



EMN Study 2024

**Family reunification of third-country nationals:
State of play after 20 years of implementation of the
Family Reunification Directive**

Estonian national report

February 2025

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the EMN Focussed Study on Family reunification of third-country nationals: State of play after 20 years of implementation of the Family Reunification Directive. The contributing EMN NCP have provided information that is, to the best of their knowledge, up to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

This document was produced by Marian Juurik the expert of EMN Estonia. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.

Estonian national contact point

Estonian Academy of Security Sciences

Kase 61

12012

Tallinn

emn@sisekaitse.ee

1. BACKGROUND AND RATIONALE FOR THE STUDY

Family reunification is one of the main avenues of legal migration in the European Union (EU) for the past decades. According to Eurostat data,¹ in 2022, almost 900 000 first residence permits were issued for family reasons in the EU, which represented around 25% of the total number of first residence permits issued that year. In 2022, this included more than 500 000 first residence permits to family members of third-country nationals.

Family reunification is essential to ensure family unity and the respect of the right to family life pursuant to the international² and EU legal framework³, as well as the integration of third-country nationals in the country where they reside.

In this context, Council Directive 2003/86/EC⁴ ('the Family Reunification Directive') is a key element of the legal framework applicable to family reunification of third-country nationals in the EU. The Family Reunification Directive recognises the right to family reunification of legally staying third-country nationals and determines the conditions for the exercise of this right, as well as the rights of the family members concerned.⁵ This Directive was adopted on 22 September 2003, as the first EU legislation in the area of legal migration. The year 2023 was an important milestone as it marked the 20th anniversary of this Directive.

In 2017, the European Migration Network (EMN) published a study on 'Family Reunification of Third-Country Nationals in the EU plus Norway'. The study aimed to compare national policies and/or practices on family reunification between 25 EU Member States plus Norway,⁶ and to provide up-to-date information on the latest developments in this area of legal migration to Europe since 2011 and onwards. The study also aimed to provide data on the scale of family reunification.

Since then, the European Commission adopted a second report on the implementation of the Family Reunification Directive⁷ in 2019. This report gave an overview of the implementation of the Directive by EU Member States at the time and highlighted that some challenges remained since the adoption of the Commission Communication on guidance for application of Directive 2003/86/EC on the right to family reunification⁸ in 2014.

The European Commission also adopted the Recommendation on 'Legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other

¹Eurostat, 'First permits issued for family reasons by reason, length of validity and citizenship', https://ec.europa.eu/eurostat/databrowser/view/migr_resfam_custom_9594014/default/table?lang=en, last accessed on 31 January 2024.

² See Article 8 of the European Convention on Human Rights (ECHR)

³ See Article 7 of the Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391)

⁴ Council Directive of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12–18,

[https://eur-](https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF#:~:text=on%20the%20right%20to%20family%20reunification,-THE%20COUNCIL%20OF&text=This%20Directive%20respects%20the%20fundamental,Rights%20of%20the%20European%20Union)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF#:~:text=on%20the%20right%20to%20family%20reunification,-THE%20COUNCIL%20OF&text=This%20Directive%20respects%20the%20fundamental,Rights%20of%20the%20European%20Union](https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF#:~:text=on%20the%20right%20to%20family%20reunification,-THE%20COUNCIL%20OF&text=This%20Directive%20respects%20the%20fundamental,Rights%20of%20the%20European%20Union). Last accessed on 9 October 2024.

⁵ DK and IE are not bound by the Family Reunification Directive.

⁶ AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, SE, SI, SK, UK.

⁷ Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/86/EC on the right to family reunification, COM/2019/162 final, [EUR-Lex - 52019DC0162 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eur-lex-content/uriserv/uri/COM/2019/162), last accessed on 26 July 2024.

⁸ European Commission, 'Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification' COM/2014/0210 final, [EUR-Lex - 52014DC0210 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eur-lex-content/uriserv/uri/COM/2014/0210), last accessed on 26 July 2024.

complementary pathways⁹ in 2020, which reaffirmed the importance of family reunification in the EU and its role as a complementary pathway to protection.

Several developments also took place during the past years at EU, European and national levels, such as: changes in national legislations, several decisions of the European Court of Justice clarifying important questions on the implementation of the Family Reunification Directive and of the European Court of Human Rights on Article 8 of the European Convention on Human Rights ("ECHR"), and the growing digitalisation of legal migration procedures in the EU Member States. The COVID-19 pandemic and other regional crises have also heightened practical challenges in family reunification procedures, but also led to the development of new practices to address such challenges.

In this context, several stakeholders raised the need to have an updated overview of the implementation by EU Member States of the Family Reunification Directive.

An updated overview of the state of play at EU level is therefore needed to understand how family reunification has evolved over the past years and what is the current situation in EMN Member (EU Member States except Denmark) and Observer Countries (Norway, Georgia, Moldova, Ukraine, Montenegro, Armenia, Serbia).

2. STUDY AIMS AND OBJECTIVES

This study mainly aims at providing an update on legal and policy developments in EMN Member Countries in relation to the implementation of the Family Reunification Directive and national legislation on family reunification for countries not applying the Directive since the last EMN study on family reunification of 2017.

Since 2017, several Observer Countries¹⁰ have joined the EMN and the study will provide an opportunity to broaden the geographical scope and draw from the legislation, policies and practices of those countries. It will look at the current state of play and can highlight the changes since the last study.

It will give an overview of the state of play of national legislation, policies and practices implementing the Family Reunification Directive and its case-law in the EU after 20 years of implementation or in the case of those countries not applying the Family Reunification Directive¹¹, it will provide a broader comparative perspective of similar legislation and policies in place on family reunification. Moreover, it will provide an overview of good practices and existing challenges in the area of family reunification in EMN Member and Observer Countries as well as providing an overview of relevant data on family reunification processes.

The aim is to provide information that will support policymakers developing family reunification policies and measures and to facilitate the exchange of good practices between EMN Member and Observer Countries.

The study's main objectives are:

- To map the current national legislation, policies and practices in EMN Member and Observer Countries in the area of family reunification including in the context of complementary pathways programmes;

⁹ European Commission, 'Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways', [L_2020317EN.01001301.xml \(europa.eu\)](#), last accessed on 26 July 2024.

¹⁰ In addition to Norway, the following EMN Observer Countries have joined the EMN since 2017: GE, MD, UA, ME, AM, RS.

