



European
Commission



Key findings of the 2016 EMN Focused Study on *Family Reunification of Third-Country Nationals in the EU plus Norway*

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Presentation overview

- Rationale, objectives and scope of the EMN study
- Scale of family reunification in EU28 plus Norway
- Key findings of the Study
 - Definition of sponsor and family members
 - Requirements for exercising the right to family reunification
 - Submission and examination of the application for family reunification
 - Access to rights following family reunification
- Overall conclusions

Objectives and scope of the Study

Objectives of the Study

The study aims to examine (Member) States' policies and 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;
- Policies regarding non-renewal or withdrawal of the residence permits of family members.

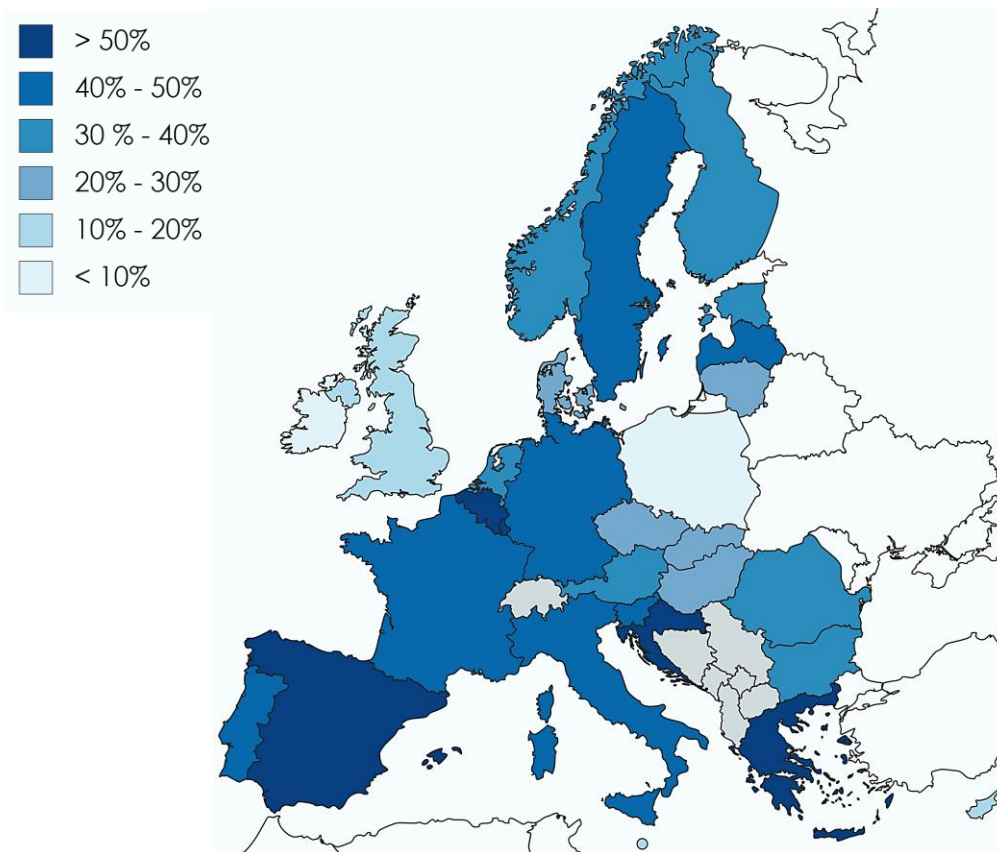
Scope of the Study

- Family members 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 Study follows the provisions contained within the Family Reunification Directive (2003/86/EC) which predominantly regulates family reunification in the EU

Outside the scope of the Study

- EU nationals (mobile or non-mobile)
- Family reunification under the Dublin III Regulation

