



AD HOC QUERY ON 2019.34 SK AHQ on Family Reunification of Beneficiaries of International Protection

Requested by EMN NCP Slovak Republic on 11 March 2019

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Sweden, United Kingdom (22 in Total)

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1. Background information

2. Questions

1. Have you encountered in your practice any case of a person demanding family reunification even though his/her status does not legally allow family reunification (and at the same time the ID /travel documents of his/country of origin are not consider trustworthy in your Member State), but the family reunification would be, for example, in the interest of the child?

Available choices: Yes, No

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2. If yes, how did you proceed?

3. How do you proceed in a case when the person concerned is dwelling in a different third country than his/her country of origin?

We would very much appreciate your responses by **15 April 2019**.

3. Responses

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| | | Wider Dissemination ² | |
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|  | EMN NCP Austria | Yes | <p>1. Yes</p> <p>In order to consider an application for family reunification, the Federal Office for Immigration and Asylum has to verify the person's identity and family membership. When applying for family reunification in accordance with the Asylum Act 2005, at least a travel document and a photograph must be provided to verify the identity and family membership. In practice, birth certificates and, if applicable, marriage certificates as well as country-specific certificates are required, in addition to travel documents and photos. Especially birth certificates, adoption certificates, and family photographs or videos may be provided to verify the family membership of children. Alternatively, the possibility of a DNA analysis is provided.---Source: Ministry of the Interior</p> |

¹ 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.

² 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>2. See answer to question 1. --- Source: Ministry of the Interior</p> <p>3. The application for entry may be filed at any embassy, so the person does not need to be in his/her country of origin. (--- Mol)</p> |
|  | <p>EMN NCP Belgium</p> | <p>Yes</p> | <p>1. Yes</p> <p>2. See answer below</p> <ul style="list-style-type: none"> • The documentary evidence required from the applicant to confirm the identity is a valid passport. If a person is unable to obtain a passport (for instance when he/she is not in his/her country of origin or when he/she cannot go to his his/ her embassy in the country of residence), the Belgian authorities may exceptionally and in certain cases, issue a "laissez-passer". A "laissez- passer" is a temporary travel document which allows your family member to travel to Belgium. The person still needs to prove his/her identity by other means. Purely material aspects (the cost of the document, distance to be travelled in order to obtain it etc.) are not considered to be factors rendering it impossible to obtain a passport. Family members who are recognized as refugees by UNHCR can obtain a "blue passport", which can also be used as a travel document. In case there is no authentic birth certificate of a child, the Immigration Service may ask for a DNA test. Family members who do not have a right to family reunification but are however dependent on a person legally residing in Belgium – like adult children, grandchildren, de facto partners, etc – can apply for a visa on humanitarian grounds on the basis of article 9 of the Immigration Act. The result is however uncertain and there are no time limits for the processing time of applications. The legal basis confers to the Minister or Secretary of State competent for asylum and immigration (and the Immigration Office) a discretionary power to grand a long-term visa on an individual basis. The Immigration Act does not provide any criteria. The Immigration Office has a discretionary competence and needs to decide based on a case-by-case analysis whether the specific circumstances of the case justify an authorisation to come to or to reside in Belgium. It has to take into consideration individual and specific circumstances of each case. When family life is at stake, an individualised analysis has to be done under Article 8 ECHR. In practice, one can observe that positive discretionary visa decisions are |

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| | | | <p>sometimes issued when a very close relationship with Belgium exists; when there is clear emotional and financial dependency; and when the sponsor is able to demonstrate his/her financial ability to take charge of the family members.</p> <p>3. See answer below As a general rule, family members who wish to join you in Belgium should submit their application at the Belgian embassy or consulate in their country of residence. If they are already in Belgium, they may only exceptionally submit their application at the municipal authorities of their place of residence. If there is no Belgian embassy or consulate in the country where they reside, they must contact the competent Belgian diplomatic post for the country in question (www.diplomatie.belgium.be). Family members of a person who is a recognized refugee or has subsidiary protection status in Belgium can submit their visa application at any diplomatic post that is authorized to issue visas. This applies to every nationality, and for any standard family reunification application, as well as for a humanitarian visa application. In certain cases, the visa application will be handled by an external service provider. The application will then be transferred to the Immigration Office in Belgium. More information: https://www.myria.be/en/fundamental-rights/family-reunification/ and https://dofi.ibz.be/sites/dvzoe/EN/Pages/home.aspx</p> |
|  | <p>EMN NCP Bulgaria</p> | <p>Yes</p> | <p>1. No Such case has not been encountered. Both recognised refugees and subsidiary protection holders are entitled to ask to be reunited with their families. Family reunification can be refused on the basis of an exclusion clause or with respect to a spouse in cases of polygamy when the status holder already has a spouse in our country.</p> <p>2. N/A</p> <p>3. In Comment. After receiving the permission for family reunification, this information is sent to the embassy in the country where the family is. The diplomatic or consular missions shall issue visas to family members</p> |