¹¹ Ireland is not bound by the Family Reunification Directive. This also applies to EMN Observer Countries, as they are not EU Member States.

- To provide an overview of changes to law and policy since 2017 in the field of family reunification, including those following ECJ judgments;
- To provide examples of challenges encountered in family reunification processes and good practices to address such challenges;
- To provide data on the scale of family reunification at present, as well as over time (2017-2023 and 2024 where available), supplementing available Eurostat data with national statistics where available.

The target audience of the study is national policymakers involved in the family reunification processes. The study is also of interest to other stakeholders working on family reunification, such as practitioners, NGOs, and international organisations as well as the general public.

3. SCOPE OF THE STUDY

The study's material scope includes all third-country nationals residing legally on the territory of the host country, unless specified otherwise, who are applying for family reunification (sponsors). This includes beneficiaries of international protection (BIP), notably refugees and beneficiaries of subsidiary protection, as well as holders of other residence permits or long-stay visas, such as those issued for the purposes of work, study or other purposes covered beyond the Family Reunification Directive (e.g. seasonal work). The scope also covers cases when the sponsor applies for a long-stay visa or residence permit (e.g. for employment purposes or research purposes) and his or her family members are allowed to already apply at the same time for family reunification. The study will cover the sponsors' eligible family members (who are likewise third-country nationals) who wish to come to Europe through family reunification. This includes situations when the family relationship predates the entry of the sponsor into the territory of the host country (family reunification) and situations when the family relationship arises after the entry of the sponsor into the territory (family formation).

The temporal scope of the study is 2017 onwards with some flexibility, if EMN Member and Observer Countries believe there to be a significant change to law, policy and/or practice outside this period.

The geographic scope of the study includes EMN Member and Observer Countries. Although not applying the Family Reunification Directive, EMN Observer Countries and Ireland are invited to contribute to the study outlining the legislation, policies and practices on family reunification at national level which will provide a comparative perspective and enrich the findings of the study.

The study will not cover conditions for family reunification for non-mobile EU nationals,¹² which are governed by national law, nor for mobile EU nationals, which are covered by Directive 2004/38/EC.¹³ The study also does not cover beneficiaries of temporary protection (BoTP) either.

The study will examine legislation, policies and practices in the field of family reunification, and the challenges encountered in this context in EMN Member and Observer Countries, most notably:

¹² Non-mobile nationals are nationals that have not exercised their right to free movement within the EU (e.g. a German national residing in Germany).

¹³ Mobile nationals are nationals that have exercised their right to free movement within the EU (a German national residing in the Netherlands) regulated by Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004, p. 77, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0038>, last accessed on 26 July 2024.

- **Eligibility criteria for the sponsor:** for example, which categories of third-country nationals are eligible for family reunification (e.g. refugee, beneficiary of subsidiary protection, student, researcher, worker or long-term resident), whether the permit the sponsor holds needs to be of a minimum duration, whether the sponsor's prospects of obtaining permanent residence (Article 3 of the Family Reunification Directive) are taken into account and whether the sponsor needs to have been residing for a certain number of years before they can be granted family reunification (waiting period – Article 8 of the Family Reunification Directive);
- **Eligible Family members** that are covered by the family reunification procedure (Article 4 and Article 10 of the Family Reunification Directive);
- **Requirements for the exercise of the right to family reunification** (Article 7(1) and (2) of the Family Reunification Directive and more favourable requirements for refugees provided by Chapter V of the Family Reunification Directive), i.e. accommodation, sickness insurance, stable and regular resources, integration measures: whether EMN Member and Observer Countries implement them and if there are any exemptions.
- **Procedural aspects** of the application for family reunification: for example, how the evidence (e.g. documentary evidence of the family relationship, travel documents, evidence that the sponsor has accommodation, sickness insurance, stable and regular resources, etc.) is checked, which methods of investigation are used, the time limits to issue a decision on a family reunification request, whether applying from inside the territory is allowed, whether the applicant is the sponsor or the family member, applicable fee, cooperation between embassies when there is no consular representation of a country, etc.;
- **The rights granted to family members:** in particular, whether access to employment/ self-employment is in any way restricted (Article 14(2) and (3) of the Family Reunification Directive) and how, after how long and the conditions under which a family member can acquire an autonomous residence permit, including before the time limit foreseen for the granting of such permit in specific cases, (i.e. what constitutes a particular difficult circumstances)(Article 15 of the Family Reunification Directive), etc.;
- **Refusal**, non-renewal and withdrawal of the residence permit and application for family reunification of family members more widely (Article 16 of the Family Reunification Directive);
- How the **best interests of the child** and the need for a case-by-case assessment is horizontally embedded in national legislations, policies, and practices on family reunification (Article 5(5) and 17 of the Family Reunification Directive);
- Examples of **good practices to facilitate the access to the right to family reunification** or of family reunification assistance programmes that improve access to information and simplify the visa application process (Point 12 of Commission Recommendation on 'legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways');

- Examples of challenges and **good practices to prepare**, in the third countries and countries of arrival, the **pre-arrival, arrival and post-arrival of family member** joining the sponsor.

4. EU LEGAL AND POLICY CONTEXT

The Family Reunification Directive recognises the right to family reunification of legally staying third-country nationals and determines the conditions for the exercise of this right, as well as the rights of the family members concerned. Ireland and Denmark are not bound by this Directive. This Directive is also without prejudice to more favourable provisions laid down in the national law and bilateral or multilateral agreements with third countries (Article 3(4)). The family reunification of **refugees** is subject to **more favourable rules** in the Family Reunification Directive.

While **beneficiaries of subsidiary protection** are not within the scope of application of the Directive, thereby falling under national law in this regard, EU Member States may choose under their national law to extend to this group the favourable family reunification conditions they provide for refugees.

According to Directive (EU) 2021/1883,¹⁴ Directive (EU) 2016/801,¹⁵ Directive (EU) 2014/66/EU,¹⁶ family members of **highly skilled workers (holding an EU Blue Card), researchers and intra-corporate transferees** enjoy more favourable conditions for family reunification.

To ensure the full implementation of the existing rules and to guide the application of the Family Reunification Directive, the European Commission adopted a Communication on guidance for application of Directive 2003/86/EC on the right to family reunification¹⁷ in 2014. The Communication, following CJEU case law, emphasised, that “derogations must be interpreted strictly [and] the margin of appreciation [...] must not be used in a manner that would undermine the objective of the Directive, which is to promote family reunification and the effectiveness thereof”.

