



## **European Migration Network**

### Ad-Hoc Query on the concept of family member

Requested by Finnish EMN NCP on 12<sup>th</sup> April 2010

Compilation produced on 23<sup>rd</sup> July 2010

Responses from [Austria](#), [Belgium](#), [Czech Republic](#), [Estonia](#), [Finland](#), [Germany](#), [Greece](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Portugal](#), [Romania](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#) (18 in Total)

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### **1. Background Information**

The Finnish Ministry of the Interior would like pose the following questions:

In Finland, the concept of family member is based on the idea of nuclear family (i.e. parents and minor children) and family reunification for third country nationals is normally allowed only with members of nuclear family. Exception is made in the cases of family members of Finnish citizens and beneficiaries of international protection. A residence permit can be issued to other relatives (for example parents of an adult) of Finnish citizen if the relative is fully dependent on the Finnish citizen living in Finland.

Please provide your responses to the following questions by 26<sup>th</sup> April 2010.

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

		Wider Dissemination? <sup>2</sup>	<p>1. Are citizens of your own country allowed family reunification with other relatives than members of the nuclear family (with other relatives we mean for example parents, grandparents' adult siblings)?</p> <p>2. If yes, what are the basic requirements for residence permit and which relatives can get a residence permit? Are there any specific requirements for the extended family only?</p> <p>3. If you require that the relative is dependant on the family gatherer, what level of dependency do you require and what are the other requirements for issuing residence permit? Does majority receive a positive decision on their application?</p>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. Which relatives: the ones mentioned in article 2.2 of the directive, as well as some registered partners (even if the partnership isn't considered equivalent to a marriage) Conditions: the same as for art. 2.2, with these exceptions: - parents, grand-parents, great-grand-parents of own citizens: additional condition of sufficient means of subsistence - registered partners: being at least 21 years old + having lived together for one year or having a relationship of 2 years or having a common child</p> <p>3. Dependency: required in the same cases as for family members of EU-citizen. The same evaluation as for family members of EU-citizens (cf relevant guidelines and jurisprudence). Statistics on the decisions could not be obtained.</p>
	<b>Czech Republic</b>	<b>Yes</b>	<p>1. Yes, family reunification of Czech citizen is possible with <u>dependent</u> direct relative in the ascending or descending line. This includes parents, grandparents, and adult siblings. In case that the foreign national was a Czech citizen in the past, his/her residence permit need not be treated as family reunification but shall be decided under special provisions of the Alien Act.</p> <p>2. The requirements as to documents to be submitted (i.a. on the relationship, on health insurance and accommodation) and reasons for</p>

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

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

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			<p>denial (risk of serious disruption of public order, risk to the state security and/or public health, unjustifiable burden for the welfare system, listing in the records of undesirable persons, record in the Information System of the Contracting States, marriage of convenience, failure to cooperate with authorities) are general, not specific for extended family.</p> <p>3. A dependent person in this respect is a foreign national who is dependent on the citizen of the Czech Republic and who</p> <p>a) is systematically preparing himself/herself for future occupation;</p> <p>b) cannot systematically prepare himself/herself for future occupation or cannot perform a gainful activity due to illness or injury; or</p> <p>c) is unable to perform a systematic gainful activity due to long-term unfavorable health condition.</p>
<p>■</p>	<p><b>Estonia</b></p>	<p><b>Yes</b></p>	<p>1. According to the Aliens Act the family reunification is possible with following close relatives:</p> <ul style="list-style-type: none"> <li>• to settle with spouse;</li> <li>• to a minor child in order to settle with a parent who permanently resides in Estonia;</li> <li>• to an adult child in order to settle with a parent who permanently resides in Estonia if the child is unable to cope independently due to health reasons or a disability;</li> <li>• to a parent or grandparent in order to settle with his adult child or grandchild who permanently resides in Estonia if the parent or grandparent needs care which it is not possible for him to receive in the country of his location or in another country and if his or her permanent legal income or the permanent legal income of his child or grandchild who legally resides in Estonia ensures the that the parent or grandparent will be maintained in Estonia;</li> <li>• to a person under guardianship in order to settle with the guardian who permanently resides in Estonia if the permanent legal income of the guardian ensures that the person will be maintained in Estonia.</li> </ul> <p>In Estonia permanently living resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a long-term residence permit.</p> <p>2. The basic requirements for residence permit:</p> <ul style="list-style-type: none"> <li>• An alien is required to have legal income that ensures his subsistence in Estonia during the six months preceding the submission of the application. Lawfully earned remuneration for work, income received from lawful business activities or property, pensions, scholarships, support, benefits paid by a foreign state and the maintenance ensured by family members earning legal income are deemed to be legal income.</li> <li>• A close relative, for the purposes of settling with whom a residence permit is applied for, must have a registered residence and an actual dwelling in Estonia and he shall bear all the costs related to the care and medical treatment of the alien concerned. A close relative does not have to have a registered residence and an actual dwelling in Estonia if an alien and the close relative, for the purposes of settling with whom a residence permit is applied for, arrive in Estonia together.</li> <li>• An alien has to have an insurance contract guaranteeing that any costs related to his medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met. An alien who has been granted a residence permit for study is not covered by Estonian health insurance.</li> <li>• If an alien has no opportunity to conclude a conforming insurance contract before the residence permit is granted to him, then he must submit:</li> </ul>

