context in Europe. The Study finds that, in spite of the large wave of TCNs applying for asylum in Europe, **beneficiaries of subsidiary protection overall appear to benefit from a similar level of legally-ensured protection as refugees**. Nevertheless, exceptions may apply, which somewhat lessens the protection of the former in some instances. Both refugees and/ or beneficiaries of subsidiary protection on the whole have continued to benefit from **more favourable family reunification rules** as compared to other categories of sponsors. Nevertheless, in the light and spirit of the Family Reunification Directive, the **protection of beneficiaries of international protection in particular, but also other TCNs wishing to reunite with family, could be further strengthened in the (Member) States**, for example, by avoiding setting the income requirement at an exceedingly high level, a reality in some (Member) States, and giving more weight to individual circumstances in the process of examining family reunification applications.

A notable outcome of this Study is the identification of some very interesting **new practices and measures** developed in recent years in the (Member) States to promote the right to family reunification, such as the extension of the Finnish practice of assessing the income requirement to family members of beneficiaries of international protection (see Box 3), the Dutch one-status system for refugees and beneficiaries of subsidiary protection (see Box 6), or the instruction for IND employees in the Netherlands guiding assessments of violations of Article 8 ECHR (see Box 9).

In addition, **relevant national and international case law discussed throughout** shows that in this area of migration policy, the interpretation of provisions by courts can have a significant impact on (Member) States' policies and practices. These outcomes are revisited below.

<sup>295</sup> The Directive applies to all (Member) States, except Denmark, Ireland, the United Kingdom and Norway.

<sup>296</sup> Council Decision establishing the EMN, <http://eur-lex.europa.eu/legal->

[content/EN/TXT/PDF/?uri=CELEX:32008D0381&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008D0381&from=EN)

The Study also gathers **statistics on family reunification** from both EU and national level sources, but it should be highlighted that there is **lack of comprehensive and comparable data on the nature of family reunification** showing key characteristics of the sponsor and his/ her family members.

Overall, the Study suggests that some important aspects of protecting the right to family reunification, but also safeguarding certain groups of migrants are **not ‘universally’** available within the EU at present: notably the fact that UAMs cannot be sponsors of family reunification, nor benefit from a wider definition of the family in all (Member) States; that beneficiaries of subsidiary protection are not covered by the scope of family reunification in some cases; or that benefits for families following reunification do not appear to be commonly available. More specifically, the following subsections discuss a number of findings that emerged from this Study:

#### **SCALE OF FAMILY REUNIFICATION IN THE EU28 PLUS NORWAY**

The overall proportion of all valid permits for family reasons in the EU28 plus Norway has remained stable since 2013 onwards, accounting for 38% (of the total) in 2015. **More than 760,000 first permits for family reasons** were issued in the EU28 plus Norway in 2015. Although this number has grown significantly since 2012 onwards, it represents a steady **29% of the total first permits** issued by (Member) States over the last three years (2013-2015). **Over 440,000 first permits were issued to TCNs reuniting with TCN family members** in 2015. The largest numbers of first permits for family reasons since 2011 onwards have been issued by **Germany, Italy, Spain, France, UK,<sup>297</sup> Sweden, Belgium and the Netherlands**. In 2015, these Member States issued **more than 80%** of all first permits for family reasons.

Less than ten (Member) States could provide partial data on the number of applications for family reunification disaggregated by the status of the sponsor (BE, CY, FI, FR, IE, LV, SI, NO, UK). These data show **differences in the profiles of TCNs residing in Europe and asking for family reunification**: for example, in **Norway** the largest number of sponsors of family reunification applications in 2016 appear to be beneficiaries of international protection, whilst in **Slovenia** they are mostly persons

admitted for remunerated activities (see Annex 3).

Further partial data available at national level suggest that sponsors of family reunification applications are an **almost equal share of men and women** (see Annex 1). The Study finds that overall there is limited data available at EU and (Member) State level on certain aspects of family reunification of TCNs, pointing to the need for further collection and **disaggregation of data**, for example, data disaggregated by the status of the sponsor, as well as the age and gender of sponsors and family members.

#### **DEFINITION OF SPONSOR**

A **sponsor** to an application for family reunification in the EU plus Norway is usually a TCN who: possesses a **valid continuous or permanent residence permit**, such as for the purposes of study or work; is a refugee or beneficiary of subsidiary protection; or an UAM who has been recognised as refugee or beneficiary of subsidiary protection.

Although beneficiaries of subsidiary protection are not within the scope of application of the Family Reunification Directive, most (Member) States not only **extend the right to family reunification to beneficiaries of subsidiary protection**, but often do so under the same conditions as refugees. Only in a minority of cases the family reunification of beneficiaries of subsidiary protection is subject to a waiting period or a pre-existing family relationship.

The Study finds that a small number of (Member) States do not allow beneficiaries of subsidiary protection to apply for family reunification, such as **Cyprus**, or have had to temporarily suspend this as an emergency response to the large number of asylum applications received in the country, as is the case in **Germany and Sweden** at present. Some (Member) States, notably the **Czech Republic** allow beneficiaries of subsidiary protection to apply for family reunification under a national scheme (parallel to the Family Reunification Directive).

The Study further notes the **nearly ‘universal’ right of UAMs** to reunite with family members from abroad (e.g. in compliance with Article 10 (3) of the Family Reunification Directive), except in the **UK**.

<sup>297</sup> UK does not have residence permits in the same way as other Member States so the UK figures are estimates.

## DEFINITION OF FAMILY MEMBERS

The **scope of family reunification** in the EU is usually extended by (Member) States beyond the nuclear family (mother, father and minor children of both parents). In most (Member) States this includes **parents, same-sex partners (either married or registered), adopted and foster children (of both parents)**, but generally excludes adult children, other non-married partners or dependent persons. The Study finds that many exceptions and/ or conditions apply to the definition of the family and overall (Member) States enjoy a **large margin of appreciation**.

Though the Family Reunification Directive does not specify the treatment of some of these family members, such as same-sex couples, most (Member) States not only include them in the scope of family reunification, but there **are similarities in provisions available to same-sex couples and spouses from opposite sexes in about half of the (Member) States**. Finally, **dependency is weakly regulated**, if at all, within the scope of family reunification in the majority of (Member) States and it may be worthwhile to undertake research on the **implications this may have on safeguarding the right to family life of TCNs residing in the EU**. The same might apply to the possibility to reunite with adult children and/ or non-married partners, which as mentioned above is less prevalent in the EU at present.

## MATERIAL REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

Generally, (Member) States require TCNs to fulfil all three material requirements for exercising the right to family reunification and it is **not only the sponsors, but often the family as a whole that needs to prove access to adequate accommodation, health insurance and a minimum income**.

A few (Member) States do not set **accommodation** as a pre-condition for family reunification or otherwise do not apply this to specific family members, in particular members of the nuclear family, especially minor children. In comparison to accommodation, **health insurance** is not a pre-condition for family reunification in a larger number of cases (and at present, three (Member) States, notably **Finland, Norway and Sweden** consider health insurance as a universal right for all TCNs).

As regards the **income threshold**, this is **generally equivalent to the basic minimum monthly income or subsistence amount in the country**. However, in four (Member) States, notably **Belgium, Malta, Poland and Slovakia**, the **income threshold appears to be higher**, reaching as high as 12 times the minimum subsistence amount per month in the case of **Slovakia**. These policies contrast with the CJEU judgment that using as a reference amount a level of income equivalent to 120% of the minimum income, does not meet the objective of the income requirement (see *Chakroun*, para. 49). Naturally, in several (Member) States **the size of the family plays an important role in setting the minimum income** required for exercising the right to family reunification.

The Study finds that the income threshold in particular has often been identified as a major challenge for TCNs. Most (Member) States **apply certain exemptions to the income threshold, and to the accommodation and health insurance requirements**, but this appears to be mostly the case for refugees and/ or beneficiaries of subsidiary protection. Only two (Member) States, notably **Cyprus and Hungary** have not set an income threshold and explicitly refer to evaluating this on a **case-by-case basis**. Overall, at present there appears to be a **lack of clarity with regard to the extent to which individual circumstances are systematically taken into account** across (Member) States.

This also applies to how the fulfilment of the above-mentioned material requirements, including whether/ how national authorities make use of **any special guidelines** on taking individual circumstances into account is assessed.

## INTEGRATION MEASURES FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

At present, family members are not required to comply with **pre-departure integration measures** in more than half of the (Member) States. In the minority of (Member) States reporting the existence of such measures, these measures usually include proof of **elementary language proficiency**. Only one (Member) State, notably the **Netherlands** reports that family members must take a civic integration exam before entry into the EU.<sup>298</sup>

<sup>298</sup> The Netherlands exempts family members of refugees and/ or beneficiaries of subsidiary protection

from integration measures abroad. Moreover, they do not have to pay fees.

While such integration measures may not apply to family members of refugees and/ or beneficiaries of subsidiary protection in some instances, the **costs** associated with language or civic integration courses and/ or tests must in most countries be covered by the family members.<sup>299</sup> This, as well as the fact that fees appear to be set in the currency of (Member) States, may be an obstacle in the first place for TCNs (see also the CJEU judgment K. and A.).

Similarly, a minority of (Member) States report that they require family members to comply with **post-departure integration measures**, including further language proficiency or civic integration exams, for example in **Austria, Germany, Hungary and the Netherlands**. As **language proficiency** in particular is a crucial element of integration in the host society of (Member) States (and often a prerequisite for finding work), it is noteworthy that most (Member) States do not appear to offer free-of-charge language training for TCNs who have entered the EU on grounds of family reunification. Nevertheless, in some (Member) States, for example **Germany**, language and integration courses may be free of charge for those TCNs who cannot afford it or who depend on social benefits, and where this instance does not collide with the overall right to family reunification and/ or the right to stay, e.g. beneficiaries of international protection. Therefore, there is significant **room for improvement in the provision of language training to TCN family members** in the EU, to facilitate their integration in host countries. Not complying with post-departure integration measures may lead to the **withdrawal or non-issuance or renewal of a residence permit, or expulsion of a TCN** in several (Member) States.