In 2019, the second implementation report of Family Reunification Directive¹⁸, showed that four years later, core issues remained a challenge for some EU Member States, which should continue to seek effective application of the Family Reunification Directive. It underlined that family reunification remains a major challenge for the EU in the frame of migration policy, and that national legislation and administrative practises will continue to be closely monitored.

¹⁴ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L 382, 28.10.2021, p. 1., <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32021L1883>, last accessed on 9 October 2024.

¹⁵ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast), OJ L 132, 21.5.2016, p. 21. , <https://eur-lex.europa.eu/eli/dir/2016/801/oj>, last accessed on 9 October 2024.

¹⁶ Directive (EU) 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157, 27.5.2014, p. 1. , <https://eur-lex.europa.eu/eli/dir/2014/66/oj>, last accessed on 9 October 2024.

¹⁷ European Commission, ‘Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification’ COM/2014/0210 final, [EUR-Lex - 52014DC0210 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2014/0210/oj), last accessed on 26 July 2024.

¹⁸ Report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/86/EC on the right to family reunification, COM/2019/162 final, [EUR-Lex - 52019DC0162 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2019/162/oj), last accessed on 26 July 2024.

The 2020 Commission Recommendation on 'legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways'¹⁹ called upon EU Member States to facilitate access to the right to family reunification by putting in place family reunification assistance programmes that improve access to information and simplify the application process. In addition, EU Member States were also invited to provide pathways for admitting family members of beneficiaries of international protection through humanitarian admission programmes such as family-based sponsorship schemes (point 12).

The rules applicable to family reunification in EMN Member and Observer Countries not applying the Family Reunification Directive are defined in national legislation.

5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

This study aims to address the following primary research questions:

- What is the current national situation regarding family reunification for third-country nationals, including any recent trends and developments in law, policy, and practice across EMN Member and Observer Countries since 2017? (Section 2).
- How is the international and EU legislative framework, including relevant case law, implemented in national legislation on family reunification (Section 2)?
- What are the procedures and rules according to which family reunification is granted in EMN Member and Observer Countries in 2024? (Sections 3, 4 and 5)
- What are the rights of family members benefitting from family reunification? (Section 6)
- What are the practices and challenges in legal, administrative and/or practical terms in the area of family reunification in EMN Member and Observer Countries, and what good practices have been put in place? (Section 4-6)

6. RELEVANT SOURCES AND LITERATURE

EMN INFORM AND STUDIES

The following 2024 inform examines and compares the legislation and national practice in EMN Member and Observer Countries on a number of specific aspects related to family reunification for BIPs:

- EMN (2024) Inform on family reunification of beneficiaries of international protection

The following 2017 study compares national practices on family reunification between the different EU Member States plus Norway and informs on current developments and national policies in this field.

- EMN (2017) study on "Family reunification of third-country nationals in the EU"

EMN AD-HOC QUERIES

The following recent EMN AHQs are relevant to this study:

¹⁹ European Commission, 'Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways', [L_2020317EN.01001301.xml \(europa.eu\)](#), last accessed on 26 July 2024.

- EMN (2024) ad-hoc query 2024.33 on Family Reunification for Third Country National Migrant Workers
- EMN (2024) ad-hoc query 2024.7 on [Personal and family links residence permit](#)
- EMN (2024) ad-hoc query 2023.50 [on the period of legal residence required for applicants for family reunification](#)
- EMN (2023) ad-hoc query 2023.26 on [family reunification for beneficiaries of international protection](#). *This query studies the conditions for family reunification applications for beneficiaries of international protection.*
- EMN (2022) ad-hoc query 2022.62 on [the validity of family reunification visa](#). *This query looked at the duration of the validity of the visa issued on basis of the Family Reunification Directive.*
- EMN (2021) ad-hoc query 2021.58 on [the regulations to family reunification with persons who have been granted subsidiary protection](#). *This query examined regulations to family reunification with persons who have been granted subsidiary protection.*

COMMISSION REPORTS AND GUIDELINES

- 2020 Commission [Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways](#)
- [2019 Commission second implementation report on the Family Reunification Directive](#)
- [2014 Commission guidance on the application of the Family Reunification Directive](#)

Other relevant sources:

- [2023 ECRE report, 'Not there yet: Family reunification for beneficiaries of international protection'](#)
- [2023 Red Cross EU position paper, "Upholding the right to family reunification for beneficiaries of international protection in Europe"](#)
- [2023, UNHCR, "Recommendations on flexible approaches to family reunification procedures in Europe"](#)
- [2024, OECD-UNHCR report, "OECD-UNHCR: Safe Pathways for Refugees IV"](#)

7. AVAILABLE STATISTICS

EU level

The following statistics are available through Eurostat and may be indicative of the scale of family reunification (i.e. the number of family members reunited).

- All valid permits by reason on 31 December of each year (tps00171)
- All valid permits by reason, length of validity and citizenship on 31 December of each year (migr_resvalid)
- First permits by reason (tps00170)
- First residence permits - per thousand persons (migr_respop)
- First residence permits by reasons - % of total first residence permits (migr_resfpc)
- Valid permits by reasons - % of total valid permits (migr_resspc)
- First permits by reason, length of validity and citizenship (migr_resfirst)
- First permits by reason, age, sex and citizenship (migr_resfas)

- First permits issued for family reasons by reason, length of validity and citizenship (migr_resfam)
- Change of immigration status permits by reason and citizenship (migr_reschange)
- First permits issued for family reunification with a beneficiary of protection status (migr_resfrps1)
- Permits valid at the end of the year for family reunification with a beneficiary of protection status (migr_resfrps2)
- EU Blue Cards holders and family members by Member State of previous residence (migr_resbc3)
- Authorisations for study and research by reason, type of decision, citizenship and length of validity (migr_ressrath)

National level

The following data would be useful for this study, and should be included insofar as possible in an Annex to the study:

- The total number of applications for family reunification, and applications rejected in 2017-2024, and if available, disaggregated by the ground of residence of the sponsor (beneficiaries of international protection (i.e. refugees, beneficiaries of subsidiary protection, unaccompanied minors), persons admitted for remunerated activities,²⁰ persons admitted for study purposes, for research purposes, persons holding long-term residence permit, etc.) and sex.