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| | | | after the permission has been granted. Where the location of the family members is unknown, the State Agency for Refugees, in cooperation with the United Nations High Commissioner for Refugees, the Bulgarian Red Cross and other organizations, shall undertake search actions to locate them. The search actions shall be conducted under the conditions of confidentiality, where the circumstances so require. |
|  | EMN NCP Croatia | Yes | <ol style="list-style-type: none"> 1. No 2. N/A 3. N/A |
|  | EMN NCP Cyprus | Yes | <ol style="list-style-type: none"> 1. Yes 2019.34_sk_ahq.docx 2. See file attached to Q1 3. See file attached to Q1 |
|  | EMN NCP Czech Republic | Yes | <ol style="list-style-type: none"> 1. No 2. N/A 3. Please see the attached comment 3. How do you proceed in a case when the person concerned is dwelling in a different third country than his/her country of origin?In case of the family reunification according to Foreigner Act the |

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| | | | <p>application shall be lodged at the relevant Czech Embassy abroad. In general the application may be lodged at any Embassy of the Czech Republic. In some cases the application shall be lodged at the Czech Embassy according to the territorial scope in the individual case.</p> |
|  | EMN NCP Estonia | Yes | <p>1. No</p> <p>2. N/A</p> <p>3. Please see the clarification. The family member has to apply for a long-stay visa in the Estonian foreign representation. The family member may apply for a visa in a different third country then his/her country of origin provided that the family had already existed in the country of origin.</p> |
|  | EMN NCP Finland | Yes | <p>1. No</p> <p>2. This response should be marked as other. Please see attachment. fi_response_sk_ahq_family_reunification_of_beneficiaries_of_international_protection.docx</p> <p> fi_response_sk_ahq_f amily_reunification_ot</p> <p>3. This should not have an impact on the case.</p> |