#### **WAITING PERIOD FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION**

Many (Member) States do not set a **waiting period** before a sponsor's family is eligible to apply for family reunification. Where this condition applies, **States follow the Family Reunification Directive's two-year limit (or three years in some instances<sup>300</sup>)**. A shorter waiting period, of one year, has been reported in **Ireland,<sup>301</sup> Luxembourg, the Netherlands<sup>302</sup> and Spain** (as well as **Belgium** in some cases).

#### **REJECTION OF AN APPLICATION FOR FAMILY REUNIFICATION ON GROUNDS OF PUBLIC POLICY, PUBLIC SECURITY OR PUBLIC HEALTH**

Whilst national laws provide for the possibility to reject an application for family reunification on grounds of public policy, public security or public health, this seems to happen **rarely** in practice, with under 10 cases of rejections of applications exclusively on such grounds reported by **Finland and Norway**, for example.

#### **MORE FAVOURABLE FAMILY REUNIFICATION RULES FOR REFUGEES AND/ OR BENEFICIARIES OF SUBSIDIARY PROTECTION**

The family reunification of **refugees** is subject to **specific, more favourable rules** in the Family Reunification Directive and so, across the EU, **refugees benefit from not having to fulfil the above-mentioned material requirements (in order to exercise the right to family reunification), or from a grace period of at least three months** (which may reach up to 6-12 months in some instances) before these material requirements apply. The **waiting period** allowed for by the Directive does not apply to sponsors who are refugees, either. (Member) States appear to be divided on the question of **pre-existing family relationship**, with only half of them restricting the more favourable family reunification rules available for refugees and/ or beneficiaries of subsidiary protection to relationships established before entry into the respective (Member) State.

As mentioned above, although **beneficiaries of subsidiary protection** are not covered by the Family Reunification Directive, they mostly enjoy **similar family reunification rules as refugees** (although they may not always be exempted from the above-mentioned material requirements, or may be subject to a waiting period). The Study findings imply that the similarities in rights available to refugees and beneficiaries of subsidiary protection in different (Member) States **may therefore discourage migration status 'shopping'**.

Finally, **more favourable family reunification rules apply to UAMs** recognised as refugees and/ or beneficiaries of subsidiary protection or otherwise, particularly a wider definition of family members, including the legal guardian or another adult responsible for the minor.

<sup>299</sup> Please note that study materials for the Dutch civic integration courses can be downloaded from the internet free of charge.

<sup>300</sup> E.g. Austria (in view of its quota system).

<sup>301</sup> In some cases, see Section 4.

<sup>302</sup> The waiting period for sponsors only applies to a limited group of sponsors in the Netherlands, for example, sponsors who have a residence permit for temporary stay (e.g. researchers, highly-skilled workers, students), as well as beneficiaries of international protection.



Nevertheless, this is **not a universal practice in the EU, as some (Member) States, such as Austria do not expand the definition of family for UAMs.**

#### **SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION**

Where the formal party to an application for family reunification is the family member, as in several (Member) States, **the application must as a rule be submitted at a diplomatic mission abroad.** Reaching these diplomatic missions in person can often be a challenge for TCNs. Only few (Member) States provide for the possibility of applying online.

(Member) States largely rely on documentary evidence from the applicants for an application for family reunification. For the most part these must be **official, valid and original documents and certificates, or copies thereof**, such as a passport, a marriage or birth certificate respectively, to confirm the applicant's identity and family relationship status. As for extended family members the sponsor often must provide documentary proof that material, mental or physical **dependency** of the person in question is exclusively on the sponsor, meaning that the applicant cannot get help from their state or another relative.

A **lack of documents** is widely identified as a major challenge. In such cases, most (Member) States take **a flexible approach**, especially with regard to beneficiaries of international protection, and allow for other types of evidence and/ or conduct interviews or DNA-testing (usually only as a last resort). There are only a few (Member) States that do not provide for DNA testing. Another important challenge reported is the detection of forced or sham marriages. In addition, the proof requirements seem to remain strict in guardianship cases, at least in some (Member) States.

Where not all material requirements (concerning accommodation, health insurance and minimum income) from the sponsor are completely fulfilled, several (Member) States take into account the **impact that a negative decision would have on private and family life, especially from the perspective of the child.** Only three of the (Member) States covered in this Study, notably **Finland, the Netherlands and Norway**, seem to have issued specific **guidelines on how to take into account the best interests of the child during the application process for family reunification.** More (Member) States have issued such guidelines in the case of UAMs.

(Member) States usually conduct a **background check** against a national criminal records registry and relevant national and international databases **to detect potential threats to public security.** Only few (Member) States carry out interviews with the applicant if required. As a measure to maintain public health, applicants may be required to undergo necessary medical tests and produce a medical report from their home country or upon arrival in the EU.

In law and practice, **(Member) States largely adhere to the Directive's 9-month-time limit** for issuing a decision, especially with regard to family members of sponsors holding a particular type of residence permit. **Processing times concerning beneficiaries of international protection on the other hand can take an exceedingly long time in some (Member) States.** This is a problem not least for minor children in (Member) States where the age of the minor child at the date of the decision of the application is taken into account, rather than the date of submission, as they may reach the age of majority during the processing time. Age determination tests in case of well-founded doubt appear to be most common in **Austria and Germany.** The introduction of **new internal organisational measures** (e.g. the digitalisation of parts or the entire procedure) have sped up processing times in many (Member) States.

#### **ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION**

As regards the rights that family members can enjoy following family reunification, in line with the Directive, this includes access (in the same way as the sponsor) to education, vocational training and guidance, employment and self-employment. However, there are likely to remain obstacles in practice to the enjoyment of these rights by family members as very few (Member) States have developed targeted measures aimed at facilitating access to these rights for **TCNs following family reunification.** Furthermore, the access to some of these rights, particularly access to the labour market, often depends on the **nature of the residence permit** issued to the family member, with those holding a permanent permit usually not required to obtain a **work permit.**

Family members further have the right to apply for **autonomous right of residence** (independent of that of the sponsor) if they fulfil certain conditions (e.g. obtaining a permanent residence permit, period of cohabitation, or in cases of domestic violence or abuse).



As regards other rights (not covered by the Family Reunification Directive), family members generally have the right to obtain **long-term residence and/ or citizenship** after complying with specific residence or integration requirements.

Whilst access to **healthcare** (in the same way as the sponsor, EU citizens or legally residing TCNs) is mentioned by several (Member) States, **recourse to public funds** seems to be either not available or generally restricted for families, at least for a number of years after family reunification. Only a minority of (Member) States make **family allowances available following family reunification. This may affect the right to stay of TCN family members, where residence is conditional upon an income requirement.**

**Annex 1 Statistics on family reunification applications in (Member) States, disaggregated by gender of the sponsor (2011-2016)**<sup>303</sup>**Table A1.1 Statistics on the total number of family reunification applications disaggregated by gender of the sponsor (2011-2016)**

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>AT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>BE*</b>	n/a	17,439	17,147	16,874	18,355	17,634	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>BG</b>	n/a	904	770	813	916	901	n/a	705	538	597	680	660	n/a	199	232	216	236	241
<b>CY</b>	1,572	1,697	1,646	1,567	1,080	1,009	552	604	576	530	620	360	1,020	1,093	1,070	1,037	1,188	649
<b>CZ*</b>	3,507	3,205	3,398	3,198	4,166	3,615	1,301	1,125	1,160	1,063	1,291	1,162	2,206	2,080	2,238	2,135	2,875	2,453
<b>DE</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>DK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>EE*</b>	1,132	906	826	924	988	838	513	355	321	346	361	283	619	551	505	578	627	555
<b>EL</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>ES*</b>	48,783	36,390	29,110	34,684	35,125	32,871	n/a	n/a	11,548	14,369	14,091	13,064	n/a	n/a	17,559	20,315	21,034	19,803
<b>FI</b>	7,496	5,861	6,199	6,370	6,443	7,479	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>FR*</b>	24,975	26,146	23,928	25,013	23,225	13,574	17,160	18,317	16,711	17,075	15,715	8,781	7,815	7,829	7,217	7,938	7,510	4,793
<b>HR*</b>	4,805	4,701	3,231	1,705	1,724	1648	1,695	1,700	1,203	623	629	575	3,110	3,001	2,028	1,082	1,094	1173
<b>HU</b>	4,452	4,635	5,609	7,742	6,984	5,337	1,658	1,739	2,081	3,214	2,841	2,091	2,794	2,896	3,528	4,528	4,143	3,246
<b>IE*</b>	524	477	448	633	687	137	292	197	202	342	291	60	232	280	246	291	396	77
<b>IT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LU</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LV</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>MT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>NL*</b>	n/a	n/a	n/a	26,137	39,696	54,148	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

<sup>303</sup> The Annexes present national data for the period 2011-2016 as provided by each EMN NCP. The data are not (necessarily) comparable between Member States, nor with Eurostat data available for this period.

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>NO*</b>	10,486	10,236	10,604	10,013	10,320	6,512	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>PL</b>	8,288	9,490	9,619	9,836	8,801	4,136	4,099	4,548	4,602	5,162	4,943	2,307	4,189	4,942	5,017	4,674	3,858	1,829
<b>PT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>RO</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>SE</b>	n/a	46,967	48,280	57,240	54,015	57,567	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>SI</b>	8,887	10,099	9,984	10,289	10,297	9,743	8,418	9,492	9,302	9,495	9,599	9,117	469	607	682	794	698	626
<b>SK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>UK*</b>	5,143	5,135	6,064	5,639	8,477	8,703	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Croatia data for 2016 covers the period January – December 2016.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Estonia data for 2016 covers the period January – October 2016.