8. DEFINITIONS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.²¹

Term	Definition
Adult	Every human being aged 18 years and older (unless majority is attained later under the law applicable to the adult)
Beneficiary of international protection	A person who has been granted refugee status or subsidiary protection status.
Child	Every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier or later.
Complementary pathways	Migration pathways with refugee-specific flexibilities built in, that allow refugees to access work, study and other opportunities outside their countries of origin or first asylum, while their international protection needs are respected. Complementary pathways can also take the shape of programmes created specifically for refugees to access opportunities internationally outside of UNHCR-assisted resettlement. ²² In the global context, safe and regulated

²⁰ This includes persons who are employed, self-employed, business owners, highly qualified workers under EU Blue Card Directive, highly qualified workers under national labour permits for (highly) skilled workers, seasonal workers and intra-corporate transferees.

²¹ EMN Glossary, https://home-affairs.ec.europa.eu/networks/european-migration-network/emn-asylum-and-migration-glossary_en, last accessed on 19 June 2024.

²² UNHCR: Complementary pathways for admission to third countries, <https://www.unhcr.org/what-we-do/build-better-futures/long-term-solutions/complementary-pathways>, last accessed on 3 October 2024.

Term	Definition
	<p>avenues for refugees by providing legal admission and lawful stay in a third country where their international protection needs are met which complement resettlement but not substitute the protection afforded to refugees under the international protection regime, while also being able to support themselves and reach sustainable and lasting solutions for resettlement or legal stay.</p>
EU Blue Card holder	<p>A third-country national who has acquired a residence permit bearing the term 'EU Blue Card' entitling them to reside and work in the territory of an EU Member State under the terms of Directive (EU) 2021/1883 (Recast Blue Card Directive).</p>
Family formation	<p>The entry into and residence in an EU Member State of a third-country national on the basis of the establishment of a family relationship either (a) after their third-country national sponsor has gained legal residence in an EU Member State; or (b) with an EU national.</p>
Family member	<p>In the general migration context, a person who is either married to a migrant, or has a relationship legally recognised as equivalent to marriage with a migrant, as well as their dependent children or other dependants who are recognised as members of the family by applicable legislation.</p> <p>In the context of the Family Reunification Directive, a third-country national (normally members of the nuclear family, i.e. the spouse and the minor children), who has entered the territory of the European Union for the purpose of family reunification.</p> <p>NB: A family member may also be another family member whose relationship is attested by documentary evidence or other means, according to national law.</p>
Family reunification	<p>In the <u>context of the Family Reunification Directive</u>, the entry into and residence in an EU Member State by family members of a third-country national residing lawfully in that EU Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry.</p>
Highly qualified migrant	<p>In the global context, a person falling within ILO ISCO-88 Classes 1, 2 and 3, e.g. a person qualified as a manager, executive, professional, technician or similar, who moves within the internal labour markets of transnational corporations and international organisations, or who seeks employment through international labour markets for scarce skills.</p> <p>In the EU context, a third-country national who seeks employment in a Member State and has the required adequate and specific competence, as proven by higher professional qualifications.</p>

Term	Definition
Integration	In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
Intra-corporate transferee	A third-country national subject to a temporary secondment from an undertaking established outside the territory of a Member State and to which the third-country national is bound by a work contract to an entity belonging to the undertaking or to the same group of undertakings which is established inside this territory.
Long-term resident	A third-country national who has long-term resident status as provided for under Arts. 4 to 7 of Council Directive 2003/109/EC or as provided for under national legislation.
Minor	In a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.
Nuclear family	The spouse and the minor children of a family.
Refugee	In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 (Exclusion) of Directive 2011/95/EU does not apply.
Researcher	In the EU migration context, a third-country national holding a doctoral degree or an appropriate higher education qualification, which gives that third-country national access to doctoral programmes and who is selected by a research organisation and admitted to the territory of an EU Member State for carrying out a research activity for which such qualification is normally required.
Right to family life	A right enshrined in Arts. 7, 9 and 33 of the Charter of Fundamental Rights of the European Union and Article 8 of the European Convention on Human Rights (ECHR).

Term	Definition
Right to family unity	In the context of a refugee, a right provisioned in Article 23 of Directive 2011/95/EU and in Article 12 of Directive 2013/33/ EU obliging EU Member States to ensure that family unity can be maintained.
Seasonal worker	A third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State.
Sponsor	In the global context, a person or entity which undertakes a (legal, financial or personal) engagement, promise or pledge, on behalf of another. In the EU context of family reunification, a third-country national residing lawfully in a Member State and applying, or whose family members apply, for family reunification to be joined with them.
Student	In the EU migration context, a third-country national accepted by an establishment of higher education and admitted to the territory of an EU Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training.
Subsidiary protection	The protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of 2011/95/EU, and to whom Article 17(1) and (2) of Directive 2011/95/EU do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country.
Third-country national	Any person who is not a citizen of the European Union within the meaning of Article 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Article 2(5) of the Schengen Borders Code.

9. ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this study, an Advisory Group (AG) has been established. In addition to the European Commission and the EMN Service Provider (ICF) including the Odysseus Network, the AG for the study consists of the following EMN Member Countries: Belgium, Cyprus, Estonia,

Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Latvia, the Netherlands, Sweden and the Slovak Republic.

Other relevant partners:

The following third parties will be asked to contribute to this study through a specific questionnaire. This questionnaire will follow a similar structure to the common template below but will focus on providing complementary information regarding good practices and innovative solutions that have been developed by these organisations via their experience on the ground:

- Red Cross EU office
- Global Family Reunification Network (FRUN)
- International Organization for Migration (IOM)

10. TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action	
Study specifications		
Preparatory work	In this phase, the AG lead(s) are encouraged to consult bilaterally with the EMN Service Provider (including the Odysseus Network) and may also consider the opportunity to hold a kick-off meeting to brainstorm on the scope of the study with the AG.	AG Lead(s), EMN Service Provider
24/06-05/07/24	Circulation of the first draft to the AG for written feedback (seven working day-deadline)	AG Lead(s) (NCP/ COM)
21/06/24	First AG meeting and discussions on the written feedback.	AG members Preparations of the meeting: AG lead and EMN Service Provider
15/07 – 23/07/24	Circulation of the second draft to the AG (one-week deadline for review).	AG lead and EMN Service Provider
24/07/24	Second AG meeting and discussions on written comments.	AG members Preparations of the meeting: AG lead and EMN Service Provider
12/08 - 27/08/24	Circulation of the third draft to the <u>AG lead</u> (three days for review).	EMN Service Provider, AG lead
20/09 - 03/10/24	Circulation of the final draft to NCPs (two week-deadline).	
28/10-24	Launch of the study.	
National reports (14 weeks)		Accounting for Christmas holidays