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|  | EMN NCP France | Yes | <p>1. No</p> <p>In France, there is not a legal status dedicated to humanitarian protection as such. There are two types of international protection: refugee status and subsidiary protection, in accordance with the related Directive. They can be granted to both applicants who arrived in France by their own means and applicants who benefitted from resettlement, humanitarian admissions or long term visas granted for the purpose of applying for asylum. In addition, France also grants stateless person status. Refugees, beneficiaries of subsidiary protection and stateless persons are eligible for the procedure of family reunification of refugees under the same conditions. Documentary evidence: The family reunification of refugees application is refused if the family relationship cannot be established. In the absence of civil status documents or when the civil status in the country of origin is not reliable, the family relationship may be established by possession of status within the meaning of article 311-1 of the French Civil Code. The possession of status involves taking into consideration the reality of the family relationship. It is established by a sufficient grouping of facts that prove the family relationship between a person and the family to which he/she says to belong to. An affidavit, issued by the judge, may be requested to prove the possession of status. Thus, different documents produced by the visa applicant and the beneficiary of international protection may be used to prove the family relationship. The constancy of the declarations made to the French Office for the Protection of Refugees and Stateless persons (OFPRA) by the beneficiary of international protection is also taken into account. In the event of marriage, the marriage certificate established by the OFPRA is authentic, unless it is proven to have been obtained falsely or fraudulently. The OFPRA then refers the matter to the Public Prosecutor of the Paris Regional Court to amend the civil status documents. To carry out these investigations, the application processing is conducted jointly by the diplomatic and consular post and by the Office for Refugee Families. The latter contacts the OFPRA to obtain the refugee's birth certificate and marriage certificate, if applicable, and checks the family composition that the person has declared to the OFPRA. It also asks the beneficiary of international protection to provide elements to prove the possession of status in addition to those provided by the family abroad. In the absence of reliable documents, most diplomatic or consular posts request certificates from the local administrations in order to verify the status. However, the responses and the reliability of the local civil status from the local authorities differ depending on the countries. Best interest of the child: The best interest of the child is regularly taken into account in decisions on family reunification, as long as they do not disproportionately prejudice the right to respect for private and family life.</p> |
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| | | | <p>2. N/A</p> <p>3. See comment. The application for family reunification of refugees is submitted as part of the long-stay visa application by the family member(s) of the refugee, the beneficiary of subsidiary protection or the stateless person to the French diplomatic or consular authorities in the area in which he/she resides.</p> |
|  | EMN NCP Germany | Yes | <p>1. Yes Spouses and children of foreigners who have been issued with a residence title on humanitarian grounds can similarly also only be permitted to join the foreigners concerned on humanitarian grounds (Residence Act, Section 29 (3)). Family reunification may be permitted for family members who are fundamentally not entitled to family reunification and for children where this is necessary in order to avoid particular hardship (Residence Act, Sections 32 (4), 36 (2)). The granting of family reunification for beneficiaries of subsidiary protection is limited to 1000 persons per month; this restriction does not extend to the issuance of residence titles under international law or on humanitarian or political grounds or to the resettlement of family members (Residence Act, Section 36a).</p> <p>2. see attachment In accordance with their duty to cooperate, the individuals concerned are obliged to furnish all forms of proof which may support their case. Where the documents which normally serve to confirm identity and origins (passports, ID cards, birth certificate, excerpts from registers of births, deaths and marriages or civil registers) are not trustworthy on account of the country of origin's record-keeping practices or where the foreigner concerned cannot reasonably be expected to obtain such documents (e.g. in case of residence in a third country), other certificates which are customarily issued by government authorities or religious institutions in the country concerned or witnesses' testimonies may serve as proof, as may registrations by international organisations (e.g. UNHCR). The German authority is required to verify the plausibility of the visa applicant's claimed identity and family relationship by reference to all the available substantiating documentation. The personal interview</p> |

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| | | | <p>with the applicant in the course of the visa process is consequently of particular importance; simultaneous interviewing of the visa applicant by the relevant diplomatic mission and of the family member in Germany by the foreigners authority may also take place in this connection. Where doubt persists as to the claimed family relationship following such interviews, applicants are informed of the option of having genetic testing carried out at their own expense by a specialist laboratory in Germany in order to prove parentage.</p> <p>3. As explained in the answer to question 2.</p> |
|  | <p>EMN NCP Hungary</p> | <p>Yes</p> | <p>1. Yes 2019.34_sk_ahq_on_family_reunification_of_beneficiaries_of_international_protection.docx</p> <p> 2019.34_sk_ahq_on_f amily_reunification_ot</p> <p>2. N/A</p> <p>3. See attachment Considering that pursuant to Article 29 (2) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 June 2009 establishing a Community Code on Visas ("the Visa Code"), if the Member State issuing the visa does not recognize the applicant's travel document, a separate sheet shall be used to affix the visa – in other words, the visa sticker cannot be placed in the passport. As regards the format of the separate sheet, the Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognized by the Member State sets the guidelines to be followed.</p> |

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|  | <p>EMN NCP Italy</p> | <p>Yes</p> | <p>1. No Clarification on question 1 20190402_clarifications_2019.34.docx</p>  <p>20190402_clarificatio ns_2019.34.docx</p> <p>2. N/A</p> <p>3. The procedure provided by art. 29comma 7, law 286/1998 establishes that the visa to the family member (in which regard the Prefe</p> |
|  | <p>EMN NCP Latvia</p> | <p>Yes</p> | <p>1. No</p> <p>2. N/A</p> <p>3. Please find answer down below in clarification section. In accordance with the Asylum Law a refugee or a person having acquired subsidiary protection status has the right to reunite with family members who are in foreign countries. The person having acquired subsidiary protection status has such right, if he or she has resided in the Republic of Latvia for at least two years after acquisition of such status. An unaccompanied minor who has been granted international protection and who is not married has the right to receive the mother and father who have arrived from a foreign country. A family member of the refugee shall be issued a permanent residence permit. A temporary residence permit shall be issued to the family member of a person having acquired subsidiary status for the same time period as the temporary residence permit has been issued to the person having acquired subsidiary protection status. A family member according to the definition included in the Asylum Law is family member is the spouse of an asylum seeker, refugee or a person who has been granted subsidiary protection status or temporary protection, and also the</p> |