\* France data for 2016 covers the period January – September 2016 (in some cases data was provided only for semester 1 regarding the total number of family reunification applications). Please note that Table A1.1. includes family reunifications for beneficiaries of international protection, for all the other categories concerned by the family reunifications and those admitted as 'talents' and benefiting from a specific accelerated joining procedure.

\* Ireland data for 2016 covers the period January – 24 November 2016. Data refers to applications by family members of beneficiaries of international protection. The processes for family reunification changed substantially since the template for this study was prepared. The data presented here does not reflect the current processes.

\* Netherlands: Please note that the numbers for the Netherlands cover three 'types' of family reunification: Regular family reunification, family life under article 8 of the European Convention on Human Rights (ECHR), and family reunification of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis'). For more information on these different types of family reunification see the Dutch national report. Please note that for family reunification of beneficiaries of international protection the numbers refer to the entry visas for family reunification (machtiging tot voorlopig verblijf, MVV).

\* Poland data for 2016 covers the period January – June 2016

\* Spain data for 2016 covers the period January – 31 October 2016.

*\* UK data covers family reunion data only. Family reunion covers only people joining those with refugee or humanitarian protection status who are not British citizens. In the Home Office statistics these applications fall into the category 'family other'. Whilst the majority of these cases are family reunion, this category can include other cases. Therefore these figures are an estimate.*

*\*Norway: The numbers reflect the total number of decisions in the respective years on first time applications. Decisions on applications for renewals are not included*

**Table A1.2 Statistics on the total number of successful family reunification applications disaggregated by gender of the sponsor (2011-2016)**

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
AT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BE*	n/a	11,427	10,972	11,436	13,355	11,962	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CY	1,566	1,694	1,619	1,533	1,773	1,001	549	603	566	519	612	356	1,017	1,091	1,053	1,014	1,161	645
CZ*	2,645	2,042	2,337	2,493	3,523	2,950	967	660	752	773	1,011	924	1,678	1,382	1,585	1,720	2,512	2,026
DE*	40,975	40,544	44,311	50,564	72,659	71,366	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DK	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
EE*	961	807	802	852	942	736	442	324	300	324	336	249	519	483	502	528	606	487
EL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ES*	36,921	26,030	23,107	27,161	26,740	24,434	n/a	n/a	9,053	11,112	10,620	9,681	n/a	n/a	14,052	16,046	16,120	14,752
FI	5,105	5,150	5,635	5,620	5,137	5,336	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FR*	14,826	15,274	16,312	15,756	14,723	8,202	10,081	10,621	11,125	10,670	9,870	5,290	4,745	4,293	5,187	5,086	4,853	2,912
HR	4,644	4,420	2,803	1,552	1,577	1,307	1,625	1,581	1,043	567	574	444	3,019	2,839	1,760	985	1,003	863
HU	3,634	3,810	4,749	5,963	5,304	4,160	1,268	1,336	1,747	2,511	2,237	1,625	2,366	2,474	3,002	3,452	3,067	2,535
IE*	248	203	212	337	365	60	101	71	95	150	147	23	147	132	117	187	218	37
IT	140,846	116,891	105,266	101,422	107,096	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LU	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LV*	NI	2,365	2,647	3,707	1,578	548	NI	1,314	1,090	1,556	655	190	NI	1,049	1,483	2,150	923	344
MT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NL*	n/a	n/a	n/a	15,722	25,368	28,728	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NO*	7,529	7,321	7,716	7,895	8,249	5,285	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PL	7,970	8,411	8,460	9,199	9,838	10,601	3,803	4,053	4,029	4,279	4,419	5,758	4,167	4,358	4,431	4,920	5,419	4,843
PT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
RO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SE	n/a	28,308	27,074	28,966	28,853	27,439	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SI	8,363	9,481	9,804	9,706	9,887	9,407	7,952	8,930	9,141	8,993	9,217	8,819	441	551	663	713	670	588
SK	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a



Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
UK*	4,306	3,710	4,211	4,596	4,887	6,224	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Germany data for 2016 covers the period January – September 2016 and is based on visa applications for family reunification.

\* Estonia data for 2016 covers the period January – October 2016.

\* France: Please note that Table A1.2. Includes family reunifications applications for beneficiaries of international protection and for all the other categories concerned by the family reunifications.

\* Ireland data for 2016 covers the period January – 24 November 2016. Data refers to applications by family members of beneficiaries of international protection. The processes for family reunification changed substantially since the template for this study was prepared. The data presented here does not reflect the current processes.

\* Latvia data covers all third-country nationals who have been issued a residence permit for the purpose of family reunification.

\* Netherlands: Please note that only applications that have been granted in the first-instance decision are included here. Applications granted after appeal are not included. Please also note that the numbers for the Netherlands cover three 'types' of family reunification: Regular family reunification, family life under article 8 of the European Convention on Human Rights (ECHR), and family reunification of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis'). For more information on these different types of family reunification see the Dutch national report. Please note that for family reunification of beneficiaries of international protection the numbers refer to granted entry visas for family reunification (machtiging tot voorlopig verblijf, MVV).

\* Poland data for 2016 covers the period January – June 2016.

\* Spain data for 2016 covers the period January – 31 October 2016.

\* UK data covers family reunion data only. Family reunion covers only people joining those with refugee or humanitarian protection status who are not British citizens. In the Home Office statistics these applications fall into the category 'family other'. Whilst the majority of these cases are family reunion, this category can include other cases. Therefore these figures are an estimate.

\* Norway: The numbers reflect the total number of decisions in the respective years on first time applications. Decisions on applications for renewals are not included

**Table A1.3** Statistics on the total number of rejected family reunification applications disaggregated by gender of the sponsor (2011-2016)

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>AT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>BE*</b>	n/a	8,783	5,957	5,166	5,367	5,055	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>BG</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>CY</b>	6	3	27	34	35	8	3	1	10	11	8	4	3	2	17	23	27	4
<b>CZ*</b>	862	1,163	1,061	705	643	665	334	465	408	290	280	238	528	698	653	415	636	427
<b>DE</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>DK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>EE*</b>	56	64	25	12	24	13	23	28	13	4	12	5	33	36	12	8	12	8
<b>EL</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>ES*</b>	20,812	12,981	9,022	9,173	8,084	8,409	n/a	n/a	3,831	4,002	3,333	3,398	n/a	n/a	5,191	5,171	4,751	5,009
<b>FI</b>	2,926	3,205	3,087	1,902	1,573	976	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>FR*</b>	6,258	5,906	6,072	5,518	5,691	3,441	4,091	3,939	4,032	3,752	3,671	1,975	2,167	1,967	2,040	1,730	2,020	1,466
<b>HR*</b>	64	85	71	51	37	23	26	42	36	22	19	11	38	43	35	29	18	12
<b>HU</b>	50	39	45	138	147	191	21	15	27	48	55	88	29	24	18	90	92	103
<b>IE*</b>	237	225	183	266	235	56	114	102	84	131	111	25	123	123	99	135	124	31
<b>IT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LU</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>LV</b>	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
<b>MT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>NL*</b>	n/a	n/a	n/a	3,966	6,652	9,322	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>NO*</b>	2,957	2,915	2,888	2,118	2,071	1,227	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>PL</b>	156	96	86	353	160	33	97	56	58	149	68	11	59	40	28	204	92	22
<b>PT</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>RO</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>SE</b>	n/a	10,099	8,339	10,957	10,756	13,929	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>SI*</b>	102	77	51	108	291	97	93	72	46	96	231	84	9	5	5	12	60	13
<b>SK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
UK*	1,093	1,479	1,797	1,931	3,267	3,678	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Croatia data for 2016 covers the period January – December 2016.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Estonia data for 2016 covers the period January – October 2016.

\* France: Please note that Table A1.3 includes family reunifications applications for beneficiaries of international protection and for all the other categories concerned by the family reunifications.

\* Ireland data for 2016 covers the period January – 24 November 2016. The processes for family reunification changed substantially since the template for this study was prepared. The data presented here does not reflect the current processes.

\* Netherlands: Please note that the numbers for the Netherlands cover three 'types' of family reunification: Regular family reunification, family life under article 8 of the European Convention on Human Rights (ECHR), and family reunification of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis'). For more information on these different types of family reunification see the Dutch national report. Please note that for family reunification of beneficiaries of international protection the numbers refer to granted entry visas for family reunification (machtiging tot voorlopig verblijf, MVV).

\* Poland data for 2016 covers the period January – June 2016.

\* Slovenia data on the number of rejected applications does not include the number of dismissed applications.

\* Spain data for 2016 covers the period January – 31 October 2016.

\* UK data covers family reunion data only. Family reunion covers only people joining those with refugee or humanitarian protection status who are not British citizens. In the Home Office statistics these applications fall into the category 'family other'. Whilst the majority of these cases are family reunion, this category can include other cases. Therefore these figures are an estimate.

\* Norway: The numbers reflect the total number of decisions in the respective years on first time applications. Decisions on applications for renewals are not included.

## Annex 2 Statistics on number of TCNs applying for family reunification in (Member) States, disaggregated by gender of the sponsor and/or family member (2011-2016)<sup>304</sup>

**Table A2.1 Statistics on the total number of TCNs applying for family reunification disaggregated by gender of the sponsor and/ or family members (2011-2016)**

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
AT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BE	n/a	17,439	17,147	16,874	18,355	17,634	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CY	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CZ	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE*	1,132	906	826	924	988	838	513	355	321	346	361	283	619	551	505	578	627	555
EL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FI*	7,496	5,861	6,199	6,370	6,443	7,479	4,184	2,439	2,521	2,528	2,605	2,769	3,312	3,422	3,678	3,842	3,838	4,159
FR*	23,985	25,377	23,584	23,028	22,035	10,772	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HU	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LU*	374	707	825	1,014	1,271	1,205	122	224	268	342	416	414	252	483	557	672	855	791
LV	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
MT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NO*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

<sup>304</sup> The Annexes present national data for the period 2011-2016 as provided by each EMN NCP. The data are not (necessarily) comparable between Member States, nor with Eurostat data available for this period.