Date	Action	
28/10/24-03/02/2025	Submission of national reports by EMN NCPs	
Drafting of study		
11/02-24/02/25	Drafting of the first draft of the study.	EMN Service Provider
04/03 -10/03/25	Circulation of the first study draft to COM and AG members (one week-deadline for review).	EMN Service Provider
10/03/25	Deadline for comments.	COM and AG members
18/03-31/03/25	Circulation of the second draft to all NCPs (two week-deadline for review).	EMN Service Provider
31/03/25	Deadline for comments.	EMN NCPs
01/04-23/04/25	Review and circulation of the third draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
23/04/25	Deadline for comments	EMN NCPs
24/04-13/05/25	Review and circulation of the final draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
13/05/25	Deadline for comments	COM and all NCPs
10/06-12/06/25	Final validation by COM	COM
17/06/25	Publication	EMN Service Provider

11. COMMON TEMPLATE 2024 EMN STUDY

Family reunification of third-country nationals: State of play after 20 years of implementation of the Family Reunification Directive

NATIONAL CONTRIBUTION FROM ESTONIA

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' country.

Please note: The EMN published an inform on **Family reunification for beneficiaries of international protection** in 2024,²³ which looked at specific aspects related to family reunification for beneficiaries of international protection (BIP), including: the overall submission, processing and examination of applications for family reunification; the documentary evidence to be provided as part of the application and family reunification of (unaccompanied) children. **Ad-hoc query number 2023.26** was launched to collect EMN NCP's responses on this topic. Where relevant for the questions in this Common Template, information on BIP can be copied as relevant for this study and should be updated as needed.

TOP-LINE FACTSHEET [MAX. 1 PAGE]

The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the study as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 1-5 for example:

- Key changes to policy and/or practice on family reunification in recent years (i.e. since 2017)²⁴ or being planned currently – including EU or national-level factors driving changes to policy and/or practice, for example relevant EU and/or national case law, etc.;
- Overview of the rights that follow on from family reunification in the EMN Member and Observer Countries, notably access to education, employment, vocational guidance and training, and right to apply for autonomous right of residence
- Any challenges as well as good practices in the field.

²³ EMN, 'Family reunification for beneficiaries of international protection', 2024, https://home-affairs.ec.europa.eu/system/files/2024-04/EMN_INFORM_Family-reunification_190424.pdf, last accessed on 9 October 2024.

²⁴ The proposed reference period of the study is 2017 onwards with some flexibility if EMN Member and Observer Countries believe there to be a significant change to law, policy and/or practice outside this period.

This study aims to give an updated overview of the current national situation regarding family reunification for third-country nationals, including any recent trends and developments in law, policy, and practice in Estonia since 2017.

In Estonia, family reunification of third-country nationals is regulated primarily by two legislative acts: the Aliens Act and the Act on Granting International Protection to Aliens (AGIPA). The first act regulates the family reunification in case of regular migration and foresees two legal grounds for family reunification – settling with a spouse and settling with a close relative. The second act regulates the family reunification in case of beneficiaries of international protection. The Council directive 2003/86/EC on family reunification has been transposed to national laws (the Aliens act as well as AGIPA).

Regarding policy developments, in 2023, amendments to the Aliens Act and AGIPA included registered partners as family members of applicants for international protection. This change ensures legal recognition and protection of family ties and aligns with Estonia's marriage equality laws. There are currently no planned legislative changes in the field of family reunification, although informal discussions are ongoing regarding potential administrative improvements.

Since 2017, the Police and Border Guard Board (PBGB) has offered free migration advisory services in Estonian, Russian, and English to assist all foreign nationals with residence and family reunification processes. This service plays an important role on providing legal migration related information including the introduction on legislative changes.

Estonia also offers a free adaptation programme Settle in Estonia to support recently arrived foreigners in adapting to life in Estonia and integrating into society. The programme includes language learning and modules on Estonian society, culture, and working life. Participation in the programme is optional, except for persons granted international protection in Estonia.

The applicants of family reunification are required to provide residence information and confirm by signing the application that he/she has a health insurance contract that meets the requirements set out in the Aliens Act and sufficient legal income to ensure the subsistence of himself/herself and the members of his/her family in Estonia. Applicants must also provide documentary evidence to confirm both their identity and family relationship. Estonia extends family reunification beyond the core family unit in certain cases. Parents may be able to join their children if they require care and adult children may be eligible if they have a disability or cannot live independently. Also, registered partners, including same-sex partners, are eligible for family reunification.

SECTION 1: OVERVIEW OF THE INTERNATIONAL AND EU LEGISLATIVE FRAMEWORK ON FAMILY REUNIFICATION, INCLUDING CASE LAW

This section briefly outlines the EU legal framework and relevant European case law guiding national legislation on family reunification. It provides a mapping of the substantive and procedural provisions in the EU acquis that regulate family reunification. The section also highlights how the EU acquis relates to the broader international legal framework in this area.

This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required.

SECTION 2: OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION

This section provides an up-to-date overview of the national situation with regard to family reunification of third-country nationals, including figures on the scale of family

reunification, e.g. number of residence permits issued on grounds of family reunification, number of unaccompanied minors (UAMs) reunited with family, etc. The section sets out the context for the study by providing information on the approaches of EMN Member and Observer Countries to family reunification, as well as recent (since 2017) changes to law, policy and/ or practice. The section is drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs.

1. Does your country distinguish between family formation and family reunification?

If yes, please explain the different rules applied on basis of the distinction between the two.²⁵

No.

2. What are the changes to law and policy (since 2017) in the field of family reunification in your country (including in the context of complementary pathways programmes)? For each change, please provide information to the extent possible on the drivers and objectives for such changes. Relevant information may also be found in the EMN Annual Reports on Migration and Asylum.

In 2022, the Aliens Act was amended to clarify certain provisions concerning residence permits for family reunification.²⁶ The amendments adjusted the conditions for issuing residence permits for the purpose of joining a spouse in Estonia. In particular, the law introduced provisions stating that a residence permit for joining a spouse who holds a residence permit for study, may only be granted if the spouse has already been living in Estonia for at least two years. Additionally, a residence permit for joining a spouse will not be granted if the spouse's only basis for stay in Estonia is a temporary residence permit for short-term work under § 176².