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| | | | <p>minor child of an asylum seeker, refugee or a person who has been granted subsidiary protection status or temporary protection and the spouse of such person, who is not married and is dependent on both or one of the spouses or is adopted, and also the father, mother or other adult who in accordance with the laws and regulations of the Republic of Latvia is responsible for the beneficiary of international protection, if the above-mentioned beneficiary of international protection is a minor and not married, provided that such family has already existed in the country of origin. According to the Immigration Law a foreigner shall submit documents for requesting a residence permit to a representation, which is not located in a Schengen Agreement Member State. If the foreigner has a valid residence permit in any of the Schengen Agreement Member States, he or she has the right to submit documents to a representation, which is located in the Schengen Agreement Member State. The range of those persons who are entitled to submit documents in Latvia, particularly to the Office of Citizenship and Migration Affairs in order to receive a residence permit shall be determined by the Cabinet of Ministers. The Head of the Office of Citizenship and Migration Affairs or his or her authorised official may permit the submission to the Office of Citizenship and Migration Affairs of the documents necessary for requesting a residence permit if it complies with the norms of international law, the State interests of Latvia or is related to reasons of a humanitarian nature. According to the Point 4 of the Regulations of the Cabinet of Ministers No.564 a foreigner is entitled to submit to the Office of Citizenship and Migration Affairs for the request of a residence permit, for example, if he or she resides in the Republic of Latvia with a valid visa (in specific situations defined by this Regulation), resides in the Republic of Latvia with a valid residence permit, is the citizen of a country the citizens of which do not require a visa to enter the Republic of Latvia (full text of the Regulations available on https://likumi.lv/ta/en/en/id/212441-regulations-regarding-residence-permits). Taking into account above mentioned it can be concluded that national legislation does not oblige the person concerned to reside in the country of origin, as in the case of family reunification more important aspect is that the family has already existed in the country of origin.</p> |
|  | <p>EMN NCP Lithuania</p> | <p>Yes</p> | <p>1. Yes Yes, there were a few applications for a family reunification with an alien, whose family members were not entitled to family reunification under the provisions of the Republic of Lithuania Law on the</p> |

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| | | | <p>Legal Status of Aliens. In these cases, parents of a minor child had a temporary residence permits in Lithuania, but they did not meet the conditions for an alien whose family members arrive for the purpose of family reunification because they had not lived in Lithuania for the last 2 years.</p> <p>2. Temporary residence permits were issued. Taking into account the best interest of children and in accordance with the United Nations Convention on the Rights of the Child, children were granted temporary residence permits in Lithuania on the basis of family reunification, in order to ensure that the rights of the child outlined in the United Nations Convention on the Rights of the Child are secured.</p> <p>3. N/A</p> |
|  | EMN NCP Luxembourg | Yes | <p>1. No In Luxembourg, in accordance with article 56 (1) of the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law), the Minister in charge of Asylum guarantees the family unit of a beneficiary of international protection. The Minister can allow that family reunification can be extended to other closed family members who lived in the family household of the beneficiary at the moment s/he left the country of origin and who were directly depending of the beneficiary (article 56 (2)).In the case of unaccompanied minors who are beneficiaries of international protection, the Minister in charge of Asylum will try to locate the family members protecting at all times the best interest of the child (article 63 (5)).In regard to the trustworthy or the documents submitted, according to article 73 (1) of the law of 29 August 2008 on free movement of persons and immigration the request for family reunification is accompanied by a true copy of the travel document of the applicant. Article 73 (3) foresees that the beneficiary of international protection may prove family bonds by every type of document if he/she can't provide official documents. In this case the Directorate of Immigration may accept, in principle, all types of documents that can serve to establish the identity and/or nationality of the family member, and/ or that can prove the veracity of the applicant's statements. I.e. official travel documents such as passport and identity cards, birth certificates, marriage licenses, birth and divorce certificates, driver's</p> |