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>RO</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>SE</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>SI *</b>	4,687	5,283	5,362	5,534	5,463	5,301	4,360	4,849	4,893	4,984	4,972	4,837	327	434	469	550	491	464
<b>SK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>UK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland data disaggregated by the gender of the family member.

\* France: Please note that Table A2.1 includes family reunifications applications for beneficiaries of international protection and for all the other categories concerned by the family reunifications.

\* Luxembourg data for 2016 covers the period January – October 2016. Data on applications may have double counting.

\* Norway: Please see note to Tables A1.



**Table A2.2** Statistics on the total number of TCNs applying for family reunification whose applications have been successful, disaggregated by gender of the sponsor and/ or family members (2011-2016)

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
AT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BE	n/a	11,427	10,972	11,436	13,355	11,962	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CY	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CZ	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE*	961	807	802	852	942	736	442	324	300	324	336	249	519	483	502	528	606	487
EL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FI*	5,105	5,150	5,635	5,620	5,137	5,336	2,149	2,110	2,255	2,212	2,090	1,966	2,956	3,040	3,380	3,408	3,047	3,011
FR*	10,209	10,447	10,184	10,655	9,771	4,847	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HU	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LU*	332	644	760	925	1,159	1,007	103	207	243	303	363	349	229	437	517	622	796	658
LV	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
MT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NO*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SI*	4,525	5,151	5,421	5,403	5,363	5,239	4,218	4,748	4,947	4,887	4,878	4,799	307	403	474	516	484	440

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>SK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>UK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland data disaggregated by the gender of the family member.

\* France: Please note that Table A2.2 includes the number of family reunification applications closed once the medical exam has been passed for beneficiaries of international protection and for all the other categories concerned by the family reunifications.

\* Norway: See note to Tables A1.

\* Luxembourg data for 2016 covers the period January – October 2016. Data on applications may have double counting.

**Table A2.3** Statistics on the total number of TCNs applying for family reunification whose applications have been rejected, disaggregated by gender of the sponsor and/ or family members (2011-2016)

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
AT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BE	n/a	8,783	5,957	5,166	5,367	5,055	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CY	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CZ	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE*	56	64	25	12	24	13	23	28	13	4	12	5	33	36	12	8	12	8
EL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FI*	2,926	3,205	3,087	1,902	1,573	976	1,392	1,489	1,376	886	643	339	1,504	1,716	1,711	1,016	930	552
FR*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HR	64	85	71	51	37	23	26	42	36	22	19	11	38	43	35	29	18	12
HU	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
IT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LU*	20	45	42	54	76	88	10	16	17	22	37	35	10	29	25	32	39	53
LV	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
MT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NO*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Member State	Total						Male						Female					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
<b>SI</b> *	72	56	35	70	176	69	63	51	30	60	143	57	9	5	5	10	33	12
<b>SK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>UK</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: National Reports 2011-2016 data

Notes:

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland data disaggregated by the gender of the family member.

\* France: such data are not available since the reasons for refusal based on the sponsor's status are not collected.

\* Norway: See note to Tables A1.

\* Luxembourg data for 2016 covers the period January – October 2016. Data on applications may have double counting.

### Annex 3 Statistics on family reunification applications in (Member) States, disaggregated by status of the sponsor (2011-2016)<sup>305</sup>

**Table A3.1 Statistics on the total number of family reunification applications, disaggregated by status of the sponsor (2011-2016)**

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	3,992	5,806
	Persons admitted for remunerated activities	n/a	2,064	2,128	1,915	2,265	1,969
	Persons admitted for study purposes	n/a	276	247	300	287	166
	Other categories of migrants	n/a	15,099	14,772	14,659	11,811	9,693
	<b>Total</b>	<b>n/a</b>	<b>17,439</b>	<b>17,147</b>	<b>16,874</b>	<b>18,355</b>	<b>17,634</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>904</b>	<b>770</b>	<b>813</b>	<b>916</b>	<b>901</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	1,213	1,334	1,366	1,401	1,680	982
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	359	363	280	166	128	27
	<b>Total</b>	<b>1,572</b>	<b>1,697</b>	<b>1,646</b>	<b>1,567</b>	<b>1,080</b>	<b>1,009</b>
CZ*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>3,507</b>	<b>3,205</b>	<b>3,398</b>	<b>3,198</b>	<b>4,166</b>	<b>3,615</b>
DE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a

<sup>305</sup> The Annexes present national data for the period 2011-2016 as provided by each EMN NCP. The data are not (necessarily) comparable between Member States, nor with Eurostat data available for this period.



Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
EE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>1,132</b>	<b>906</b>	<b>826</b>	<b>924</b>	<b>988</b>	<b>838</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
ES*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>48,783</b>	<b>36,390</b>	<b>29,110</b>	<b>34,684</b>	<b>35,125</b>	<b>32,871</b>
FI*	Beneficiaries of international protection	1,963	599	594	669	770	1,675
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	5,533	5,262	5,605	5,701	5,673	5,804
	<b>Total</b>	<b>7,496</b>	<b>5,861</b>	<b>6,199</b>	<b>6,370</b>	<b>6,443</b>	<b>7,479</b>
FR*	Beneficiaries of international protection	5,432	5,500	4,773	6,193	5,761	4,929
	Persons admitted for remunerated activities	2,335	2,324	2,045	1,951	1,242	710
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>24,975</b>	<b>26,146</b>	<b>23,928</b>	<b>25,013</b>	<b>23,225</b>	<b>13,574</b>
HR*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>4,805</b>	<b>4,701</b>	<b>3,231</b>	<b>1,705</b>	<b>1,724</b>	<b>1,550</b>
HU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>4,452</b>	<b>4,635</b>	<b>5,609</b>	<b>7,742</b>	<b>6,984</b>	<b>5,337</b>
IE*	Beneficiaries of international protection	524	477	448	633	687	137
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>524</b>	<b>477</b>	<b>448</b>	<b>633</b>	<b>687</b>	<b>137</b>
IT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LV	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
MT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NL*	Beneficiaries of international protection	n/a	n/a	n/a	14,038	24,100	31,683
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>26,137</b>	<b>39,696</b>	<b>54,148</b>
NO*	Beneficiaries of international protection	2,973	2,791	3,385	3,562	3,754	2,841
	Persons admitted for remunerated activities	2,086	2,511	2,687	2,752	2,446	1,194
	Persons admitted for study purposes	342	393	337	371	393	206
	Other categories of migrants	5,085	4,541	4,195	3,328	3,727	2,271
	<b>Total</b>	<b>10,486</b>	<b>10,236</b>	<b>10,604</b>	<b>10,013</b>	<b>10,320</b>	<b>6,512</b>
PL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>8,288</b>	<b>9,490</b>	<b>9,619</b>	<b>9,836</b>	<b>8,801</b>	<b>4,136</b>
PT	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
RO	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
SE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>46,967</b>	<b>48,280</b>	<b>57,240</b>	<b>54,015</b>	<b>57,567</b>
<b>SI</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	8,298	9,344	8,955	8,926	8,731	8,308
	Persons admitted for study purposes	18	29	38	44	37	29
	Other categories of migrants	571	726	991	1,319	1,529	1,406
	<b>Total</b>	<b>8,887</b>	<b>10,099</b>	<b>9,984</b>	<b>10,289</b>	<b>10,297</b>	<b>9,743</b>
<b>SK</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>UK*</b>	Beneficiaries of international protection	5,143	5,135	6,064	5,639	8,477	8,703
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>5,143</b>	<b>5,135</b>	<b>6,064</b>	<b>5,639</b>	<b>8,477</b>	<b>8,703</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Croatia data for 2016 covers the period January – November 2016.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* France data for 2016 covers the period January – September 2016 (in some cases data was provided only for semester 1).

\* Ireland data for 2016 covers the period January – 24 November 2016. Data refers to applications by family members of beneficiaries of international protection. The processes for family reunification changed substantially since the template for this study was prepared. The data presented here does not reflect the current processes.

\* Netherlands: Please note that for family reunification of beneficiaries of international protection (refugees and persons enjoying subsidiary protection) the numbers refer to the number of applications for entry visas for family reunification (machtiging tot voorlopig verblijf, MVV). For more information on family reunification

*of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis') see the Dutch national report.*

*\* Poland data for 2016 covers the period January – June 2016.*

*\* Spain data for 2016 covers the period January – 31 October 2016.*

*\* Norway: First time applications only. Applications for renewals are not included.*



**Table A3.2 Statistics on the total number of successful family reunification applications, disaggregated by status of the sponsor (2011-2016)**

