

Summary of answers

EMN Ad-Hoc Query on checking identity and family relationships in case of family reunification with a beneficiary of international protection

Number of answers received until 20 September 2016: 21 (including the Netherlands)

Deadline for countries: 6 July 2016

All answers are for wider dissemination

Question 1: Documentary evidence

Which documentary evidence of identity and/or family relationship is required for beneficiaries of international protection and their family members when applying for family reunification (only official documents or also other documents)?

The vast majority of countries require applicants to substantiate their application for family reunification with documentary evidence that proves their identity and the alleged family relationship. Only in the UK there is no legal requirement for specified evidence to support a family reunion application; instead the burden of proof is on the applicant and their sponsor to provide sufficient evidence to prove their relationship to the caseworker.

Almost all countries mention that they require the following **official documents**: passports, identity documents, marriage certificates, and birth certificates. Other official documents that were mentioned by some countries are partnership declarations, adoption certificates, family books, medical certificates (in case of dependent parents), court judgments (in case of shared custody), and extracts from police records. Some countries stated that some of these documents need to be translated (UK) or legalized (Belgium, Finland).

In addition, all countries appear to take into account **other documents**, in case no official documents are submitted or the documents produced by the applicant do not comply with common international standards. Examples of other documents that are taken into account by countries are: driving licenses, military records, municipal identification, qualification certificates, company identity cards, wedding and family photos, emails, letters, phone bill, or receipts of money transfers from the sponsor to the family member abroad.

Some countries, for example Norway and Finland, highlighted that the requirements to submit documentary evidence differ per country of origin, as in some countries (e.g. Somalia) official documents are rarely available. For example in Norway, Eritrean spouses, cohabitants and underaged children of

beneficiaries of international protection are exempt from the requirement to provide a passport (see question 6 for more information).

Question 2: Rejection in case of lack of documentary evidence

Will the application for family reunification be rejected if a beneficiary of international protection and his family members cannot provide documentary evidence of the family relationship and the identity of the family members? Please specify.

In the vast majority of countries that answered the question, applications for family reunification cannot be rejected solely on grounds of lack of documentary evidence. In some countries (e.g. Italy, Luxembourg) this is specifically stipulated in the law. Only Poland stated that such applications will generally be rejected. In Sweden applications will only not be rejected if the family members qualify for a so-called "alleviation of evidentiary burden". This is the case for applications from countries where it is difficult to obtain documentation of identity and family relationships, or where such documentation is not considered reliable.

In case documentary evidence is lacking, the authorities in most countries offer other means to establish identity and family relationships, such as interviews or DNA tests.

Question 3: Possibility for DNA research and/or ID interview

Are beneficiaries of international protection and their family members given the possibility for DNA research and/or an ID interview if they cannot provide documentary evidence of identity and/or family relationship? Please specify.

Practices concerning offering the possibility for ID interviews and/or DNA research vary across countries. Some countries offer both options (Austria, Belgium, Czech Republic, Finland, Germany, Hungary, Luxembourg, the Netherlands, Norway, Sweden), while others only one (e.g. Bulgaria, Latvia, Poland) and some none of the two (e.g. France). Some countries (e.g. UK, Latvia) do not offer DNA research, but state that it is open to applicants to submit such evidence in order to substantiate their claim.

	ID interview offered	DNA research offered
Austria	Yes	Yes
Belgium	Yes	Yes
Bulgaria	Yes, an interview is always part of the application procedure	No
Croatia	Yes	No cases so far
Czech Republic	Yes, but occurs very rarely in practice	Yes, but occurs very rarely in practice
Finland	Yes	Yes
France	No	No

Germany	Yes	Yes
Hungary	Yes	Yes
Italy	No information available	Yes
Latvia	Yes	No
Lithuania	Yes	Yes
Luxembourg	Yes	Yes
Netherlands	Yes	Yes
Norway	Yes	Yes
Poland	Yes	No
Portugal	No information available	Yes
Slovak Republic	No information available	Yes
Slovenia	No information available	No
Sweden	Yes	Yes
United Kingdom	Yes	No

Several countries (Austria, Belgium, Finland, Sweden) stated that DNA research is only carried out after an ID interview took place, which hadn't been conclusive. Moreover, several countries highlighted that DNA research is voluntary.

There are some noticeable practices highlighted in the answers: For example in Bulgaria an interview is always part of the procedure. In Sweden DNA research is carried out in all cases where applicants were unable to prove their identity through a valid passport. France abandoned DNA research in 2009 after a 18-month trial phase, due to a lack of resources, time pressure and the public controversy generated by the law.

