

Ad-Hoc Query from Belgium

Requested on 27th May 2016

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Rules on family reunification of unaccompanied minors granted refugee status or subsidiary protection



Responses from:

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (23 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

In 2015 almost 90 000 asylum seekers applying for international protection in the Member States of the European Union (EU) were considered to be unaccompanied minors. While their number always stood between 11 000 and 13 000 in the EU over the period 2008-2013, it almost doubled in 2014 to reach slightly more than 23 000 persons, then nearly quadrupled in 2015 (source: Eurostat).

Unaccompanied minors who are granted refugee status or subsidiary protection may ask for family reunification with their parent(s) later on.

Summary

Just over half of the (Member) States who provided answers to the ad-hoc query – that is to say 13 out of 23 - do not impose any of the mentioned requirements (health insurance, accommodation, sufficient resources) in case of family reunification with an unaccompanied minor who was granted refugee status or subsidiary protection. The other (Member) States impose one or several of the above mentioned requirements. However, the vast majority of those (Member) States reported that these requirements do NOT have to be met in certain cases, usually when the application for family reunification is made within a certain time frame. The vast majority of (Member) States who reported imposing one or several of these requirements indicated that an exemption was possible if the application for family reunification was made within a specific time limit from the granting of the refugee or subsidiary protection status. The most common time limit applied in the (Member) States is 3 months. Finally, the UK reported that minors (under 18 years of age) – including those holding a refugee status - cannot sponsor a family member under the family reunion rules. Therefore, in the case of the UK, the questions of this AHQ do not apply.

Questions

- 1. When considering the application for family reunification, do the authorities of your country require that:**
 - The parents have a health insurance? Yes/ No**
 - The family will have reasonable accommodation? Yes/ No**
 - The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; ...)?**
The latter may be the case if the application is done in the (EU-) country itself, so when the parents are already residing in the territory (for example the minor arrived in 2015, while the parents arrived in 2016).
Yes/ No

2. Responses

Austria	Yes	1. No. These requirements do not apply to parents of unaccompanied minors who have been granted asylum or subsidiary protection (Art. 35 para 2a Asylum Act).
Belgium	Yes	1. The parents have a health insurance? No. In Belgium, in case of family reunification with an unaccompanied minor granted international protection, the parents of the minor do not need to present proof of a health insurance. The family will have reasonable accommodation? No. In Belgium, in case of family reunification with an unaccompanied minor granted international protection, the parents of the minor do not need to have reasonable accommodation. The parents will have sufficient resources at the moment of application or in the near future? No. In Belgium, the parents of an unaccompanied minor granted international protection do not need to provide proof of stable, sufficient and regular income when applying for family reunification. However, the parents will have to meet this resources requirement when applying for a permanent residence permit.
Bulgaria	Yes	1 - No; - No; - No. These requirements do not apply to parents of unaccompanied minors who have been granted refugee or humanitarian status.
Croatia	Yes	1. No -No -No. These requirements are not required for family members of persons who have been granted asylum and subsidiary protection.
Cyprus	Yes	1. - Yes - Yes - Yes These requirements may be asked when the refugee submits a request for family reunification after three (3) months from the granting of refugee status.

Czech Republic	Yes	1. When considering the application for family reunification, do the authorities of your country require that: - The parents have a health insurance? Yes - The family will have reasonable accommodation? No, in case a refugee status was granted to the respective UAM and the application for family reunification was lodged within 3 months from the date the status was granted. Yes, in case a subsidiary protection was granted to the respective UAM or the application for family reunification was lodged later than 3 months from the date the status was granted. - The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; â!)? The latter may be the case if the application is done in the (EU-) country itself, so when the parents are already residing in the territory (for example the minor arrived in 2015, while the parents arrived in 2016). No, in case a refugee status was granted to the respective UAM and the application for family reunification was lodged within 3 months from the date the status was granted. Yes, in case a subsidiary protection was granted to the respective UAM or the application for family reunification was lodged later than 3 months from the date the status was granted. The general rule is that the application for family reunification is lodged at the embassy of the Czech Republic in the country of origin. The possibility to lodge such application in the territory is limited â the person has to be already a holder of a long-term visa or a long-term residence permit. The conditions are the same.
Estonia	Yes	1. No. No. No.
Finland	Yes	1. Health insurance? No Reasonable accommodation? No Sufficient resources? Yes and No Under current legislation, secure income is not required from family members of a recipient of international protection, if the family has been formed before the sponsor arrived in Finland. However, if the proposed amendment in legislation will come in to force, secure means of support will also be required of family members of a person who has been granted subsidiary (or humanitarian) protection even when the family has been formed prior to the sponsorâs arrival to Finland. The applicants will be exempted from the income requirement if the sponsor has been granted asylum and the application has been submitted within three months from the service of the sponsorâs positive decision. In family reunification cases where sufficient resources are required, the possible income of the applicant/applicants is taken into account (e.g. income, capital/property or pensions). When examining an application on family reunification, the existence of an employment contract or a job offer are not proof of sufficient resources as such. However, an exception may be made to the income requirement if there is a very pressing reason for it or if the interests of the child demand it. N.B./4.7.2016: The above-mentioned amendments to family reunification criteria came into force 1st July 2016.
France	No	1. Pursuant to Article L.752-1 et L.812-5 of the Code on Entry and Residence of Foreigners and Right of Asylum (Code de lâ entrÃ©e et du sÃ©jour des Ã©trangers et du droit dâ asile, CESEDA) minors who are granted refugee status or subsidiary protection or who are stateless may, if they are not married, apply for family reunification with their first degree relatives in the direct ascending line. No conditions as to time limits, health insurance, accommodation or resources are required. France does not request that the minor is not accompanied. Hence, a minor who is living in France with his/her brother or sister of full age has the right to apply for family reunification with his/her parent(s).
Germany	Yes	Request for health insurance: No Request for reasonable accomodation: No Request for sufficient ressources: No
Hungary	Yes	1. - The parents have a health insurance? Yes, in general, but no, if the application for family reunification is submitted within six months (as of 1 July 2016, within three months) after the recognition of refugee status. - The family will have reasonable accommodation? Yes, in general, but no, if the application for family reunification is submitted within six months (as of 1 July 2016, within three months) after the recognition of refugee status. - The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; â!)? The latter may be the case if the application is done in the (EU-) country itself, so when the parents are already residing in the territory (for example the minor arrived in 2015, while the parents arrived in 2016). Yes, in general, but no, if the application for family reunification is submitted within six months (as of 1 July 2016, within three months) after the recognition of refugee status.