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE*	Beneficiaries of international protection	n/a	1,037	1,289	1,386	3,023	3,531
	Persons admitted for remunerated activities	n/a	1,839	1,901	1,839	2,062	1,914
	Persons admitted for study purposes	n/a	216	190	246	229	174
	Other categories of migrants	n/a	8,335	7,592	7,965	8,041	6,343
	<b>Total</b>	<b>n/a</b>	<b>11,427</b>	<b>10,972</b>	<b>11,436</b>	<b>13,355</b>	<b>11,962</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	1,209	1,332	1,341	1,377	1,649	977
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	357	362	278	156	124	24
	<b>Total</b>	<b>1,566</b>	<b>1,694</b>	<b>1,619</b>	<b>1,533</b>	<b>1,773</b>	<b>1,001</b>
CZ*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>2,645</b>	<b>2,042</b>	<b>2,337</b>	<b>2,493</b>	<b>3,523</b>	<b>2,950</b>
DE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>40,975</b>	<b>40,544</b>	<b>44,311</b>	<b>50,564</b>	<b>72,659</b>	<b>71,366</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
EE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>961</b>	<b>807</b>	<b>802</b>	<b>852</b>	<b>942</b>	<b>736</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
ES*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>36,921</b>	<b>26,030</b>	<b>23,107</b>	<b>27,161</b>	<b>26,740</b>	<b>24,434</b>
FI*	Beneficiaries of international protection	501	651	875	1,094	985	1,179
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	4,604	4,499	4,760	4,526	4,152	4,157
	<b>Total</b>	<b>5,105</b>	<b>5,150</b>	<b>5,635</b>	<b>5,620</b>	<b>5,137</b>	<b>5,336</b>
FR	Beneficiaries of international protection	3,449	3,167	4,107	4,329	4,150	2,844
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>14,826</b>	<b>15,274</b>	<b>16,312</b>	<b>15,756</b>	<b>14,723</b>	<b>8,202</b>
HR	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
HU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>3,634</b>	<b>3,810</b>	<b>4,749</b>	<b>5,963</b>	<b>5,304</b>	<b>4,160</b>
IE*	Beneficiaries of international protection	248	203	212	337	365	60
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>248</b>	<b>203</b>	<b>212</b>	<b>337</b>	<b>365</b>	<b>60</b>
IT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LV*	Beneficiaries of international protection	n/a	2	4	1	-	14
	Persons admitted for remunerated activities	n/a	374	245	361	498	235
	Persons admitted for study purposes	n/a	91	15	22	36	14
	Other categories of migrants	n/a	1,898	2,383	3,323	1,044	285
	<b>Total</b>	<b>n/a</b>	<b>2,365</b>	<b>2,647</b>	<b>3,707</b>	<b>1,578</b>	<b>548</b>
MT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NL*	Beneficiaries of international protection*	n/a	n/a	n/a	6,082	14,539	15,710
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>15,722</b>	<b>25,368</b>	<b>28,728</b>
NO*	Beneficiaries of international protection	1,993	1,803	2,222	2,589	2,721	2,256
	Persons admitted for remunerated activities	2,052	2,467	2,667	2,736	2,415	1,179
	Persons admitted for study purposes	272	334	290	326	352	189
	Other categories of migrants	3,212	2,717	2,537	2,244	2,761	1,661
	<b>Total</b>	<b>7,529</b>	<b>7,321</b>	<b>7,716</b>	<b>7,895</b>	<b>8,249</b>	<b>5,285</b>
PL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>7,970</b>	<b>8,411</b>	<b>8,460</b>	<b>9,199</b>	<b>9,838</b>	<b>10,601</b>
PT	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	-	-	-	-	-	-
RO	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	-	-	-	-	-	-
SE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>28,308</b>	<b>27,074</b>	<b>28,966</b>	<b>28,853</b>	<b>27,439</b>
SI	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	7,836	8,810	8,842	8,446	8,405	8,014
	Persons admitted for study purposes	14	30	31	34	33	32
	Other categories of migrants	513	641	931	1,226	1,449	1,361
	<b>Total</b>	<b>8,363</b>	<b>9,481</b>	<b>9,804</b>	<b>9,706</b>	<b>9,887</b>	<b>9,407</b>
SK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
UK*	Beneficiaries of international protection	4,306	3,710	4,211	4,596	4,887	3,057
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>4,306</b>	<b>3,710</b>	<b>4,211</b>	<b>4,596</b>	<b>4,887</b>	<b>6,224</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* Germany data for 2016 covers the period January – September 2016 and is based on visa applications for family reunification.

\* Estonia data for 2016 covers the period January – October 2016.

\* Ireland data for 2016 covers the period January – 24 November 2016. Data refers to applications by family members of beneficiaries of international protection. The processes for family reunification changed

*substantially since the template for this study was prepared. The data presented here does not reflect the current processes.*

*\* Latvia data covers all third-country nationals who have been issued a residence permit for the purpose of family reunification.*

*\* Netherlands: Please note that for family reunification of beneficiaries of international protection (refugees and persons enjoying subsidiary protection) the numbers refer to the number of granted applications for entry visas (machtiging tot voorlopig verblijf, MVV). For more information on family reunification of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis') see the Dutch national report. Please also note that only applications that have been granted in the first-instance decision are included here. Applications granted after appeal are not included.*

*\* Poland data for 2016 covers the period January – June 2016.*

*\* Spain data for 2016 covers the period January – 31 October 2016.*

*\* UK data covers family reunion data only. Family reunion covers only people joining those with refugee or humanitarian protection status who are not British citizens. In the Home Office statistics these applications fall into the category 'family other'. Whilst the majority of these cases are family reunion, this category can include other cases. Therefore these figures are an estimate.*

*\* Norway: First time applications only. Applications for renewals are not included.*



**Table A3.3** Statistics on the total number of rejected family reunification applications, disaggregated by status of the sponsor (2011-2016)

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE*	Beneficiaries of international protection	n/a	966	780	680	977	1,213
	Persons admitted for remunerated activities	n/a	213	162	81	125	75
	Persons admitted for study purposes	n/a	100	44	30	45	24
	Other categories of migrants	n/a	7,504	4,971	4,375	4,220	3,743
	<b>Total</b>	<b>n/a</b>	<b>8,783</b>	<b>5,957</b>	<b>5,166</b>	<b>5,367</b>	<b>5,055</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	4	2	25	24	31	5
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	2	1	2	10	4	3
	<b>Total</b>	<b>6</b>	<b>3</b>	<b>27</b>	<b>34</b>	<b>35</b>	<b>8</b>
CZ*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>862</b>	<b>1,163</b>	<b>1,061</b>	<b>705</b>	<b>643</b>	<b>665</b>
DE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	<b>Total</b>	-	-	-	-	-	-
EE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>56</b>	<b>64</b>	<b>25</b>	<b>12</b>	<b>24</b>	<b>13</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
ES*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>20,812</b>	<b>12,981</b>	<b>9,022</b>	<b>9,173</b>	<b>8,084</b>	<b>8,409</b>
FI*	Beneficiaries of international protection	993	1,326	1,661	1,024	405	283
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	1,933	1,879	1,426	878	1,168	693
	<b>Total</b>	<b>2,926</b>	<b>3,205</b>	<b>3,087</b>	<b>1,902</b>	<b>1,573</b>	<b>976</b>
FR	Beneficiaries of international protection	1,406	1,240	1,182	1,102	1,485	1,394
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>6,258</b>	<b>5,906</b>	<b>6,072</b>	<b>5,518</b>	<b>5,691</b>	<b>3,441</b>
HR*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>64</b>	<b>85</b>	<b>71</b>	<b>51</b>	<b>37</b>	<b>23</b>
HU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>50</b>	<b>39</b>	<b>45</b>	<b>138</b>	<b>147</b>	<b>191</b>

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
IE*	Beneficiaries of international protection	237	225	183	266	235	56
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>237</b>	<b>225</b>	<b>183</b>	<b>266</b>	<b>235</b>	<b>56</b>
IT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LV	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
MT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NL*	Beneficiaries of international protection	n/a	n/a	n/a	2,800	4,955	6,544
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>3,966</b>	<b>6,652</b>	<b>9,322</b>
NO*	Beneficiaries of international protection	980	988	1,163	973	1,033	585

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for remunerated activities	34	44	20	16	31	15
	Persons admitted for study purposes	70	59	47	45	41	17
	Other categories of migrants	1,873	1,824	1,658	1,084	966	610
	<b>Total</b>	<b>2,957</b>	<b>2,915</b>	<b>2,888</b>	<b>2,118</b>	<b>2,071</b>	<b>1,227</b>
PL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>156</b>	<b>96</b>	<b>86</b>	<b>353</b>	<b>160</b>	<b>33</b>
PT	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
RO	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
SE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>10,099</b>	<b>8,339</b>	<b>10,957</b>	<b>10,756</b>	<b>13,929</b>
SI *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	88	60	41	84	264	79
	Persons admitted for study purposes	2	2	1	4	7	2
	Other categories of migrants	12	15	9	20	20	16
	<b>Total</b>	<b>102</b>	<b>77</b>	<b>51</b>	<b>108</b>	<b>291</b>	<b>97</b>
SK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
UK *	Beneficiaries of international protection	1,093	1,479	1,797	1,931	3,267	2,051
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>1,093</b>	<b>1,479</b>	<b>1,797</b>	<b>1,931</b>	<b>3,267</b>	<b>3,678</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Croatia data for 2016 covers the period January – December 2016.

\* Czech Republic data for 2016 covers the period January – October 2016 and is based on applications for long-term residence permits for the purpose of family reunification and national long-term visas for family purpose.

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* Ireland data for 2016 covers the period January – 24 November 2016. The processes for family reunification changed substantially since the template for this study was prepared. The data presented here does not reflect the current processes.

\* Netherlands: Please note that for family reunification of beneficiaries of international protection (refugees and persons enjoying subsidiary protection) the numbers refer to the number of rejected applications for entry visas (machtiging tot voorlopig verblijf, MVV). For more information on family reunification of beneficiaries of international protection ('asylum family reunification', in Dutch 'nareis') see the Dutch national report.

\* Poland data for 2016 covers the period January – June 2016.

\* Slovenia data on the number of rejected applications does not include the number of dismissed applications.

\* Spain data for 2016 covers the period January – 31 October 2016.

\* UK data covers family reunion data only. Family reunion covers only people joining those with refugee or humanitarian protection status who are not British citizens. In the Home Office statistics these applications fall into the category 'family other'. Whilst the majority of these cases are family reunion, this category can include other cases. Therefore these figures are an estimate.

\* Norway: First time applications only. Applications for renewals are not included.