Although the 2022 bill also amended the Act on Granting International Protection to Aliens, those changes did not affect the substantive rules on family reunification for international protection beneficiaries.

In 2023, the amendments to the Aliens Act and the amendments to the Act on the Granting of International Protection to Aliens²⁷ were made, now including a person's registered partner among the family members, allowing registered partners to also obtain a residence permit on the family reunification purpose. The amendment adds the registered partner to the definition of family member (Article 7 of the Family and Civil Status Act), taking into account their close personal and economic relationship, their mutual dependency and their presumed shared home and household. The amendment ensures legal clarity and guarantees the protection and preservation of the family ties of registered partners.

These changes were part of the act of Amending the Family Law Act and amending other acts in connection therewith, with the aim of establishing marriage equality (marriage is to be concluded by two persons of legal age, regardless of their gender).

²⁵ In case of affirmative reply, please detail in the relevant questions the differences in the rules applicable to both situations for third-country nationals.

²⁶ Act Amending the Aliens Act and the Act on Granting International Protection to Aliens, available: <https://www.riigiteataja.ee/akt/114052022001>

²⁷ Act Amending the Family Law Act and, in Connection Therewith, Other Acts, available: <https://www.riigiteataja.ee/akt/106072023006>

3. Are there planned changes to the law, policy or administrative practice on family reunification which have been announced recently (e.g. in the last two years) in your country (including in the context of complementary pathways programmes)?

If so, please describe briefly the main changes planned. For each planned change, please provide information to the extent possible on the drivers and objectives behind them. (For planned changes on access to rights, please fill in Q26 in Section 6 below)

No, not in the field of international protection nor other legal migration pathways. However there have been informal discussions in the field of international protection involving relevant authorities and NGOs and UNHCR of the possible ways of amending the administrative process of the family reunification of beneficiaries of international protection. It is planned to include the possible changes in the Amendment Act covering changes stemming from the CEAS reform.

4. Has the CJEU/ ECtHR case law (e.g. M.A. vs Denmark, C-560/20 CR, GF, TY v Landeshauptmann von Wien, C-230/21 X, Y, Z v Belgische Staat, C-1/23 PPU (Afrin), etc.) led to changes in policy and/ or practice in family reunification in your country since 2017? Y/N

If yes, please specify and briefly describe the changes brought about by this case law.

No

5. Has your country introduced any family assistance programme (e.g. comparable or similar to the one implemented in Germany)?²⁸ Y/N

If yes, what are the objectives of these programmes (e.g. to improve access to information and simplify the application process, including through complementary pathways)?

No

To support and facilitate third-country nationals to settle in legally, and also to reduce bureaucracy, Police and Border Guard Board (PBGB) launched in 2017 free of charge migration advisory service in Estonian, Russian and English, which started to offer information and counselling about the legal grounds for entering and staying in Estonia, documents, application processes and requirements. Information provision was (and still is) available via phone, email, Skype, one-on-one meetings and trainings. Migration advisors play an important role raising awareness of employers, entrepreneurs, educational institutions and to others (i.e. family members) who invite foreigners to Estonia as well as foreigners. The need for migration related counselling has increased since introducing the service in 2017. Service plays an important role on providing legal migration related information including the introduction on legislative changes.²⁹

In addition to the PBGB service, several NGOs also provide migration counselling, for example the Estonian Refugee Council's advisory service offers guidance to refugees and their family members.

²⁸ Family assistance programme, Global Compact on Refugees, [Family Assistance Programme | The Global Compact on Refugees | UNHCR](#), last accessed on 24 October 2024.

²⁹ Information from the Police and Border Guard Board website: <https://www.politsei.ee/en/migration-consultants>

6. Are there any alternative avenues in your country for family members who do not qualify for family reunification under the Family Reunification Directive or national legislation on family reunification to receive valid residence permits (e.g. other complementary pathways such as humanitarian admission programmes or sponsorship pathways, granting refugee status to children born in the host country, granting residence on the basis of article 8 ECHR, etc.)? If so, can you please explain what these avenues are and to whom they apply?

Yes, Estonia does have alternative avenues for family members and other individuals who do not qualify for family reunification under the Family Reunification Directive or the national legislation on family reunification.

1. Residence Permits for Children Born in Estonia³⁰

A child receives a residence permit automatically upon birth if:

- their parent is a foreigner residing in Estonia on the basis of a residence permit
- the child is born in Estonia or settles in Estonia within one year after birth
- the birth of the child in Estonia or the data of the child's birth are registered in the Estonian Population Register.

2. Special Humanitarian Programs or Ad-hoc Solutions

In response to specific humanitarian crises (e.g., regional conflicts or displacement), Estonia may introduce temporary or ad-hoc humanitarian solutions to admit individuals who do not fall under the typical legal frameworks for family reunification or asylum.

7. Please provide national statistics on:

The total number of applications for family reunification submitted, authorisations granted, and applications rejected in 2017-2024, and if available, disaggregated by the grounds of residence of the sponsor, including whether the sponsor is a BIP, and sex

Please do not include here the Eurostat data mentioned above in Question 7.

National statistics in cases where the sponsor has been granted a residence permit (legal migration)

Year	Applications granted	Male	Female
2017	1184	405	779
2018	1661	532	1129
2019	2272	686	1586
2020	1958	645	1313
2021	2642	862	1780

³⁰ Source: Police and Border Guard Board website. <https://www.politsei.ee/en/instructions/residence-permit-for-a-minor-child-for-settling-with-a-family-member>

2022	2867	981	1886
2023	1686	615	1071
2024	1154	445	709

Source: PBGB

National statistics in cases of BIPs

Year	Applications submitted	Applications granted	Applications rejected
2017	12		11
2018	14		14
2019	6	3	3
2020	2	1	
2021	8	7	1
2022	19	17	1
2023	18	12	5
2024	11	7	5

Source: PBGB

Grounds of residence of the sponsor (2024)	Female	Male	Total
Refugee	2	23	25
Subsidiary protection	5	13	18
Total	7	36	43

Source: PBGB

SECTION 3: DEFINITION OF SPONSOR AND FAMILY MEMBER

This section aims to clarify who is eligible to be a sponsor for family reunification (Article 3 of the Family Reunification Directive). This section also aims to provide information on which family members are entitled to family reunification across EMN Member and Observer Countries. The definition of 'family member' is provided in Article 4 and Article 10 of the Family Reunification. EU Member States may also provide for more favourable provisions according to Article 3(4) of the Family Reunification Directive (and include therefore other family members). **If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the differences.**

8a. Who can be a **sponsor**³¹ to an application for family reunification in your country (e.g. unaccompanied minors, students, workers, including highly qualified etc.)?