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Italy	Yes	<p>1. - The parents have a health insurance? Yes/ No No. Under existing rules on family reunification, income, health insurance and accommodation requirements that are provided for third-country nationals (TCNs) do not apply to TCNs who have refugee status or who are beneficiaries of subsidiary protection. As a result, in the case of unaccompanied minors UAMs who are refugees or beneficiaries of subsidiary protection, it is possible to apply for reunification with their parents irrespective of whether these requirements are met. In fact, a minor who has refugee status or who is a beneficiary of subsidiary protection is entitled to benefit from all reception, health care and economic assistance measures provided for in the Italian asylum system.</p> <p>- The family will have reasonable accommodation? Yes/ No No. See answer 1. - The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; â!)? No. See answer 1.</p>
Latvia	Yes	<p>1. The parents have a health insurance? No When receiving temporary residence permit in the Republic of Latvia subsidiary protection acquired person's family members has to present a document which attests that he or she has a valid health insurance policy. The family will have reasonable accommodation? Yes The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; â!)? The latter may be the case if the application is done in the (EU-) country itself, so when the parents are already residing in the territory (for example the minor arrived in 2015, while the parents arrived in 2016). Yes Best interests of the child are always considered. If an unaccompanied minor, who has been granted a refugee or subsidiary protection status (UAM), wishes to reunite with his or her mother and father and an opinion of the Orphan's Court has been received that it is in the interests of the child to reunite with his or her mother and father in the Republic of Latvia, only than his or her lawful representative shall draw up an invitation to UAM's mother or/and father. Information about planned accommodation and sufficient resources is also asked, and taken into account and assessed, but it is not obligatory. It cannot serve as the only reason to refuse the family reunification.</p>
Lithuania	Yes	<p>1. - A residence permit in Lithuania may be issued or renewed to an alien if s/he is in possession of a valid document evidencing health insurance coverage when, in the cases established by laws of Lithuania, s/he is not covered by compulsory health insurance or s/he holds a verified letter of commitment of a citizen of Lithuania or an alien residing in Lithuania to cover the costs of the health care services provided to him/her during the period of his/her residence in Lithuania. The said condition shall not apply to the family members of an alien who has been granted asylum in Lithuania, who have, within three months after the granting of asylum in Lithuania, applied for the issue of a residence permit by virtue of family reunification, as well as to an alien who, according to the Law of the Republic of Lithuania on Citizenship, has the right to restore the citizenship of the Republic of Lithuania or is of Lithuanian descent. - A residence permit in Lithuania may be issued or renewed to an alien if s/he possesses by the right of ownership the suitable residential premises in Lithuania in which he intends to declare his place of residence, provided that the residential area per each adult person who has declared the place of residence at it would not be less than seven square metres, or uses the said residential premises under a lease or loan for use contract, provided that the duration of the relevant contract is not shorter than the period of validity of the temporary residence permit and has been registered in accordance with the established procedure, or presents a letter of commitment of a natural or legal person, verified in accordance with the procedure laid down in legal acts, to provide him with suitable residential premises at which he will declare his place of residence and which will meet the requirements for residential area per person for the period of validity of the temporary residence permit. The said condition shall not apply to the family members of an alien who has been granted asylum in Lithuania, who have, within three months after the granting of asylum in Lithuania, applied for the issue of a residence permit by virtue of family reunification, as well as to an alien who, according to the Law of the Republic of Lithuania on Citizenship, has the right to restore the citizenship of the Republic of Lithuania or is of Lithuanian descent. - A residence permit in Lithuania may be issued or renewed to an alien (third country national) if the alien has sufficient means of subsistence and/or receives regular income which is sufficient for his stay in Lithuania or the person whom s/he joins by virtue of family reunification ensures that his/her family member fulfils this condition in accordance with the procedure laid down by legal acts. The said condition shall not apply to the family members of an alien who has been granted asylum in Lithuania, who have, within three months after the granting of asylum in Lithuania, applied for the issue of a residence permit by virtue of family reunification, as well as to an alien who, according to the Law of the Republic of Lithuania on Citizenship, has the right to restore the citizenship of the Republic of Lithuania or is of Lithuanian descent.</p>