#### Annex 4 Statistics on number of TCNs applying for family reunification in (Member) States, disaggregated by status of the sponsor (2011-2016)<sup>306</sup>

**Table A4.1 Statistics on the total number of TCNs applying for family reunification disaggregated by status of the sponsor (2011-2016)**

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	3,992	5,806
	Persons admitted for remunerated activities	n/a	2,064	2,128	1,915	2,265	1,969
	Persons admitted for study purposes	n/a	276	247	300	287	166
	Other categories of migrants	n/a	15,099	14,772	14,659	11,811	9,693
	<b>Total</b>	<b>n/a</b>	<b>17,439</b>	<b>17,147</b>	<b>16,874</b>	<b>18,355</b>	<b>17,634</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CZ	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
EE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a

<sup>306</sup> The Annexes present national data for the period 2011-2016 as provided by each EMN NCP. The data are not (necessarily) comparable between Member States, nor with Eurostat data available for this period.



Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>1,132</b>	<b>906</b>	<b>826</b>	<b>924</b>	<b>988</b>	<b>838</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
ES	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
FI *	Beneficiaries of international protection	1,963	599	594	669	770	1,675
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	5,533	5,262	5,605	5,701	5,673	5,804
	<b>Total</b>	<b>7,496</b>	<b>5,861</b>	<b>6,199</b>	<b>6,370</b>	<b>6,443</b>	<b>7,479</b>
FR *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	1,630	1,693	1,548	1,724	2,217	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
HR	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
HU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
IE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
IT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LU*	Beneficiaries of international protection	12	15	18	18	77	144
	Persons admitted for remunerated activities	298	572	668	816	967	863
	Persons admitted for study purposes	5	8	8	13	21	17
	Other categories of migrants	59	112	131	167	206	181
	<b>Total</b>	<b>374</b>	<b>707</b>	<b>825</b>	<b>1,014</b>	<b>1,271</b>	<b>1,205</b>
LV	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
MT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NO*	Beneficiaries of international protection	2,973	2,791	3,385	3,562	3,754	2,841
	Persons admitted for remunerated activities	2,086	2,511	2,687	2,752	2,446	1,194
	Persons admitted for study purposes	342	393	337	371	393	206
	Other categories#	5,085	4541	4195	3,328	3,727	2,271
	<b>Total</b>	<b>10,486</b>	<b>10,236</b>	<b>10,604</b>	<b>10,013</b>	<b>10,320</b>	<b>6,512</b>
PL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
PT	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
RO	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
SE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
SI *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	4,242	4,725	4,288	4,621	4,474	4,344
	Persons admitted for study purposes	12	20	15	34	23	20
	Other categories of migrants	433	538	681	879	966	937
	<b>Total</b>	<b>4,687</b>	<b>5,283</b>	<b>4,984</b>	<b>5,534</b>	<b>5,463</b>	<b>5,301</b>
SK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
UK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* Luxembourg data for 2016 covers the period January – 31 October 2016.

\* Slovenia: The number of sponsors is smaller than the number of filed applications because a person can be a sponsor for more than one application.

\* Norway: First time applicants only. Those applying for a renewal are not included. Other categories include sponsors who are citizens of Norway and other Nordic countries, those who have permanent residency and those who are the closest family member to someone residing in Norway.

**Table A4.2**     **Statistics on the total number of TCNs applying for family reunification whose applications have been successful, disaggregated by status of the sponsor (2011-2016)**

Member State	Status of sponsor	Total					
		2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE*	Beneficiaries of international protection	n/a	1,037	1,289	1,386	3,023	3,531
	Persons admitted for remunerated activities	n/a	1,839	1,901	1,839	2,062	1,914
	Persons admitted for study purposes	n/a	216	190	246	229	174
	Other categories of migrants	n/a	8,335	7,592	7,965	8,041	6,343
	<b>Total</b>	<b>n/a</b>	<b>11,427</b>	<b>10,972</b>	<b>11,436</b>	<b>13,355</b>	<b>11,962</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CZ	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
EE*	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>961</b>	<b>807</b>	<b>802</b>	<b>852</b>	<b>942</b>	<b>736</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
ES	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
FI *	Beneficiaries of international protection	501	651	875	1,094	985	1,179
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	4,604	4,499	4,760	4,526	4,152	4,157
	<b>Total</b>	<b>5,105</b>	<b>5,150</b>	<b>5,635</b>	<b>5,620</b>	<b>5,137</b>	<b>5,336</b>
FR *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
HR	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
HU	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
IE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
IT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
LU*	Beneficiaries of international protection	9	12	16	10	59	94

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
	Persons admitted for remunerated activities	273	543	633	778	926	778
	Persons admitted for study purposes	5	7	8	11	18	14
	Other categories of migrants	45	82	103	126	156	121
	<b>Total</b>	<b>332</b>	<b>644</b>	<b>760</b>	<b>925</b>	<b>1159</b>	<b>1007</b>
LV	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
MT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
NO*	Beneficiaries of international protection	1,993	1,803	2,222	2,589	2,721	2,256
	Persons admitted for remunerated activities	2,052	2467	2667	2,736	2,415	1,179
	Persons admitted for study purposes	272	334	290	326	352	189
	Other categories #	3,212	2,717	2,537	2,244	2,761	1,661
	<b>Total</b>	<b>7,529</b>	<b>7,321</b>	<b>7,716</b>	<b>7,895</b>	<b>8,249</b>	<b>5,285</b>
PL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
PT	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
RO	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
SE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>



Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
SI *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	4,116	4,655	4,726	4,540	4,409	4,307
	Persons admitted for study purposes	9	19	25	28	23	19
	Other categories of migrants	400	477	670	835	930	913
	<b>Total</b>	<b>4,525</b>	<b>5,151</b>	<b>5,421</b>	<b>5,403</b>	<b>5,363</b>	<b>5,239</b>
SK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
UK	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* France: persons admitted for remunerated activities are those admitted as 'talents' and benefiting from a specific accelerated joining procedure and who have been issued a residence permit under this category.

\* Luxembourg data for 2016 covers the period January – 31 October 2016.

\* Slovenia: The number of sponsors is smaller than the number of filed applications because a person can be a sponsor for more than one application.

\* Norway: First time applicants only. Those applying for a renewal are not included. Other categories include sponsors who are citizens of Norway and other Nordic countries, those who have permanent residency and those who are the closest family member to someone residing in Norway.

**Table A4.3** Statistics on the total number of TCNs applying for family reunification whose applications have been rejected, disaggregated by status of the sponsor (2011-2016)

Member State		Total					
	Status of sponsor	2011	2012	2013	2014	2015	2016
AT	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
BE *	Beneficiaries of international protection	n/a	966	780	680	977	1,213
	Persons admitted for remunerated activities	n/a	213	162	81	125	75
	Persons admitted for study purposes	n/a	100	44	30	45	24
	Other categories of migrants	n/a	7,504	4,971	4,375	4,220	3,743
	<b>Total</b>	<b>n/a</b>	<b>8,783</b>	<b>5,957</b>	<b>5,166</b>	<b>5,367</b>	<b>5,055</b>
BG	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CY	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
CZ	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DE	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
DK	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
EE *	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>56</b>	<b>64</b>	<b>25</b>	<b>12</b>	<b>24</b>	<b>13</b>
EL	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a

	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>ES</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>FI *</b>	Beneficiaries of international protection	993	1,326	1,661	1,024	405	283
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	1,933	1,879	1,426	878	1,168	693
	<b>Total</b>	<b>2,926</b>	<b>3,205</b>	<b>3,087</b>	<b>1,902</b>	<b>1,573</b>	<b>976</b>
<b>FR</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>HR</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>HU</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>IE</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>IT</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>LT</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>LU *</b>	Beneficiaries of international protection	2	2	2	5	14	17
	Persons admitted for remunerated activities	13	18	18	22	24	33
	Persons admitted for study purposes	-	1	-	1	-	1

	Other categories of migrants	5	24	22	26	38	37
	<b>Total</b>	<b>20</b>	<b>45</b>	<b>42</b>	<b>54</b>	<b>76</b>	<b>88</b>
<b>LV</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>MT</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>NL</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>NO*</b>	Beneficiaries of international protection	980	988	1,163	973	1,033	585
	Persons admitted for remunerated activities	34	44	20	16	31	15
	Persons admitted for study purposes	70	59	47	45	41	17
	Other categories #	1,873	1,824	1,658	1,084	966	610
	<b>Total</b>	<b>2,957</b>	<b>2,915</b>	<b>2,888</b>	<b>2,118</b>	<b>2,071</b>	<b>1,227</b>
<b>PL</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>PT</b>	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>RO</b>	Beneficiaries of international protection	-	-	-	-	-	-
	Persons admitted for remunerated activities	-	-	-	-	-	-
	Persons admitted for study purposes	-	-	-	-	-	-
	Other categories of migrants	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>SE</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>SI*</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	59	44	29	53	156	56
	Persons admitted for study purposes	2	3	1	2	5	2
	Other categories of migrants	11	10	5	15	15	11

	<b>Total</b>	<b>72</b>	<b>56</b>	<b>35</b>	<b>70</b>	<b>176</b>	<b>69</b>
<b>SK</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>UK</b>	Beneficiaries of international protection	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for remunerated activities	n/a	n/a	n/a	n/a	n/a	n/a
	Persons admitted for study purposes	n/a	n/a	n/a	n/a	n/a	n/a
	Other categories of migrants	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

Source: National Reports 2011-2016 data

Notes:

\* Belgium data are based on visa applications for family reunification, and do not include applications made on the territory. Data for 2016 cover the period January – October 2016. More complete data on first residence permits for family reasons are available in the Belgian national report.

\* Estonia data for 2016 covers the period January – October 2016.

\* Finland: 'Other categories of migrants' includes persons admitted for remunerated activities or study purposes, for instance.

\* Luxembourg data for 2016 covers the period January – 31 October 2016.

\* Slovenia: The number of sponsors is smaller than the number of filed applications because a person can be a sponsor for more than one application.

\* Norway: First time applicants only. Those applying for a renewal are not included. Other categories include sponsors who are citizens of Norway and other Nordic countries, those who have permanent residency and those who are the closest family member to someone residing in Norway.