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			<ul style="list-style-type: none"> <li>Ø an assurance that he will conclude the required insurance contract no later than within two months after the settlement in the state on the basis of a residence permit, or</li> <li>Ø an insurance contract which shall cover the medical treatment expenses until the conclusion of a conforming insurance contract (e.g. travel insurance contract).</li> </ul> <p>During the time that an alien is deemed to be a person insured by compulsory health insurance pursuant to the Health Insurance Act, and in cases provided for by international agreements, an alien needs not have such an insurance contract.</p> <p>3. Number of negative decisions is very low.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. Yes, in exceptional circumstances. A residence permit can be issued to other relatives of Finnish citizen (for example parents of an adult) if the relative is fully dependent on the Finnish citizen living in Finland or if they continue family life that has already started in the country origin.</p> <p>2. The basic requirements for residence permit are that the person in question does not endanger public order, security or health or to Finland's international relations. Also, the person has to possess sufficient financial resources unless otherwise regulated. Contrary to the family members of third country nationals, family members of Finnish citizens do not need to possess sufficient resources in order to receive a residence permit. There are no specific requirements for the extended family although they do need to apply for the residence permit from abroad as the members of the nuclear family can apply when already in Finland.</p> <p>3. Most of members of the extended family do not in practise fulfil requirements of dependency. The dependency should be not only of physical but also of mental nature. Financial dependency does not itself constitute a ground for residence permit since the Finnish citizen can support the family member financially without then actually living together.</p>
	<b>Germany</b>	<b>Yes</b>	<p>1. Yes (this provision applies equally in case of family reunification to third country nationals).</p> <p>2. Other family members can be granted reunification on a discretionary basis (solely) to avoid extraordinary hardship. This provision is conceivable in particular for parents joining their German or foreign adult children or their foreign minor children, for adult children joining their parents or for minors joining close family relations who are the sole carers in a protected parent-child relationship. Likewise, a close relationship must exist for distant relatives being granted family reunification; e.g. for children it is only conceivable to join their grandparents if they are orphans of both father and mother or if the parents are not able to provide continuous care for them (e.g. if the parents are in need of care themselves).</p> <p>3. Family reunification must serve to make up, or continue to constitute, a family unit; hence, it must be of a lasting and stable nature („mutually supportive relationship“). Besides, the general conditions for family reunification must be fulfilled (e.g. no entitlement to social security benefits, sufficient housing space). A „case of hardship“ is present if either the person who is already residing in the Federal territory or the person who wants to join his or her family member(s) is in need of</p>