Question 4: Explanation in case of lack of documentary evidence

In order to qualify for DNA research and/or an ID interview, is a beneficiary of international protection required to first make plausible why he/she doesn't have documentary evidence of identity and/or family relationship? Please specify.

The practices of countries that offer DNA research and/or ID interviews differ significantly with regard to this question. Making it plausible why documentary evidence is missing is for example not a condition for ID interviews and/or DNA research in Austria, Germany, Hungary, Luxembourg, Norway and Poland. In contrast some countries require such an explanation, including Czech Republic, Finland, Italy, and Slovak Republic. In Finland applicants have to provide a written explanation if they are unable to provide documentation as evidence of identity or family ties.

Several countries (Germany, Belgium, Sweden) mentioned that whether applicants have to make the lack of documents plausible depends on the conditions in the country of origin. For some countries it difficult or impossible to obtain official documents; hence, in such cases an additional explanation is not needed.

Question 5: Approaching authorities in country of origin

In order to qualify for DNA research and/or an ID interview, are the family members of a beneficiary of international protection required to first approach the authorities of the country of origin in order to ask ID documents or other documentary evidence of the family relationship? Please specify.

Most countries do not require family members of beneficiaries of international protection to approach the authorities in their country of origin. Only Poland, Czech Republic, Sweden and Germany impose this requirement. However, Germany and Sweden state that they only apply this requirement if they assume that approaching the authorities will not expose the family of the applicant to a risk.

Question 6: Exemption from requirement to approach authorities in country of origin

Are beneficiaries of international protection and/or their family members from certain countries (such as Eritrea) exempt from the requirement to first approach the authorities of the country of origin and if so from which countries and under which conditions?

As indicated under the previous question, most countries do not require beneficiaries of international protection or their family members to contact the authorities of their country of origin. In countries where applicants and/or their family members can be requested to contact the authorities of their home country (e.g. Sweden, Germany), the assessment whether to uphold this requirement is generally made on case-by-case basis (and not based on a general rule of exemption for certain countries).

Norway mentioned as only country a specific practice concerning Eritrean nationals: Eritrean spouses, cohabitants (family must have been formed before the asylum seeker left Eritrea) and underaged children of persons that enjoy international protection in Norway are exempt from providing a passport. However, Norway has considered in the past whether Eritreans applying from Khartoum should be required to provide a passport. The reason for this is that experience seems to indicate that Eritreans applying for a passport in Khartoum are granted a passport and they do not have problems with the Embassy (except for the 2 % tax they are expected to pay from future income abroad and signing a letter in support of the Eritrean Authorities). Norway has however not yet changed its practice. The reason for this is that if there are certain Eritreans who would be persecuted by their authorities if applying for a passport in Khartoum, it would be difficult for the Norwegian authorities to discover who these persons are at this point in the process.

Question 7: Costs DNA research

*Is a beneficiary of international protection obliged to pay for DNA research?
Please specify.*

In most countries DNA research has to be paid for by the applicant or his family members. Only Finland, Lithuania, the Netherlands, and Norway cover the costs of DNA test. Austria reimburses the costs if the research confirms the family relationship. In Sweden and the Slovak Republic the DNA test is only paid for by the state if it was ordered by the authorities, though in Sweden the costs can be reimbursed under certain circumstances. In Finland the applicant has to pay back money if he deliberately provided false information which led to the DNA research.

	Does the applicant bear the costs of DNA research?
Austria	Yes, but costs are reimbursed if research confirms family relationship
Belgium	Yes
Bulgaria	N/A (no DNA research)
Croatia	N/A (no cases so far)
Czech Republic	Yes
Finland	No, but applicant has to pay back money if he deliberately provided false information which led to the DNA research
France	N/A (no DNA research)
Germany	Yes
Hungary	Yes
Italy	Yes
Latvia	N/A (no DNA research)
Lithuania	No
Luxembourg	Yes
Netherlands	No
Norway	No
Poland	N/A (no DNA research)
Portugal	No information available
Slovak Republic	If the DNA test is ordered by the state authority, it is paid by the state. If the test is demanded by the applicant, he/she has to pay for the test.
Slovenia	N/A (no DNA research)
Sweden	DNA research is free of charge when initiated by the Swedish Migration Agency. When family members have organized and paid for DNA research on their own, there is a possibility for remuneration of the cost from the Migration Agency on application.
United Kingdom	Yes