## Annex 5 Selected CJEU/ ECtHR as well as national case law rulings on family reunification

From the outset, it is necessary to highlight that the case law presented in this Annex will only touch upon the application of the Family Reunification Directive's provisions. The Directive does not apply to family reunification with EU citizens, as stated in its Article 3. Several (Member) States mentioned in their National Reports that CJEU and ECtHR case law has had an impact on their policies or practices relating to family reunification of TCNs. This European case law is presented below:

CJEU case law	
<p>★ Case C-558/14, <i>Khachab v Subdelegación del Gobierno en Álava</i></p> <p>★ A long-term resident saw his application for family reunification refused on the ground that he did not present evidence of sufficient resources to maintain his family, as per Art. 7(1)(c) of Directive 2003/86/EC. The CJEU ruled that verifying the evidence of “<i>stable and regular resources</i>” required analysing the past pattern and future perspectives of such resources, and it was not limited to the resources available at the time of the application. The CJEU further considered that taking into account a period of 6 months to 1 year, before and after the application, to assess the past and perspective resources of the sponsor is compatible with EU law.</p>	<p>★ Citing the findings of the CJEU in this case, the <b>Austrian Federal Administrative Court</b>, ruled that “within the framework of public interests in the context of family reunification, major significance may apparently be attributed to aspects of a country’s economic prosperity.”<sup>307</sup> This conclusion can hardly be drawn from the cited ruling by the Court of Justice of the European Union, however, as it is mainly concerned with interpreting the provision of the Directive referred to and not with the significance of a country’s economic interests in relation to the weighing of interests referred to in Art. 8 ECHR.</p> <p>★ <b>Finland’s Supreme Administrative Court</b> interpreted this decision in that national authorities must take the proportionality principle into account and that the applicant should not be required to provide more proof of meeting the requirement for means of support than necessary.<sup>308</sup> For example, the means of support of the last six months as well as future means of support must be taken into account, in addition to the sponsor’s means of support at the time of filing the application.</p> <p>★ In <b>France</b>, even before this case, judicial authorities have emphasised the possibility for relevant administrative authorities to take into account the evolution of the sponsor’s means of support, including means after the submission of an application such as, for example, the signature of a permanent employment contract shortly after the submission of the application for family reunification.<sup>309</sup></p>
<p>★ C-153/14, <i>Minister van Buitenlandse Zaken v K and A</i></p> <p>★ This case involved a request for exemption submitted by a TCN who was asked to sit a civic integration exam in the country of origin, the fee to sit the test amounted to €350. The CJEU recognised that the (Member) States could impose integration measures to TCNs, as per Art. 7(2) of Directive 2003/86/EC; however, it also noted that these measures</p>	<p>★ As a result of this judgment by the CJEU, the <b>Administrative Law Division of the Dutch Council of State</b> held that the hardship clause provided for in Dutch law is too stringent and that better account has to be taken of special individual circumstances which may give rise to exemption from the basic civic integration examination abroad. The Council of State also found that more account should be taken of the costs that are incurred for the integration process</p>

<sup>307</sup> See for instance Federal Administrative Court, 24 June 2016, W205 2114877-1; 24 June 2016, W205 2114872-1; 4 August 2016, W205 2121638-1.

<sup>308</sup> Finland Supreme Administrative Court, case KHO:2016:155

<sup>309</sup> CAA Lyon, 28/06/2016, 14LY02500, CAA Lyon 09/06//2016, 15LY03336, CAA de Nantes, 13/10/2015, 14NT01128, CAA de Nancy 15/10/2015, 15NC00210.



<p>should be in proportion to serving their objective, i.e. integration of TCNs, and should not undermine the possibility of family reunification itself. In particular, passing integration tests may be required as a condition to grant a residence permit, provided that the conditions to comply with it do not make compliance excessively difficult.</p>	<p>abroad.<sup>310</sup> As a result of this ruling, amendments have not only been implemented in both the Aliens Decree and Aliens Act Implementation Guidelines, but also in secondary legislation and their practical implementation.<sup>311</sup> Firstly, the costs for civic integration abroad and the associated study materials were reduced. There has also been an amendment to the Aliens Act Implementation Guidelines relating to special individual circumstances where the possibilities of exemption on the basis of individual circumstances have been expanded. Instructions have also been elaborated on how use is made of the possibilities for dispensation and exemption on grounds of special individual circumstances. Lastly, there is also a section on the application form for the basic civic integration examination abroad which specifies grounds for exemption, and what TCNs can do to become eligible for this.<sup>312</sup></p>
<p>★ C-138/13 – Naime Dogan v Bundesrepublik Deutschland</p> <p>★ The CJEU ruled that the requirement to demonstrate basic German language skills in the country of origin for family members constituted a violation of the standstill clause included in the 1963 Association Agreement between the European Community and Turkey. However, the Court also found that a new restriction to family reunification could be introduced but only on compelling grounds of public interest, if it is suitable for achieving a legitimate goal and does not exceed what is necessary for this goal.</p>	<p>★ The impact of this case on family reunification requirements to be respected by Turkish spouses immigrating to <b>Germany</b> is still being considered by German authorities. On 1 August 2015, a general rule on cases of hardship for family reunification was introduced, namely if a TCN wishes to join his or her German or foreign spouse in Germany, the proof of German language skills may be “waived if, due to individual circumstances of the case, attempting to learn basic German is impossible or unreasonable for the spouse”.<sup>313</sup></p>
<p>★ C-578/08, Rhimou Chakroun v Minister van Buitenlandse Zaken</p> <p>★ The case involved a TCN living in a Member State for several years and finding himself unemployed at the moment of lodging an application for family reunification. The TCN received unemployment benefits, and the overall level of resources was low enough so that he could claim special assistance to meet exceptional, individually determined, essential living expenses. The income requirement for family reunification was set at 1.2 times higher than the minimum wage in the Member State (and the TCN could not meet this with the unemployment benefit received). The CJEU ruled that the possibility provided in Article 7(1)(c) of Directive 2003/86/EC should be</p>	<p>★ The <b>Austrian Administrative High Court</b> construed the findings of this case as that falling below a specified minimum income must not result in denying family reunification without specifically assessing the situation of the applicant individually and that a marriage of long duration carries special weight when considering Article 8 ECHR.<sup>314</sup></p> <p>★ As a result of this case, the difference in approach between family formation and family reunification has been abolished in <b>the Netherlands</b>. The minimum income requirement of 120% to be met for family formation has been withdrawn accordingly. Currently, the minimum income requirement of 100% applies for both existing as well as new families. Furthermore, the Aliens Decree has been amended to provide that the</p>

<sup>310</sup> For more information see: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-07/cp150078nl.pdf>

<sup>311</sup> Decree of 13 October 2016, Bulletin of Acts and Decrees no. 408

<sup>312</sup> Interview with IND's Legal Adviser, 05-10-2016 in Rijswijk

<sup>313</sup> Section 30 subs. 1 third sentence no. 6 of the Residence Act

<sup>314</sup> See for instance Administrative High Court, 21 December 2010, 2009/21/0002; 22 March 2011, 2007/18/0689; 4 April 2011, 2008/21/0300; 26 January 2012, 2010/21/0346; 19 November 2014, 2013/22/0009.

<p>interpreted strictly and cannot be used by Member States in a manner which would undermine the objective of the Directive. The Court also highlighted that the Directive respects fundamental rights and principles recognised in Article 8 ECHR and in the Charter. The Court held that the income requirement should be interpreted in light of these principles and, therefore, cannot be interpreted in a way that prevents a sponsor showing stable and regular resources sufficient to maintain himself/ herself and his/ her family from being granted a positive decision, even when the level of resources entitled the sponsor to certain forms of social assistance.</p>	<p>sponsor's resources are considered to be sufficient <i>in any case</i> if they are equal to the minimum wage. This leaves room for the authorities to consider applicants, who do not have an income equal to the minimum wage, to have sufficient resources, based on the individual circumstances of the case.<sup>315</sup></p> <p>★ This case was also taken into account in <b>Finland</b> when interpreting what is considered sufficient means of support and what is considered resorting to the social assistance system.</p>
<p>★ Joined cases C-356/11 and C-357/11 – O. S and L</p> <p>★ In these cases, the Court explained that Article 7(1)(c) of Directive 2003/86 must be interpreted as meaning that, while Member States have the discretion to require proof that the sponsor has stable and regular resources which are sufficient to maintain himself and the members of his family, that discretion must be exercised in the light of Articles 7 and 24(2) and (3) of the Charter, which require the Member States to examine applications for family reunification in the interests of the children concerned and also with a view to promoting family life, and avoiding any undermining of the objective and the effectiveness of the Directive.</p>	<p>★ The <b>Provincial Administrative Court of Vienna</b> has accepted, based on these rulings, that Art. 4 (1) of the Family Reunification Directive (2003/86/EC) is directly applicable in Austrian law.<sup>316</sup> This means that family members concerned can substantiate their case based directly on this provision of the Directive, if the Austrian legislation has not implemented it.</p>
<p><b>Other relevant CJEU case law (on the right to be heard)</b></p>	
<p>★ C-166/13 Sophie Mukarubega v Préfet de police and Préfet de la Seine-Saint-Denis</p> <p>★ The case concerned a Rwandan national who, after being denied asylum in France, was refused permission to stay and placed in administrative detention pending removal. In response to the applicant's submissions that her right to be heard had been infringed due to the lack of opportunity to present specific observations before the adoption of the first return decision which was taken at the same time as the refusal of a residence permit made</p>	<p>★ Before the decisions of the <b>Belgian Council of State</b> in 2015, which rely on the case law of the CJEU on the right to be heard,<sup>317</sup> the Immigration Office did not recognise a right to be heard to TCNs before withdrawing their residence permit. Before this decision, the Immigration Office's practice entailed withdrawing the residence permit if it considered that the conditions for family reunification were no longer met without offering the possibility for the individuals concerned to provide evidence proving that they complied with the family reunification</p>

<sup>315</sup> Klaassen (2015, 257-258)

<sup>316</sup> Provincial Administrative Court Vienna, 25 June 2015, VGW-151/068/4111/2015; 3 May 2016, VGW-151/068/10941/2014.