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			<p>family support and if this family support can only be provided on the Federal territory. Such circumstances can only arise from particular circumstances of the individual case (e.g. disease, handicap, need of care, psychic distress), but not from the general living conditions in the country of origin.</p> <p>There is no information available on whether the majority of applicants for family reunification based on particular hardship receive a positive decision. In 2008, only 230 residence permits for family reunification were granted to other dependents, representing 0.4% of the total number of positive cases decided in family reunification.</p>
	Greece	Yes	<p><b>1. Are citizens of your own country allowed family reunification with other relatives than members of the nuclear family? (for example parents, grandparents adult siblings)?</b></p> <p>The entry and residence of third country nationals who are family members of Greek nationals is regulated in articles 61-64 of law 3386/2005. Also, we would like to inform you that our country implements proportionally the provisions of the nr. 106/2007 Presidential Decree which adopted in the greek legislation the Directive 2004/38/EC concerning the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.</p> <p>More specifically, family members of a Greek national, who are third country nationals, are considered to be, besides the spouses and the children, the direct ascendants (parents) of a Greek national and of the other spouse that depend on them.</p> <p>Moreover, the law provides that the children of a Greek national and of the other spouse, including adopted children, regardless of age (over the 21<sup>st</sup> year), if they depend on them, can apply for a residence card.</p> <p><b>2. If yes, what are the basic requirements for residence permit and which relatives can get a residence permit? Are there any specific requirements for the extended family only?</b></p> <p>A family member of a Greek national who wants to be granted with a residence card should lodge an application to the municipality or community of his/her place of residence within three months from the date of his arrival in the Country, if the following conditions are met:</p> <ol style="list-style-type: none"> <li>Possession of a valid passport.</li> <li>Confirmation in writing of his family relation with the Greek national.</li> <li>Submission of a copy of the identity card of the Greek national.</li> <li>Confirmation that he is a dependent member, by submitting a relevant statement of the Greek national that they reside in the same house and that his living expenses in Greece will be covered by the Greek national.</li> <li>Submission of a certificate that he has a full health insurance for all dangers nationals are covered for.</li> </ol> <p>If there are relevant serious indications, competent authorities ask for the person in question to go through some medical examinations free of charge, in order to certify the fact that he is not infected by any disease provided by the World Health Organization as well as any other infectious, contagious or parasitic diseases, which lead to measures for the protection of public health.</p>

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			<p>Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region, which also issues a Residence Permit at the latest within six months after the lodging of the relevant application.</p> <p><b>3. If you require that the relative is dependant on the family gatherer, what level of dependency do you require and what are the other requirements for issuing residence permit? Does majority receive a positive decision on their application?</b></p> <p>The dependent family member, needs to submit a relevant statement of the Greek national that they reside in the same house and that his living expenses in Greece will be covered by the Greek national.</p> <p>Members of the family of a Greek national are personally eligible for residence if:</p> <ul style="list-style-type: none"> <li>a) A Greek national dies and the members of his/her family have lived in Greece at least one year before his death.</li> <li>b) A divorce is issued and the marriage has lasted for at least three years, one of which in Greece and the children's care has been legally awarded to one of the spouses, who is a third country national.</li> <li>c) There are particularly difficult situations, as for example that a member of the family has become a victim of domestic violence, during the marriage.</li> <li>d) One of the spouses is eligible to communicate with a minor child under 18, under the condition that the relative verdict or the written agreement between the spouses the visits should take place in Greece, for as long as required.</li> </ul> <p>In this case, the right for residence continues to be valid under the condition that the family members prove that they have an income from their activity in the Country or have sufficient resources for themselves and their family members so as not to depend on the system of social assistance and have a full insurance cover. As sufficient resources is considered to be the amount of 212 euros per month, that can be proved by a relevant pension, etc.</p> <p>If the relevant preconditions are met, the above mentioned family members are granted with a five years duration residence card.</p>
	<p><b>Hungary</b></p>	<p><b>Yes</b></p>	<p>1.</p> <p>The family reunification of Hungarian citizens with third-country national family members is regulated under the Free Movement Act, therefore the rules of this act apply to the family member of a Hungarian citizen who does not have Hungarian citizenship and who is accompanying or joining the Hungarian citizen.</p> <p>Family reunification with Hungarian citizens is allowed in case of the following persons:</p> <ul style="list-style-type: none"> <li>a) the spouse of a Hungarian citizen;</li> <li>b) the direct descendants of a Hungarian citizen and those of the spouse of a Hungarian citizen who are under the age of 21 or are dependants;</li> <li>c) the direct relatives in the ascending line of a Hungarian citizen and those of the spouse of a Hungarian citizen;</li> <li>d) the person who has parental custody of a minor child who is a Hungarian citizen;</li> <li>e) any person whose entry and residence has been authorized by the competent authority on grounds of family reunification;</li> </ul> <p>These categories were determined on the basis of Directive 2004/38 and are the same also when the family member of an EEA national</p>

