



Ad-Hoc Query on Age limit for Family reunification

Requested by FI EMN NCP on 8th October 2009

Compilation produced on 8th December 2009

Responses from Austria, Belgium, Cyprus, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (20 in Total)

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












1. Background Information

According to the Finnish legislation, a child has to be less than 18 years of age in order to get a residence permit as a family member. The child has to be less than 18 years old when the application is being submitted. This applies both to cases where the child is abroad as well to situations where the child is already in Finland (=family gatherer) and wishes to be reunited with his/her parents in Finland.

At the moment we are preparing some amendments to our Aliens' Act. According to our planned amendment, a child would have to be (still) less than 18 years old on the day the decision is being made. The same principle would apply to cases where the family gatherer is a child: Parents would not get residence permit if the child turns 18 during the procedure.











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2. Responses

		Wider Dissemination?	1. What is the age limit for family reunification? 2. What is the defining moment when considering whether the person is eligible for family reunification? Is it the day of the application or the day of the decision-making?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further
	Belgium	Yes	In Belgium, the age limit for family reunification (according to art.10 of the Aliens Act: i.e.family reunification with a non-EU citizen) is at 18. The person should be younger than 18 at the day of the application.
	Bulgaria	Yes	
	Cyprus	Yes	According to Aliens and Immigration Law of Cyprus the age limit for family reunification for children is the age of 18. Spouses should be over 21. The defining moment when considering whether the person is eligible for family reunification is the day of application.
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	1. According to Aliens Act a minor child is a person under 18 years of age. A person who is married, has a separate family or leads an independent life is not deemed to be a minor child and can't apply for the family reunification. 2. The person must be under 18 years of age at the day of submitting application.
	Finland	Yes	1. According to the Finnish legislation, a child has to be less than 18 years of age in order to get a residence permit as a family member. 2. The child has to be less than 18 years old when the application is being submitted.
	France	Yes	
	Germany	Yes	In all cases of subsequent immigration of children is essential that the child is a minor under German law (the law of the country of origin doesn't matter) and thus is under 18 years of age. In exceptional cases, adult children of a foreigner may be granted a residence permit for the purpose of family reunification , if necessary in order to avoid particular hardship. To calculate the age limit the time of the application is relevant.
	Greece	Yes	1. According to P.D. 131/2006 children who are under 18 years old enjoy the right to family reunification. 2. In case that the member family lives abroad, the relevant application for the issuance of visa for family reunification must be submitted by the sponsor at least 9 months before the child completes the 18 th year of age. This is the maximum period for the procedure to be completed. However, if the child, by the time he/she receives the visa and enters the country, he/she has been an adult, then he/she is granted an independent residence permit which can be renewed. In addition, a special law has been instituted







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			recently, according to which the residence of minor children born in Greece by legally residing parents is covered by the residence permit of the sponsor, until he applies for a residence permit. If the application for issuance of residence permit to the minor child is submitted after the expiry of two years from the birth of the child and before he/she becomes an adult, a monetary fine is imposed.
	Hungary	Yes	1. According to the Act on the Admission and Residence of Persons with the Right of Free Movement and Residence a child can be regarded as a family member if a) the direct descendants of an EEA national and those of the spouse of an EEA national are under the age of 21 or are dependants; b) the direct descendants of a Hungarian citizen and those of the spouse of a Hungarian citizen are under the age of 21 or are dependants. According to the Act on the Admission and Right of Residence of Third-Country Nationals a child has to be less than 18 years of age in order to get a residence permit as a family member. The age has to be examined when submitting the application.
	Ireland	Yes	
	Italy	Yes	For the purpose of family reunification, children are considered minors when they are under the age of eighteen years at the time of submission of application for reunification (Legislative Decree no.5/2007 "Implementation of Directive 2003/86/EC on the right of family reunification").
	Latvia	Yes	1. According to the Latvian legislation, a child has to be less than 18 years of age in order to get a residence permit as a family member. 2. The child has to be less than 18 years old when the application is being submitted.
	Lithuania	Yes	1. The age limit is 18 years. 2. The day of the decision making.
	Luxembourg	Yes	
	Malta	Yes	
	Netherlands	Yes	In the Netherlands there's no principal age limit for family reunification. It will depend on the stay situation in the country of origin, where he or she lived, and if he or she can take care of himself. The child should also be part of the family until the leave of the principal person of the family. When the child after the leave of the principal person of the family is married or has got a own family, the child will not get a permit on the basis of family reunification.
	Poland	Yes	1. According to the Polish legislation a minor child shall be granted a residence permit for a fixed period as a family member. In general, a minor child is a person under 18 years of age (the person under 18 years of age gains majority by getting married). 2. The person has to be a minor child on the day the decision on granting a residence permit for a fixed period is rendered.
	Portugal	Yes	1. Age limit for family reunification is 18 years. However, children who are of age, and of whom the couple or one of the spouses is in charge, and study in a Portuguese teaching institution, could benefit from family reunification too. 2. The defining moment for family reunification eligibility is the day of the application.

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	Romania	Yes	
	Slovak Republic	Yes	<ol style="list-style-type: none"> 1. Temporary residence permit for the purpose of family reunification is granted to a single child younger than 18 years of age of foreigners with granted temporary residence permit or of a foreigner with granted residence permit or his/her spouse or of a person granted asylum or a spouse of a person granted asylum who has the child in his/her foster care based on the law or a decision of the relevant institution. Temporary residence permit can be granted also to a child not provided for above the age of 18 of a foreigner with granted temporary permit or his/her spouse. Permanent residence permit for the purpose of a family reunification is granted to a single child younger than 18 years of age of a foreigner who is a spouse of a citizen of the Slovak Republic with a granted permanent residence permit. Permanent residence permit can be granted also to a child not provided for older than 18 of a foreigner with granted permanent residence permit. 2. Child has to be younger than 18 years of age on the date of the submission of the application.
	Slovenia	Yes	<ol style="list-style-type: none"> 1. According to Slovenian legislation, in case of admission of a child who is a third country national and wants to reunite with other third country national, a child has to be below 18 years of age (in case that a lawful maintenance obligation exists after 18 years of age the age limit doesn't apply). In case where a foreigner is a child and is a family member of Slovenian national or a family member of a national of another EEA Member State, he or she must be below 21 years of age, except in case where a lawful maintenance obligation exists between Slovenian national/EEA national and the child. 2. Defining moment when considering whether the person is eligible for family reunification is on the day of the decision-making.
	Spain	Yes	<ol style="list-style-type: none"> 1. According to the Spanish legislation, a child has to be less than 18 years of age in order to get a residence permit as a family member 2. The child has to be less than 18 years old when the application is being submitted.
	Sweden	Yes	<ol style="list-style-type: none"> 1. According to the Swedish legislation, a child has to be less than 18 years of age in order to get a residence permit as a family member. 2. The child has to be less than 18 years old when the decision is taken.
	United Kingdom	Yes	In the UK a child dependent is defined as being under 18. They must be under 18 at the time of application for family reunification.