First residence permits issued for family reasons in the EU plus Norway

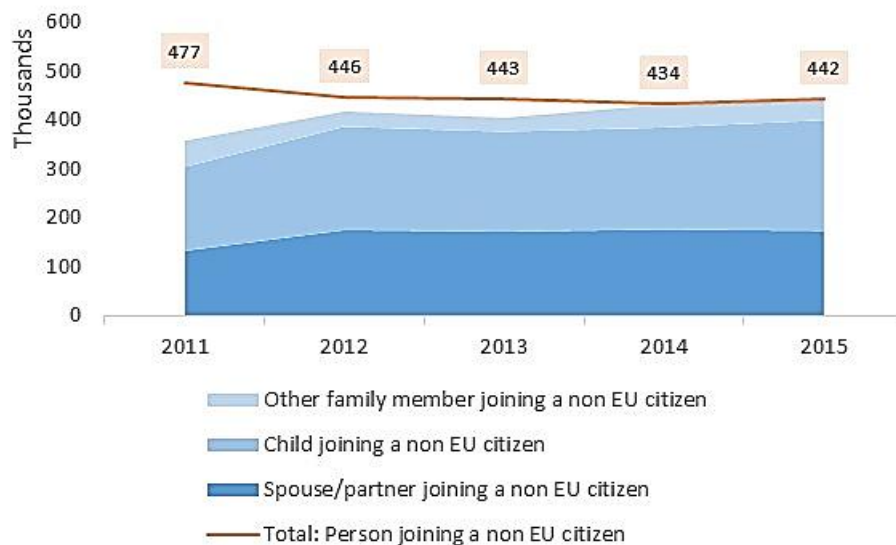


EU average is 30% (2011-2015)

Top eight MS issuing the most first permits for family reasons in EU plus Norway (2015): **Germany, Italy, Spain, France, UK, Sweden, Belgium and the Netherlands**

Source: Eurostat (2011-2015)

Scale of family reunification in the EU plus Norway (cont.)



More than **400,000 first permits for family reasons** have been issued in the EU plus Norway to persons joining TCNs annually since 2011.

Nearly half of these first permits have been issued to **children** joining TCNs, followed by spouses or partners.

Recent developments in family reunification rules in the EU plus Norway

- Stricter rules on some aspects of family reunification (AT, BE, DE, FI, IE, NL, SE), for example:
 - Belgium has introduced an income requirement and a charge for the application; stepped up the fight against marriages of convenience and other abuses; and lengthening the processing time for family reunification requests from 6 to 9 months
 - Germany and Sweden have introduced temporary orders in 2016 limiting the right to family reunification for beneficiaries of subsidiary protection
- Other (Member) States appear to have eased the conditions for exercising the right to family reunification (EE) and/ or introduced measures supporting family reunification overall (BG, ES, LU, NL)
- Introduction/ Revision of specific family reunification rules for refugees and/ or beneficiaries of subsidiary protection (CY, DE, EL, FI, HU, IE, NO, SE, SI, SK) (e.g. possibility for the latter to apply for family reunification, 3-month grace period, etc.)

Key findings: Definition of sponsor

- Most MS require valid continuous or permanent residence permit, e.g. for work or study purposes, beneficiaries of international protection (including UAMs)
- Most MS extend the right to FR to beneficiaries of subsidiary protection (who are not within the scope of the Family Reunification Directive):
 - AT, BE, BG, DE (temporary suspension until 2018), EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, NL, NO, SE (temporary suspension until 2019), SK, UK)
 - FR of beneficiaries of subsidiary protection possible under a parallel scheme (to the Family Reunification Directive) in CZ but not allowed in CY, nor MT
- UAMs in all MS (if they are granted refugee or beneficiary of subsidiary protection status), except for the UK

Key findings: Definition of family members

- (Member) States usually extend the scope of family reunification beyond the nuclear/ core members of the family
 - Parents are excluded in some MS (BE, HU, NL, UK)
 - Adult children
 - Family reunification is allowed in cases where they are dependent on the sponsor due to health or disability (BE, BG, EE, ES, HU, IT, LU, SE, SI, SK); not over a certain age (CZ, IE); or exceptional circumstances (DE, UK)
 - Same-sex partners
 - Family reunification is possible in most MS (AT, BE, CY, CZ, DE, ES, FI, FR,* HU, IE,* LU, NL, NO, SE, SI, UK)
 - Other non-married partners usually not included in scope of FR
 - Family reunification possible if they have a registered partnership equivalent to a marriage (BE, ES, IT, LT, LU) or living together in a marriage-like relationship (FI, IE, NO, HR)
 - Other dependent persons usually not included in scope of FR

Key findings: Material requirements for exercising the right to family reunification