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			<p>would like to accompany or join the EEA national in Hungary. The only exception is category d), which only applies when the family gatherer (sponsor) is a Hungarian citizen.</p> <p>Category e) (as prescribed also in Directive 2004/38) allows for a wider range of family members (not only for the spouse, parents or children) or persons to stay in Hungary on grounds of family reunification and it is the respective authority in these cases that has to take a decision on whether the person concerned qualifies for family reunification.</p> <p>Under this category the following persons are meant: any persons accompanying or joining an EEA national or a Hungarian citizen, who:</p> <ul style="list-style-type: none"> <li>da) are dependants or members of the household of a Hungarian citizen for a period of at least one year, or who require the personal care of a Hungarian citizen due to serious health grounds;</li> <li>db) had been dependants or members of the household of an EEA national in the country from which they are arriving, for a period of at least one year, or who require the personal care of an EEA national due to serious health grounds, and whose entry and residence has been authorized by the authority on grounds of family reunification.</li> </ul> <p>2. Third-country national family members or dependants of Hungarian citizens listed under Q1 are granted a residence card and after 5 years of legal and continuous residence they can apply for a permanent residence card.</p> <p>The following requirements have to be fulfilled:</p> <ul style="list-style-type: none"> <li>- When the family member of the Hungarian citizen is engaged in gainful employment, he/she has the right of residence for a period of longer than three months.</li> <li>- In other cases the right of residence for a period of longer than three months shall extend to the family members of a Hungarian citizen if: <ul style="list-style-type: none"> <li>a) they have sufficient resources for themselves or the Hungarian citizen has sufficient resources for such family members in order to avoid becoming a burden on the social assistance system of Hungary during their residence; and</li> <li>b) they have comprehensive sickness insurance cover for health-care services, or if they assure that they have sufficient resources for themselves and their family members for such services.</li> </ul> </li> <li>- The right of residence for a period of longer than three months may be granted to a person who exercises parental custody of a minor child who is a Hungarian citizen even in the absence of the requirements related to sufficient resources and sickness insurance.</li> </ul> <p>3. A particular level of dependency is not prescribed. A specific requirement has to be fulfilled if the Hungarian citizen is not engaged in gainful employment. In this case he/she has to declare commitment to support the family member by using a standard form, a so-called "declaration of support". Regarding the statistics in 2008 and 2009, the number of positive decisions on applications of third-country national family members of Hungarian citizens is much larger than that of negative decisions.</p>
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	<b>Italy</b>	<b>Yes</b>	The Italian citizen has the right to seek reunification, as well as with his/her spouse, with the following not EU family members: the direct descendants under the age of 21 or dependent ones and those of the spouse; the dependent direct ascendants and those of the spouse. For other family members, the current orientation is to limit the right of entry and stay solely within the second degree relatives (siblings) living together with the Italian national, on the basis of new provision by the so called "Security Package" adopted in August 2009 with the Law 94/2009.
	<b>Latvia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes.</li> <li>2. Latvian citizens are allowed to reunion with their parents who have reached an age of retirement (62 years). Parents of Latvian citizens (and of Latvian non-citizens as well) can receive a temporary residence permit for one year, then – for 4 years and after that – a permanent residence permit. The same regards adult children of Latvian citizens if these children are third-country citizens. Other relatives (up to 3<sup>rd</sup> degree in direct or collateral line, such as siblings, aunts etc.) are entitled to receive a temporary residence permit for a period up to 6 months during a calendar year (so called "private visit"). If 6 months permit expires but there are some serious personal or human circumstances, a minister of interior can decide to grant a temporary residence permit for a longer period. Usually these permits are issued for a period up to 5 years and after that a person can apply for a permanent residence permit. Requirements: a sufficient financial means, health insurance, no criminal punishment, no threat to public health. Latvian citizens who are inviting their parents are not allowed to use public social assistance funding; they have to be able to support their families. When applying for a permanent residence permit, persons should prove that they have acquired a state language in level 2A. Persons with serious health problems are exempted from this requirement.</li> <li>3. A dependency criterion is not required and checked in case of parents and other relatives unless the case is not decided by the minister of interior (in case where other relatives than parents are involved and a term of permit goes beyond 6 months). Cases of refusal are very rare as usually persons have made inquiries and submit practically immaculate sets of documents.</li> </ol>
	<b>Lithuania</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes.</li> <li>2. Apart from the nuclear family, the following persons can reunite with their family member who is a citizen of the Republic of Lithuania: <ul style="list-style-type: none"> <li>- a child, who comes to his/her parents (the child can be not only a minor, but also an adult);</li> <li>- parents, who come to their child (the child can be either a minor, or an adult);</li> <li>- a guardian/custodian of a citizen of Lithuania (although this is a separate ground, not considered to be family reunification);</li> <li>- a person who is put under the guardianship/custody of a citizen of Lithuania (although this is a separate ground, not considered to be family reunification).</li> </ul> </li> </ol> <p>There are no specific requirements for the extended family to get a temporary residence permit. However, general requirements applied to all aliens are also applied to extended family members (requirement to have health insurance, sufficient funds to reside in Lithuania, living premises (not applied to persons who are under guardianship/custody), etc. – except for cases when the citizen of Lithuania confirms that he/she will take care of that. Extended family members must also prove their relationship with the citizen of Lithuania (usually with a birth certificate). In case of a guardianship/custody, they must provide a document proving the fact of the establishment of the guardianship/custody (it varies from country to country, but usually it is a court decision; sometimes it can be an order of a mayor or some other decision of a competent authority).</p>