<sup>317</sup> First decisions of the Council of State recognising a « right to be heard » prior the withdrawal of the residence permit, where related to beneficiaries of the national rules which transpose Directive 2004/38, i.e. art. 40 to 47/3 of Immigration Act; C.E., 19 February 2015, n° 230 257 and C.E., 24 February 2015, n° 230 293, which both entail references to the case law of the CJEU and particularly the decision of 5.11.2014, Aff. C-166/13 ; since then, there are many references to the right to be heard in the case; C.E., 15 December 2015, n° 233 257; C.E., 19 January 2016, n° 233 512; C.C.E., 19 March 2015, n° 141 336 ; C.C.E., 27 May 2015, n° 146 513 ; C.C.E., 31 Augustus 2015, n° 151 399 ; C.C.E., 7 September 2015, n° 151 890 ; C.C.E., 26 November 2015, n° 157 132 ; C.C.E., 7 September 2015, n° 151 890; C.C.E., 31 Augustus 2015, n° 151 399.

<p>in front of a French Administrative Tribunal, the CJEU took note of the provisions of the <a href="#">EU Charter of Fundamental Rights</a> on the right to be heard (Articles 47 and 48) and that they form an integral part of a general Union principle of the respect of rights of the defence. The Court further noted that the applicant had been heard twice before her refugee status had been refused and a return decision was taken. Her submissions were presented in a useful and effective manner and she had had the opportunity to be heard throughout the procedure. The court subsequently found that the right to be heard throughout the returns procedure does not prevent a national authority from not hearing a TCN's submissions concerning his return decision if the procedure of confirming his unlawful stay in the territory has fully respected the right to be heard, irrespective of whether or not that return decision is a result of a refusal of a residence permit.</p>	<p>requirements. After 2015, it appears that the Immigration Office has developed practices which still do not fully provide TCNs with information as to the relevant information they must provide to the Immigration Office and information on the risks at stake if they do not provide such evidence.<sup>318</sup> The precise content and obligations stemming from the right to be heard in case of withdrawal of a residence permit are still debated in Belgian case law.</p>
<b>ECtHR case law</b>	
<p>★ Tuquabo-Tekle a.o. v. the Netherlands, Application no. 60665/00, 1 March 2006</p> <p>★ The case involved an application lodged by the spouse (first applicant) of a refugee recognised in the Netherlands in order to reunite with her daughter. The first applicant had previously received a permit on humanitarian grounds in Norway, and the Norwegian authorities had approved her request to reunite with her son. Once the first applicant married a refugee in the Netherlands and the Dutch authorities granted her a residence permit, the first applicant lodged an application in the Netherlands for family reunification with her daughter who was still living in Eritrea. The Dutch authorities rejected her application. The ECtHR ruled in favour of the first applicant, referring to Art. 8 ECHR and arguing that leaving the child behind when settling in the new country did not amount to renouncing the right to family unity.</p>	<p>★ Based on this decision, the <b>Austrian Administrative High Court</b> concluded that a right to family reunification can be derived from Article 8 ECHR under certain circumstances even if the child concerned is a minor of age 14 or over.<sup>319</sup> In <b>the Netherlands</b>, this case has led to amendments in Instructions for the application of Article 8 ECHR and the Aliens Act Implementation Guidelines were amended to include family relationship criterion.<sup>320 321</sup> <i>Tuquabo-Tekle</i> was referred to by the Irish High Court in a case where the applicants challenged the refusal to renew the applicant's permission to remain in <b>Ireland</b> on the basis of family life. The case was dismissed on the grounds that the applicants' status in the country was of a temporary nature and, as a result, private and family rights are 'minimal or non-existent'.<sup>322</sup></p>
<p>★ Hode and Abdi v. the United Kingdom, Application No. 22341/09, 6 February 2013</p> <p>★ In this case, a third-country national who obtained refugee status in the UK saw his</p>	<p>★ While this ECtHR judgement has been cited several times in Austrian court rulings, it has never resulted in a ruling in favour of the</p>

<sup>318</sup> "Amongst this practices are standard question-form sent to the applicant but that does not entail sufficient information, brief oral questions by the authority which are not duly consigned in a contradictory signed document, obligation to answer directly without the possibility to contact a lawyer, no information as to the possibility to provide documents to prove the alleged situation" as described by the Belgian EMN NCP in the National Report for Belgium.

<sup>319</sup> Administrative High Court, 10 December 2008, 2008/22/0103.

<sup>320</sup> Strik T., Ullersma, C. and J. Werner (2012, 468)

<sup>321</sup> Decision by the Minister for Migration of 30 May 2013, *Government Gazette* no. 15221

<sup>322</sup> Balchand & Ors -v- Minister for Justice and Equality [2016] IEHC 132.

<p>request for family reunification with his wife in Djibouti denied, on the ground that the marriage took place after the applicant was recognised as a refugee. According to a rule in force in the UK until 2011, the applicant who formed his/ her family after receiving a residence permit would need to wait five years before reuniting with his/ her family members. The Court ruled that the ground to discriminate between refugees who contracted marriage before or after receiving the residence permit lacked an objective and reasonable justification, and therefore ruled in favour of the applicant.</p>	<p>claimants and thus does not appear to have led to policy or legislative changes in <b>Austria</b>.<sup>323</sup></p>
<p>★ Mugenzi v. France, Application No. 51701/09, 10 July 2014</p> <p>With regard to this ECtHR ruling, the ECtHR sanctioned in three cases judged on 10 July 2014 (Mugenzi v. France, n° 52701/09, Tanda-Muzinga v France, n° 2260/10, Senigo Longue and others v. France, n° 19113/09) the recurrent questioning of the authenticity of civil status certificates produced in support of family reunification of refugees applications by the French authorities. France was condemned as the Court considered that the implementation of the French procedure did not meet "the requirements of speed, efficiency and flexibility" expected as part of this procedure. In these affairs, a period of three to five years passed between the application for family reunification for refugees and the visa issue or the Council of State decision confirming the issue refusal. Since these condemnations constant reminders for diligence in verifying operations has taken place. Moreover without waiting for this ruling, France had committed to reforming the family reunification of refugees procedure, with an entry into force on 1 August 2009. Since this date, the procedure is initiated by a visa application by family members, without prior actions by the refugee.</p>	<p>In <b>the Netherlands</b>, this case has led to amendments to the Instruction 8 ECHR to take into account the burden of proof, which must be dealt with flexibility, and that family unity should be taken into consideration.</p>
<p>★ <b>Jeunesse v. the Netherlands</b> Application No. 12738/10, 3 October 2014, and <b>Nuñez v. Norway</b>, Application No. 55597/09, 28 June 2011</p> <p>★ The case in <i>Jeunesse</i> concerned the refusal by the Dutch authorities to allow a Surinamese woman married to a Netherlands national, with whom she had three children, to reside in the Netherlands. Ms Jeunesse had been residing illegally in the Netherlands for more than 16 years had a child in the Netherlands and had built up strong ties with the Netherlands. The ECtHR ruled that her</p>	<p>★ In the <b>Netherlands</b>, both cases led to an amendment of the Instruction 8 ECHR mentioned above. The <i>Jeunesse</i> case led to the introduction in the Instruction of a "tolerance of illegality by public authorities" in situations such as in the case of Jeunesse.<sup>324</sup> The <i>Nuñez</i> case led to amendments in the Instruction in its "best interests of the child" section.<sup>325</sup></p>

<sup>323</sup> See for instance Federal Administrative Court, 2 May 2016, W205 2009923-2; 6 February 2015, W152 1435193-1; Administrative High Court, 2 September 2014, Ra 2014/18/0062; 26 November 2014, Ra 2014/19/0117.

<sup>324</sup> For more information see: [http://www.migratieweb.nl/UPD/UPD\\_nieuws.cfm?nr=1427](http://www.migratieweb.nl/UPD/UPD_nieuws.cfm?nr=1427)

<sup>325</sup> Ibid.

<p>removal from the Netherlands in these exceptional circumstances would amount to a violation of Article 8 ECHR.</p> <p>★ The <i>Nuñez</i> case dealt with a TCN who, after her removal from Norway, re-entered Norway by means of false documents, and subsequently married and had children. Taking into account that her removal would have an excessively negative impact on her children, the ECtHR ruled that her removal would go against the provisions of Article 8 ECHR.</p>	
<p><b>National case law</b></p> <p>★ National case law reported by (Member) States deals with two main topics: family reunification of refugees and beneficiaries of subsidiary protection, as well as the fulfilment of the income requirement for a family reunification application. <i>The information on national case law is provided throughout the Synthesis Report.</i></p>	

## Annex 6      References

[Family Reunification of TCNs in the EU: National Report AT 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report AT 2016 \(DE\)](#)  
[Family Reunification of TCNs in the EU: National Report BE 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report BG 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report HR 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report CY 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report CZ 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report EE 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report FI 2016 \(EN and FI\)](#)  
[Family Reunification of TCNs in the EU: National Report FR 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Practices FR 2016 \(FR\)](#)  
[Family Reunification of TCNs in the EU: National Report DE 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report DE 2016 \(DE\)](#)  
[Family Reunification of TCNs in the EU: National Report GR 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report HU 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report IE 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report IT 2016\(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report LV 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report LT 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report LT 2016 \(LT\)](#)  
[Family Reunification of TCNs in the EU: National Report LU 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report MT 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report NL 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report PL 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report SK 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report SI 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report SI 2016 \(SI\)](#)  
[Family Reunification of TCNs in the EU: National Report ES 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report SE 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report UK 2016 \(EN\)](#)  
[Family Reunification of TCNs in the EU: National Report NO 2016 \(EN\)](#)