In Estonia, family reunification of third-country nationals is regulated primarily by two legislative acts: the Aliens Act and the Act on Granting International Protection to Aliens (AGIPA).

According **to the Aliens Act**, the **sponsor** for a family reunification application can be a spouse or registered partner who resides in Estonia and who is an Estonian citizen or of Estonian nationality or who is an alien residing in Estonia on the basis of a residence permit.³²

The sponsor can also be a close relative who is an Estonian citizen or who is an alien who resides in Estonia and holds a residence permit in one of the following cases:³³

- 1) to a minor child in order to settle with a parent who resides in Estonia;
- 2) to an adult child in order to settle with a parent who resides in Estonia if the child is unable to cope independently due to health reasons or a disability;
- 3) to a parent or grandparent in order to settle with his or her adult child or grandchild who resides in Estonia if the parent or grandparent needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia and;
- 4) to a ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia.

In the case of a residence permit for study purposes, there are, however, certain exceptions. Only the family members of a person admitted to doctoral studies may apply for a residence permit right away. For all other levels of study (vocational, bachelor's, master's), there is no general right for family members to apply for a residence permit on the basis of family ties with the student. However, a spouse or registered partner may apply to join the specified alien after he/she has already resided in Estonia on the basis of a residence permit for studies for at least two years. There are no restrictions for a minor child; an adult child who is unable to cope independently due to a health condition or disability; or a ward (provided that the guardian has a stable legal income ensuring the support of the person under guardianship in Estonia).³⁴

Although, as a general rule, **family reunification is not possible with a visa**, there are certain possibilities under specific conditions.

A single parent who is coming to study at certain levels (studies in an educational institution at the fourth or fifth qualification level of vocational training, professional higher education or Bachelor's studies, studies based on the integrated curricula of Bachelor's and Master's studies or Master's studies) may apply for a short-term or long-term visa for their minor child under the same conditions as to the specified alien. Also, in case an alien who has been admitted to the Doctoral studies in an educational institution has been issued a visa related to the commencement of studies in Estonia, the alien's spouse, registered partner, minor child and an adult child who due to their

³¹ Article 3 in Chapter I of 2003/86/EC define who can be a **sponsor** to an application for family reunification in the EU.

³² Aliens Act § 137

³³ Aliens Act § 150

³⁴ Aliens Act § 137

health status or disability is unable to cope independently may be issued a short-term or long-term visa respectively under the same conditions as to the specified alien.³⁵

If an alien is legally staying in Estonia on a temporary basis and registered for short-term employment, and the alien is a parent raising a minor child or the sole guardian of an adult child who is unable to cope independently due to the state of health or disability, a visa may be issued to, the child of an alien under the same conditions as to the specified alien. In case the short-term employment of an alien in Estonia is registered for the purpose of research and development, as an academic staff member or as an intra-corporate transferee, a visa may be issued to the alien's spouse, registered partner, minor child and an adult child who is unable to cope independently due to their state of health or disability, for the period of stay of the alien in Estonia, taking account of the conditions of the issue of a visa.³⁶

In case an alien is issued a visa for engagement in start-up business or teleworking, a visa may be issued to the alien's spouse, registered partner, minor child and an adult child who is unable to cope independently due to their health condition or disability under the same conditions as to the specified alien.³⁷ Additionally, if a competent authority of a European Union Member State has issued a long-term visa or residence permit for scientific research to a foreign national staying in Estonia, their family member may temporarily stay in Estonia for the duration of the validity of that visa or residence permit.³⁸

According to **the Act on Granting International Protection to Aliens**, all persons who are granted international protection, subsidiary protection, or temporary protection may act as sponsors for their family members specified under the Act.

8b. Does the national law of your country allow **beneficiaries of subsidiary protection**³⁹, or **holders of similar protection statuses**, to apply for family reunification? Y/ N

Yes, beneficiaries of subsidiary protection are allowed to apply for family reunification. There are no similar protection statuses provided for.

8c. What is the maximum age for a child to benefit from family reunification and what is the reference point in your country to determine whether a child is a '**minor**' for the purpose of family reunification?⁴⁰

A child is a minor **before turning 18** and this is generally also the maximum age for a child to benefit from family reunification.⁴¹ In case of the child is a beneficiary of the international protection, the age of the right to reunite the family members is dependent of the age at the time of applying for the protection. When the applicant was a child at the time of the making of the application then the right to reunite does not disappear when the applicant becomes of age as provide for in the C-133/19, C-136/19 and 137/19. In Estonia as well, the child must be considered to be a minor in the context of

³⁵ Aliens Act § 62²

³⁶ Aliens Act § 62¹

³⁷ Aliens Act § 62⁴ and 62⁵

³⁸ Aliens Act §44

³⁹ Currently, beneficiaries of subsidiary protection are not covered by the Family Reunification Directive.

⁴⁰ According to Article 4(6) of the Family Reunification Directive, EU Member States may request that the applications concerning family reunification of minor children have to be submitted before the age of 15.

⁴¹ Aliens Act § 4.

the right to family reunification irrespective of the fact that a child became of age during the asylum proceedings.⁴²

An adult child who is unable to cope independently due to a health condition or disability also benefits from family reunification.

9. Does your country extend the definition of family members who can apply for family reunification beyond nuclear/ core members⁴³? Y/N

Yes.

If yes, which of the following groups beyond the core family are included:

⁴² Source: E-mail questionnaire filled by official from the Estonian Ministry of the Interior.

⁴³ In the context of the Family Reunification Directive, as specified in its Article 4, members of the nuclear family are the spouse and the minor children.