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			3. In cases of children and parents, we do not require them to be dependant on the sponsor.
	Portugal	Yes	<p>1. Yes. According to the Law n.º 37/2006 of 9<sup>th</sup> August is considered a Family member:</p> <ul style="list-style-type: none"> <li>- The spouse of a citizen of the European Union;</li> <li>- The partner with which the citizen of the Union lives in De Facto union, as defined according to law, or the partner with which the citizen of the Union maintains a permanent and duly certified relationship by the concerning authority of the Member state where he/she resides;</li> <li>- The direct descendant under 21 years of age or being in ward to a citizen of the Union, as well as to a spouse or partner as established by the preceding sub-heading;</li> <li>- The direct ascendant in ward to a citizen of the Union, as well as his/her spouse or partner as established by sub-heading.</li> </ul> <p>2. In order to issue a residence card, the following documents are required:</p> <ul style="list-style-type: none"> <li>- A valid passport; a document proving the family relationship with the citizen of the Union or quality of partnership according to the sense given by sub-sub-heading ii) sub-heading e) of article 2. º; register certificate of the citizen of the Union who the family members accompany or join; in the cases foreseen at sub-sub-headings iii) and iv) of sub-heading e) of article 2. º, a documental proof that he/she/ is in ward of the citizen of the Union; in the case foreseen in n. º 2 of article 30 º, a document issued by the qualified authority of the country of origin or provenance certifying that he/she is in ward of a citizen of the Union or living with him/her in partnership, or the proof of serious health motives that imperatively require the personal assistance to the family member by the citizen of the Union.</li> </ul> <p>3. In these cases a document is issued by the capable authority from the country of origin or provenance, certifying that he/she is in ward of the citizen of the Union or living with the citizen in partnership, or proving that there are serious health reasons requiring imperatively the personal assistance by the citizen of the Union.</p>
	Romania	Yes	<p><b>1. Are citizens of your own country allowed family reunification with other relatives than members of the nuclear family (with other relatives we mean for example parents, grandparents' adult siblings)?</b></p> <p>According to Romanian legislation regulating the area (Government Emergency Ordinance 194/2002 on aliens regime, republished) the following categories of persons may also request a long stay visa for family reunification:</p> <ol style="list-style-type: none"> <li>1. Aliens married to Romanian citizens;</li> <li>2. Single aliens who cohabit with single Romanian citizens, if they have at least one common child (partners);</li> <li>3. Children of a Romanian citizen, or of his/her spouse or partner, including those who have been adopted, who have not reached the age of 21 years or who are in the care of the Romanian citizen or his/her spouse or partner;</li> <li>4. Relatives of 1st degree in ascending line of the Romanian citizen or of his/her spouse.</li> </ol> <p><b>2. If yes, what are the basic requirements for residence permit and which relatives can get a residence permit? Are there any specific requirements for the extended family only?</b></p> <p>According to the same legal act, among the general conditions to be fulfilled in order to have the right to temporary residence extended, are:</p> <ul style="list-style-type: none"> <li>- The alien requests to be granted or extended the right to reside for the same purpose as that for which he has been granted a long stay visa or his/her stay right was previously granted/extended, <i>with the exception of family members of Romanian citizens, if they request the extension of the right to reside for family reunification</i></li> </ul>