- Adequate accommodation (AT, BE, BG, CY, CZ, DE,* EE,* EL, ES, FR, HU, IT, LT, LU, LV, PL, SE,* SK,* UK*)
- Health insurance (AT, BE, BG, CY, CZ, DE, EE,* EL, ES, HR, HU, LT, LU,* LV,* PL, SI*)
- Minimum income (AT, BE, BG, CY, CZ, DE, EE,* EL, FI, FR, HR, HU, IE, LT, LU, LV, NL, NO, PL, SE, SI, SK, UK)
 - Reference income threshold major challenge
 - CJEU judgment in *Chakroun*
 - Higher threshold in certain MS (BE, MT, PL, SK)

Key findings: Integration requirements for exercising the right to family reunification

- Most MS do not require TCNs to fulfil any specific pre-departure integration measures; under investigation/ subject to proposals (FI, IE, LU, NO)
 - Basic language proficiency (AT, DE, NL); costs borne by family members
 - CJEU judgment in K and A case
- Post-departure integration measures in some MS
 - Further language proficiency; costs borne by family members
 - Can be a ground for withdrawal or (non)-renewal of a residence permit

Key findings: Requirements for exercising the right to family reunification for refugees and beneficiaries of subsidiary protection

- Usually more favourable rules
 - Material requirements do not have to be fulfilled or may be subject to a grace period of minimum 3 months (AT, BE, CZ, DE, EE, FI,* HU,* IT, LT, LU, NL, NO, PL, SE, SK)
 - Applicable to pre-existing family ties in more than half of the MS (AT, BE, CY, CZ, DE, EE, EL, FI, FR,* HU, IE, IT, NL, NO, SI, SE,* SK, UK)
- Beneficiaries of subsidiary protection
 - Mostly similar rules as for refugees (AT, BE, BG, DE,* EE, ES, FR, HU,* HR, IE, IT, LT, LU, LV, NL, NO, PL, SE,* UK*)
 - Family reunification not possible in few MS (CY, MT)
- UAMs
 - Wider definition of family members, including the legal guardian or another adult responsible for the minor

Key findings: Access to rights following family reunification

- Education, vocational guidance and training
 - No targeted measures following family reunification but part of wider integration measures available to citizens or legally residing TCNs (e.g. specific measures for foreign children, language courses)
- Access to labour market
 - Generally unrestricted access to the labour market (CZ, DE, EL, EE, ES,* FI, FR, IT, LT, PL, SE, SI) with certain exceptions in some MS
- Autonomous right of residence
 - (Change of status)
 - Autonomous right of residence following death, divorce, separation, abuse or domestic violence (AT, BE, BG, DE, EE, ES,* FI, FR, HR, IE, LU, NL, PL)
 - Autonomous right of residence for children (CY,* DE, LU, NL)
- Access to social allowances
 - Generally yes, but depends on the type of social benefits (for e.g. family allowances)
 - Access to public funds may affect the right to stay

Overall conclusions of the Study

- Family reunification remains **one of the most important channels of legal migration**, accounting for **nearly one third** of all arrivals of TCNs in the EU at present
- Common framework (mainly provided by the Family Reunification Directive and its 'shall' clauses) vs. (Member) States' discretion (due to the Directive's 'may' clauses), resulting in **both commonalities and differences** between (Member) States' policies and practices on FR
- **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)
- **Beneficiaries of subsidiary protection** overall appear to benefit from a similar level of legally-ensured protection as refugees (exceptions apply); and together with refugees, these groups have, on the whole, continued to benefit from **more favourable family reunification rules**

Overall conclusions of the Study (cont.)

- Important aspects of protecting the right to family reunification, but also safeguarding certain groups of migrants are **not 'universally'** available in the EU
 - UAMs cannot be sponsors of FR, nor benefit from a wider definition of the family in all (Member) States
 - Beneficiaries of subsidiary protection are not covered by the scope of FR in some instances
 - Benefits for families following reunification do not appear to be commonly available
- Finally, the Study also:
 - Identifies interesting **new practices and measures** developed in recent years to promote the right to FR (e.g. FI, FR, NL, NO)
 - Discusses relevant **national and international case law** throughout
 - Gathers statistics on FR from both EU and MS-level sources, but **lack of comprehensive and comparable data on the nature of family reunification** showing key characteristics of the sponsor and his/ her family members

Further information

- Synthesis Report for the EMN study: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_synthesis_report_final_en_print_ready_0.pdf
- National Reports for the EMN study: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en (as well as Annex 6 of the Synthesis Report)
- Study specifications: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_study_specifications_family_reunification_2016.pdf
- EMN Inform for the Study: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_inform_family_reunification_en.pdf



Thank you

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