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| | | | <p>license, military record, municipal identification, qualification certificates, journal extracts (articles or photos claiming the identity of the applicant and the relationship with the family member ...).In principle, official identity documents and travel documents prevail over other administrative documents, i.e. drivers license. In the case of discrepancies between several identity documents, the validity is always examined on a case by case basis. For example, a more recent document cannot always be considered more reliable than an older document because it is quite possible that in certain circumstances in the past, the applicant has sought to hide his identity or nationality through a new identity document in order to leave the country of origin e.g. However, it is to mention that divergent documents tend to raise doubts on the statements of the application and thus need to be explained. The applicant for family reunification is free to submit himself voluntarily to a DNA test in order to prove the family link and this was considered as a legal solution by the First instance Administrative Court, second chamber, n° 23176 of 27 February 2008, especially that the court considered that the burden of proof is on the applicant when there is no documentary evidence of the family link. The Immigration Directorate accepts this kind of proof but as it isn't foreseen in the Law, the Directorate can't require it. Interviews are foreseen and possible according to article 73 (2) of the Law.</p> <p>2. See comment to answer 1.</p> <p>3. See comment of this question.</p> <p>As it was mentioned in the clarification of the answer to Q.1 article 56 (1) of the Asylum Law requires that the family member link dates previously to the moment that the beneficiary of international protection left the country of origin. So the fact that the family member is in a different country than the country of origin does not have any incidence in the procedure. In any case, the procedure will be as it was mentioned in answer to Q.1.In the case of unaccompanied minors the location of the family members does not have any incidence.</p> |
|  | <p>EMN NCP Malta</p> | <p>Yes</p> | <p>1. No</p> <p>2. N/A</p> |

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| | | | 3. N/A |
|  | EMN NCP Netherlands | Yes | <p>1. No This is not applicable to the Dutch system. In the Netherlands, a special feature of the Dutch asylum seeker procedure is the one-status system, which means that no distinction is made between refugees and beneficiaries of subsidiary protection as regards the residence status. Both groups receive the same type of residence permit: which is the temporary asylum residence permit, with the same conditions and rights. In the Netherlands, the Family Reunification Directive is applied for both refugees and beneficiaries of subsidiary protection, family members of both categories will be, after arrival in the Netherlands, granted an asylum residence.</p> <p>2. See comment Official documents are required from the applicant and are used in the discussion of the determination process. The documents are submitted to the Documents Office for verification. In addition, a person can always be questioned during his/her hearing to clarify where and in which way a particular document is obtained. If the person has no official document, there are other ways to determine the person's identity and family bonds, for example unofficial documents. The Immigration and Naturalization Service (IND) can also adopt evidence need and DNA testing and/or offering an identifying hearing.</p> <p>3. See comment In all cases, the identity of the person in question and his/her family bonds is demonstrated by an official document issued by the authorities of the country where the event took place. For example, if a child is born in a third country, a birth certificate from this country must be submitted, even if the child has the nationality of another country.</p> |