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			<p>- Proves the legality for owning the place of accommodation declared as legal residence on the territory of Romania. <i>In the case of aliens who have been granted a right to reside for the purpose of family reunification, the proof of legal accommodation may be made by the sponsor or <b>Romanian citizen whose family members they are and with whom they cohabit.</b></i></p> <p>Aliens who are family members of a Romanian citizen may be granted an extension of the right to residence, if the Romanian citizen has the domicile or residence in Romania, according to the law, as follows:</p> <ol style="list-style-type: none"> <li>1. For aliens married to Romanian citizens, if: <ul style="list-style-type: none"> <li>- they present the marriage certificate, under legal conditions</li> <li>- there is no state of bigamy or polygamy</li> </ul> </li> <li>2. For partners, if: <ul style="list-style-type: none"> <li>- they present the child's birth certificate;</li> <li>- both the alien and the Romanian citizen prove they are not married;</li> <li>- prove the cohabitation with the Romanian citizen</li> </ul> </li> <li>3. For Children of a Romanian citizen, or of his/her spouse or partner, including those who have been adopted, who have not reached the age of 21 years or who are in the care of the Romanian citizen or his/her spouse or partner, if: <ul style="list-style-type: none"> <li>- they present documents to prove the existence of family links;</li> <li>- they live in the household of the Romanian citizen;</li> </ul> </li> <li>4. For relatives of the 1st degree in ascending line of the Romanian citizen or his/her spouse, if they present documents to prove the existence of the family links.</li> </ol> <p>The spouse and family members of a Romanian citizen may be granted the extension of the temporary residence for periods of up to 5 years.</p> <p>Extension of the temporary residence for family members of a Romanian citizen shall be done under exemption from payment of consular fees.</p> <p><b>3. If you require that the relative is dependant on the family gatherer, what level of dependency do you require and what are the other requirements for issuing residence permit? Does majority receive a positive decision on their application?</b></p> <p>-</p>
	Slovak Republic	Yes	<ol style="list-style-type: none"> <li>1. According to the Article 35, paragraph 1 of the Act on Stay of Aliens (No. 48/2002 Coll.), the residence permit for the purpose of family reunification with the citizen of the Slovak Republic can be granted to the foreigner if he/she is: <ol style="list-style-type: none"> <li>a) a spouse of the citizen of the Slovak Republic with a permanent residence in the Slovak Republic or dependent direct relative in vertical line of the citizen of the Slovak Republic with permanent residence in the Slovak Republic. Direct relatives in a vertical line are considered: grandparents, parents, grandchildren, children. Relatives in horizontal line, such as spouse or brother or sister do not fulfil this condition.</li> <li>b) a single unmarried child younger than 18 years of age in the care of the foreigner, who is a spouse of the citizen of the Slovak Republic with permanent residence in the Slovak Republic</li> </ol> </li> <li>2. There are no specific procedures only for this category. The procedure is specified in the Act on Stay of Aliens Article 34 – 42.</li> <li>3. In case of granting the permanent residence permit to the foreigner who is a dependent direct relative in vertical line of the citizen of the</li> </ol>