Luxembourg	Yes	1. 1a. No. 1b. No. 1c. No.
Netherlands	Yes	1. No (for all questions)
Poland	No	
Portugal	Yes	1. -No -No -No Asylum and International Protection Act is the legislation applicable in these situations, so these items cannot be required (only under the Migration Act that establishes the conditions and procedures on the entry, stay, exit and removal of third country citizens from Portuguese territory, which is not the case).
Slovak Republic	Yes	1. When applying for the family reunification with a third-country national granted international protection status within three months after the international protection status was granted, the family can apply for the temporary residence permit for the purpose of family reunification only by submitting the valid passport and the document proving their family ties or other proof of their family ties. In such case, there is no requirement of a health insurance, proof of accommodation and sufficient resources. When applying for the family reunification three months after the international protection status was granted, the family has to apply for a residence permit for the purpose of family reunification and in such case, they are obliged to present all the documents including a health insurance, proof of accommodation and financial resources. In case the family applying for the family reunification is present in the territory of the Slovak Republic, they can also apply for asylum for the purpose of family reunification and there is no requirement of a health insurance, proof of accommodation and sufficient resources. - The parents have a health insurance?/ YES - According to the Slovak legislation, third-country nationals applying for a residence permit for the purpose of family reunification are obliged to deliver to the respective Alien Police department a document proving their health insurance within 30 days after issuance of the residence permit (if they are applying for family reunification three months after the international protection status was granted). - The family will have reasonable accommodation?/ YES - The third-country nationals applying for the residence permit for the purpose of family reunification are obliged to prove their shared accommodation with the third-country national they are applying for the family reunification with. - The parents (will) have sufficient resources, at the moment of the application or in the near future (regular income; an employment contract or a job offer; â)?/ - YES - The latter may be the case if the application is done in the (EU-) country itself, so when the parents are already residing in the territory (for example the minor arrived in 2015, while the parents arrived in 2016)./ - In Slovakia, when applying for the temporary residence permit for the purpose of family reunification three months after international protection status was granted, the distinction is not made based on whether the parents are already residing in a Member State or are still in the third country. They are obliged to comply with the conditions set by the law i.e. prove their health insurance, accommodation, sufficient resources as well as other. - In case of applying for asylum for the purpose of family reunification, the family has to be present in the territory of the Slovak Republic and they are not required to submit the documents stated above.
Slovenia	Yes	According to the Alien Act in case that beneficiary of international protection (unaccompanied minors) applied for family reunification for their parents in period up to 90 days after their status was recognized by the responsible authorities only documents in which family ties are recognized are sufficient in order to issued residence permit. In case that beneficiary of international protection applied after 90 days his/her parents needs to fulfils regular conditions for granting residence permit such as health insurance, reasonable accommodation and sufficient resources at the moment of application.
Sweden	Yes	1. The answer to all the three questions are NO! There are no such requirements when it comes to family reunification for UAM in Sweden.

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United Kingdom	No	<p>1. N/A for all. The following persons cannot sponsor a family member under the family reunion Rules: a minor (under 18 years of age) with leave in any category, including refugee status if a minor holds refugee status, they cannot sponsor relatives under the Rules (even parents). The Immigration Rules define a sponsor for these purposes as a person who is lawfully resident in the UK, has not yet obtained British citizenship, and falls into one (or more) of the following categories: currently has refugee status currently has humanitarian protection status was admitted under the Gateway Protection Programme was admitted under the Mandate Refugee Programme was admitted under the Syrian Vulnerable Person Resettlement (VPR) scheme Sponsors who have indefinite leave to remain and refugee status or humanitarian protection, but have not yet obtained British citizenship, are eligible to sponsor family reunion applications. Eligible sponsors of family reunion applications do not have to satisfy the minimum income threshold and accommodation requirements. Applicants are also exempt from the Knowledge and language and life in the UK requirement.</p>
Norway	Yes	<p>1. *NO *NO *NO</p> <p>Parents and siblings are entitled to family reunifications with unaccompanied minors granted protection in Norway(refugee status and subsidiary protection). The EM with protection has to be under the age of 18 and the family members have to live together after arrival: It is a condition that the EM and the parents/siblings are going to live together. If the EM has acquired Norwegian citizenship or a permanent residence permit the conditions for family reunification are no longer satisfied (EM is then ineligible for family reunification). There are no requirements for reasonable accommodation, sufficient resources or health insurance. If the applicant is a single parent, the parent who had parental responsibility and with whom the child lived permanently in the country of origin shall have first priority when the case is handled and all considerations are taken into account.</p>