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|  | <p>EMN NCP Poland</p> | <p>Yes</p> | <p>1. Yes According to Act of 12 December 2013 on foreigners (art. 159 (1) c,d)a foreigner shall be granted a temporary residence permit for the purposes of family reunification if he/she arrives in the territory of the Republic of Poland or stays in this territory for the purposes of family reunification and is a family member of a foreigner residing in the territory of the Republic of Poland in connection with having been granted refugee status or subsidiary protection. In order to submit an application, it is necessary to have, among others the original identity document that is beyond doubt, otherwise the application will be left unrecognized. In the past there have been occasional cases in which, for the grant of a temporary residence permit under art. 159 (1) of the Act on foreigners were applied by foreigners who, according to Polish law, were not qualified as members of a separated family (ie they did not have an appropriate residence permit entitling them to family reunification or, in certain cases, did not meet the requirements related to the length of stay required) other conditions required for the authorization. These cases, however, in principle did not concern persons covered by forms of international or national protection against expulsion. Unless a member of the separated family was able to demonstrate entitlement to family reunification, the temporary residence permit was consistently refused on this basis.</p> <p>2. - The Polish migration authorities recorded cases in respect of which doubts arose as to the existence of legal ties between family members. This applied mainly to spouses and almost adult children of Vietnamese nationals staying at the time of applying on the territory of that country or joining a family member after many years of declared separation. In such cases, a request was made for the legalization of civil status records of these citizens confirming in a way that does not raise doubts about the existence of family ties. In addition, in cases where a minor child joined a parent residing in Poland alone (the other parent remained in the country of origin), Polish law provided for a condition regarding the necessity to prove that the child is dependent on the family member (sponsor) and that he / she exercises real power over him / her parental. The migration authorities therefore investigated whether during the period of separation from the child the sponsor had provided for his maintenance, remained in constant contact with him and participated in important decisions concerning the child.</p> <p>3. -</p> |
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| | | | <p>According to art. 168 (1) and (2) of Act on foreigners, an application for granting a temporary residence permit to a foreigner who is staying outside the Republic of Poland for the purpose of family reunification shall be made by a foreigner residing on the territory of the Republic of Poland to whom a family member arrives. Submission by a foreigner residing on the territory of the Republic of Poland of a request for a temporary residence permit in order to merge with a family on behalf of a family member requires the written consent of that family member or his statutory representative, unless the applicant is his statutory representative. In this case, the identity document of the foreigner must be certified as a true copy of the original in the Polish diplomatic mission in the country in which the foreigner resides. Whether the future beneficiary of the permit resides in a third country other than his country of origin under the Foreigners Act is irrelevant to the proceedings for granting a temporary residence permit for the purpose of family reunification.</p> |
|  | EMN NCP Portugal | Yes | <p>1. No All statutes of residence and international protection deliberate the right to reunification.</p> <p>2. NA</p> <p>3. The procedure does not differ.</p> |
|  | EMN NCP Slovakia | Yes | <p>1. No So far, Slovak Republic has not encountered cases in which we would deal with the family reunification of a person granted asylum for humanitarian reasons (in this case such status was then granted for a permanent solution for vulnerable person in whose case requirements for granting asylum under Geneva Convention have not been met).</p> <p>2. N/A</p> <p>3. Slovak Republic does not have such family reunification experience</p> |

Disclaimer:

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|  | <p>EMN NCP Sweden</p> | <p>Yes</p> | <p>1. Yes</p> <p>2. See the attached answers ad-hoc_family_reunification.docx</p>  <p>ad-hoc_family_reunifi cation_0.docx</p> <p>3. See the attached answers</p> |
|  | <p>EMN NCP United Kingdom</p> | <p>Yes</p> | <p>1. No</p> <p>The UK's family reunion policy allows a partner and children under 18 of those granted protection – either refugee status or humanitarian protection (HP) – in the UK to join them in the UK if they formed part of the family unit before the sponsor fled their country. Further information can be found via the following link: https://www.gov.uk/government/publications/family-reunion-instruction There are provisions in our Immigration Rules to allow extended family who are themselves refugees or have HP to sponsor children to come to the UK where there are serious and compelling circumstances. Refugees and those with HP can also sponsor adult dependent relatives living overseas to join them where, due to age, illness or disability, that person requires long-term personal care that can only be provided by relatives in the UK. This may include adult dependent children under the age of 25. The UK's current policy does not allow children to sponsor their parents because we are concerned that it would create incentives for more children to be encouraged, or even forced, to leave their family and risk hazardous journeys to the UK in order to later sponsor relatives. This plays into the hands of criminal gangs who exploit vulnerable people and goes against our safeguarding responsibilities. It is therefore highly unlikely that we would make an exception allowing family reunification on this basis. Where there are exceptional circumstances, some cases may fall to be considered outside the rules, which would include consideration of best interests of the child. General grounds for refusal apply where documents submitted are not accepted as genuine and lead to concerns about an individual's identity. This may be</p> |

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| | | | <p>evidence that their background, behaviour, character, conduct or associations shows they should not be granted entry clearance or leave to enter or remain in the UK.</p> <p>2. N/A</p> <p>3. See below. Our policy requires that we establish whether the relationship between the two individuals had been formed before the sponsor fled; if this were the case, they would be able to sponsor a family member living in a third country. There is no obligation for an individual to be in their country of origin in order to be eligible for family reunion. Where, for example, a couple has been separated in transit with the result being that one is later granted asylum in the UK and their partner in another EU Member State, an application may be made for a family reunion visa.</p> |
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