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			<p>Slovak Republic, the foreigner is obliged among others to submit a document proving the „dependency“. This can be a medical certificate of the foreigner, proving that this person needs a care of another person and an affidavit of the foreigner that there is no one in the home country to provide this care, this generally concerns lonely paralyzed persons. Dependent child is also considered as a dependant relative. In this case the foreigner has to submit with the application a document proving the dependency, such as study confirmation of the child (while the child does not have to study in the Slovak Republic). Dependant persons are not e.g. parents living in common household who can take care of each other or financially dependant persons from the citizen of the Slovak Republic (e.g. an unemployed grandson). When all the requirements are fulfilled the foreigner is granted a permanent residence permit.</p>
	<b>Slovenia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes. Parents can be reunited with a Slovenian child below the age of 21. Other relatives can be reunited in exceptional cases where circumstances call for family reunification to take place in our country. We consider broadening the scope also to other relatives in case of dependency.</li> <li>2. Basic requirements for family members (children, spouses, parents of a minor) are: a valid travel document, sufficient means of subsistence, health insurance, not posing threat to public policy/security/health. In case of other relatives proof of dependency is also required.</li> <li>3. Currently dependency is established in cases where there is a clear legal dependency in the country of origin (legal obligation of a person to provide for the person concerned). After (if) we introduce the new concept -where also de-facto dependents can benefit from family reunification- we will have to take account also of other proof of de-facto dependence.</li> </ol>
	<b>Spain</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. In accordance with Spanish regulations, the reunification of family members that do not strictly fall within the concept of “<i>nuclear family</i>” (based on the definition of this concept given in the question and <b>which enables the inclusion of parents</b>) <b>is allowed</b>.</li> <li>2. Spanish citizens have the right to reunify: <ul style="list-style-type: none"> <li>- <b>their spouse,</b></li> <li>- <b>the partner</b> with a relationship similar to a conjugal one filed with a public register</li> <li>- <b>direct descendants</b> (theirs and, if appropriate, those of their spouse or partner), minors under the age of 21 or adults over this age that are dependant or who have disabilities.</li> <li>- <b>their parents</b> (and their spouse's parents). The requirements to be satisfied are specified below.</li> </ul> </li> </ol> <p>With regard to applicable regulations, we can specify the following:</p> <p>∅ The reunification of the <b>spouse, partner with a relationship that is similar to a conjugal one</b> and which is filed with a public register, and <b>direct descendants of the Spanish citizen</b> (theirs and, if appropriate, those of their spouse or partner), is carried out in accordance with the procedures and requirements for entry and residence set forth in <i>Directive 2004/38/EC, governing the right of EU citizens and members of their families to freely enter and reside in the territory of Member States</i>.</p> <p>Generally speaking, in this regard they have to submit the <b>form applying for the residence card for family members of Union citizens</b>, filling in the official form for this purpose. This must be accompanied by the following documentation:</p>

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			<p>a. The applicant's passport, which must be both valid and in force. Should this document have expired, a copy must be submitted along with application for renewal.</p> <p>b. Substantiating documentation, duly translated and bearing an apostille or authenticated, where applicable, proving family ties, marriage or registered union that confers the rights to the card.</p> <p>c. Certificate of registration of the family member that is a EU citizen or citizen of another State that belongs to the Agreement on European Economic Area that they accompany or with whom they are to be reunited.</p> <p>d. In the case of descendants, documentation that substantiates that they live under the charge of the Spanish citizen (or of their spouse).</p> <p>Ø Family reunification of <b>parents of the Spanish citizen</b> (or those of their spouse) is governed in accordance with the procedures and requirements set forth in the Spanish general regulations on alien affairs, and this is fundamentally covered in Directive 2003/86/EC on the right to family reunification.</p> <p>In this regard, we must point out that in December 2009 the general regulations governing alien affairs (that is, basically, Organic Law 4/2000, dated 11 January, on rights and freedoms of foreigners in Spain and their social integration) were the object of reform. This means that currently only <b>parents</b> that satisfy the following requirements (each and every one of them) may be reunited):</p> <ul style="list-style-type: none"> <li>- 1) be parents to the first degree of kinship: that is., fathers and/or mothers of the Spanish sponsor (or of their spouse);</li> <li>- 2) be under the charge of the sponsor (or of their spouse),</li> <li>- 3) be over the age of 65, and</li> <li>- 4) with grounds that justify the need to authorise their residence.</li> </ul> <p>(in exceptional cases, where there are grounds of a humanitarian nature, the parent under the age of 65 may be reunited if the other conditions are satisfied)</p> <p><b>Notwithstanding the foregoing, we inform you that the latest reform of Organic Law 4/2000 (Additional provision two of OL 2/2009) provides for the possibility that special conditions that are more favourable for family reunification exercised by Spaniards may be statutorily established.</b></p> <p><b>In this regard, we point out that the foregoing Regulations of the Organic Law are currently being drawn up and we are unable to comment on any new items that may affect family reunification exercised by Spaniards.</b></p> <p><b>3. As far as <b>dependency</b> is concerned, the law requires that, in effect, relatives be under the charge of their sponsor. <i>Family members are</i></b></p>
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			<p>understood to be under the charge of the sponsor when there is evidence that this party, at least during the last year of residency in Spain, has transferred funds or paid expenses for said family members which infers an effective economic dependency.</p> <p>It is not possible to provide data on applications and authorisations on reunification of parents by Spaniards, given the imminent approval of the Organic Law reform.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. Yes, but the rules also apply to those who have permanent residence in Sweden.</p> <p>2. The family members usually eligible for a residence permit based on family ties are: spouses, de facto spouses or registered partners and unmarried children under 18 (the “nuclear family”) and other immediate relatives who were part of the same household as the person or persons who live in Sweden, i.e., in a “joint household.” The statutes relevant to joint household are found in the Aliens Act (2005:716), <i>ch 5 § 3 a para 1 cl 2</i>.</p> <p>The prerequisites for a residence permit based on joint household are that the applicant and the immediate relative must have shared a household in the country of origin and there must exist a special relationship of dependency between them that existed in the country of origin.</p> <p>3 a. In addition to having lived in the same household, there must have been a particular relationship of dependency between the relatives by which living apart is a hardship. The relationship of dependency must also have existed in the country of origin. The travaux préparatoires do not further specify how and in what respect the relatives must be dependent on one another, but in most cases this should involve a combination of financial, social and emotional dependency. It is often difficult to discern where the relationship of dependency lies and precise requirements that the dependency must be of a particular kind cannot be defined. The emphasis should be on the social and interpersonal level, however, since purely financial dependency can often be resolved another way, such as by the relative in Sweden sending money to the applicant.</p> <p>Beyond the requirement that the application must be lodged “relatively soon” after the relative moved to Sweden, other factors such as kinship, marital status, the applicant’s age, ties to another country, the time the applicant and resident of Sweden lived together in the country of origin, etc. may be considered in order to assess whether a relationship of dependency exists. This does not necessarily mean that a qualifying relationship of dependency exists even if the relatives lived in the same household “immediately prior” and the application was lodged “relatively soon.” For instance, this situation could involve the Swedish resident’s parents, who are a married couple considered to be in a mutually supportive relationship, meaning the requirement for a relationship of dependency has not been met.</p> <p>3 b. No. In 2009 75 % received a negative decision on their application.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>1. Family members can apply for indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom provided they are able to meet the requirements of the Immigration Rules (paragraph 317).</p>

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			<p>2. Applicants must meet the requirements of the Immigration Rules. However, there is provision for leave to be granted 'outside the rules' but only if there are compelling and compassionate circumstances for doing so.</p> <p>3. We would normally expect to see evidence of something more than mere financial dependency. In 2009 we issued 1,281,950 family visas for settlement, unfortunately we are unable to break this down into a percentage of positive decisions.</p>
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