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Parents	Y	<p>AGIPA –</p> <p>a) parent or guardian if the applicant is a minor for the purposes of the Estonian law, except in the case his or her active legal capacity has been expanded for the purpose of getting married and his or her spouse is considered to be his or her family member.</p> <p>b) a parent or grandparent who needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia</p> <p>c) his or her parents</p>	<p>AGIPA -</p> <p>a) applicant for international protection</p> <p>b) refugee and a person eligible for subsidiary protection</p> <p>c) and d) an unaccompanied minor</p>

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
		<p>d) his or her guardian or other family member if he or she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor.</p> <p>e) a close relative who lived with him or her in the country of origin and was dependent on him or her.</p> <p>Aliens Act - a parent or grandparent who needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia. According to the Aliens Act, the sponsor is required to have a long-stay resident's residence permit</p>	<p>refugee and an unaccompanied minor person eligible for subsidiary protection</p> <p>e) temporary protection</p> <p>Aliens Act - all sponsors who hold a residence permit (exceptions apply to holders of residence permits issued for study purposes)</p>

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Adult children	Y	<p>AGIPA –</p> <p>a) an unmarried adult child of them or their spouse or registered partner in case the child is unable to cope independently due to the child’s state of health or disability;</p> <p>b) a close relative who lived with him or her in the country of origin and was dependent on him or her.</p> <p>Aliens Act - an adult child in order to settle with a parent who resides in Estonia if the child is unable to cope independently due to health reasons or a disability</p>	<p>AGIPA -</p> <p>a) refugee and of a person eligible for subsidiary protection</p> <p>b) temporary protection</p> <p>Aliens Act - all sponsors who hold a residence permit (exceptions apply to holders of residence permits issued for study purposes)</p>

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Same-sex partners who are registered	Y	<p>AGIPA –</p> <p>a) a registered partner b) a close relative who lived with him or her in the country of origin and was dependent on him or her.</p> <p>Aliens Act - registered partner of an alien who resides in Estonia and who is an Estonian citizen or of Estonian nationality or who is TCN residing in Estonia on the basis of a residence permit.</p>	<p>AGIPA -</p> <p>a) applicant for international protection; refugee and a person eligible for subsidiary protection; beneficiaries of temporary protection.</p> <p>Aliens Act - all sponsors who hold a residence permit (exceptions apply to holders of residence permits issued for study purposes)</p>

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<p>Dependent persons, i.e. persons receiving legal, financial, emotional or material support by the sponsor or by his/ her spouse/ partner (other than those mentioned above)</p> <p><i>If yes, please specify how the concept of dependency is defined in the relevant provisions/ practice, and what type of evidence is required to demonstrate dependency</i></p>	Y	<p>AGIPA -</p> <p>a) a close relative who lived with him or her in the country of origin and was dependent on him or her</p> <p>b) ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia</p> <p>Aliens Act - ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia</p>	<p>AGIPA –</p> <p>a) temporary protection</p> <p>b) international protection; refugee and a person eligible for subsidiary protection</p> <p>Aliens Act - all sponsors who hold a residence permit (exceptions apply to holders of residence permits issued for study purposes)</p>
<p>Other family members</p>	N		

SECTION 4: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

This section reports on the requirements for exercising the right to family reunification (referred to in Article 6-8 of Family Reunification Directive). **If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the differences.**

10. Does your country apply the following **requirements**⁴⁴ for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases):

The requirements for family reunification are provided in the Aliens Act in case of legal migration⁴⁵ and also in cases of BIPs, the AGIPA refers to the Aliens Act regarding the requirements.

Accommodation suitable for the size of the family, as well as meeting health and safety standards? Y/ N. If yes, please describe how this requirement is regulated and checked in practice.

Accommodation requirements are regulated by the Aliens Act.⁴⁶ Although it is required to submit information about the registered place of residence and actual dwelling, there is **no separate process** that requires the proof that the living space meets health and safety standards. In the residence permit procedure, the applicant shall submit his/her contact details (including both the contact address and the address of residence in Estonia, if different from the contact address). If necessary, additional information and documents will be requested.

In case of beneficiaries of international protection there is no such requirement. As the application for reunification can be submitted together with the application for international protection and the decision on the reunification is in that case done immediately after the positive decision, then at least during first 4 months the state is responsible for assisting a person with finding an independent living.⁴⁷

Sickness insurance? Y/ N. If yes, please describe how this requirement is checked in practice.

Yes, the family member seeking reunification must have health insurance covering the costs of healthcare in Estonia. The applicant confirms by signing the application that he/she has a health insurance contract that meets the requirements set out in the Aliens Act. If necessary, additional information and documents will be requested.

No in case of the beneficiaries of international protection. **Yes** only in rare cases when the timeline has been exhausted or when reunification is possible in other third country.⁴⁸ Sickness insurance is also required in cases where the alien has applied for a visa.

⁴⁴ Article 7(1) of the Family Reunification Directive lays down that EU Member States may require the person who has submitted the application to provide evidence that the sponsor has: accommodation suitable for the size of the family, as well as meeting health and safety standards; sickness insurance; and sufficient resources to provide for himself or herself and his or her family.

⁴⁵ Aliens Act § 117

⁴⁶ Aliens Act §140 and § 151

⁴⁷ Act on Granting International Protection to Aliens § 73

⁴⁸ Act on Granting International Protection to Aliens § 46

Stable and regular financial resources? Y/ N.

Yes, this requirement applies on the basis of the Aliens Act⁴⁹. In case an alien applies to settle with the spouse or registered partner who resides in Estonia, the alien's spouse or registered partner is required to have permanent legal income that ensures the subsistence of the family in Estonia, or the joint permanent legal income of the spouses or registered partners must ensure the subsistence of the family in Estonia. The applicant confirms by signing the application that he/she has sufficient legal income to ensure the subsistence of himself/herself and the members of his/her family in Estonia. If necessary, additional information and documents will be requested.

No in case of the beneficiaries of international protection. **Yes** only in rare cases when the timeline has been exhausted and a person has managed to become self-sufficient or when reunification is possible in another third country.⁵⁰

If evidence of stable and sufficient financial resources is required, please specify:

- If applicable, the amount of the minimum income requirement in the relevant currency and year.

Although there is no requirement to provide evidence in the application process, additional documents could be requested. The minimum income requirement for an applicant of family reunification in Estonia is linked to the subsistence level. The legal income threshold is double the subsistence limit established on the basis of the Social Welfare Act for each month of stay in Estonia, depending on the size of the family.

- If your country sets a different income requirement depending on the type and numbers of family members being reunited (e.g. minor children).

See the previous answer.

- The reference period over which this requirement is considered.

n/a

- How any past / future income of the sponsor is evaluated in practice.

n/a

- Whether any exemption grounds (e.g. for severe health issues and vulnerabilities) apply and what are their conditions.

n/a

- To what extent failure to meet the requirement has consequences for the right to family reunification.

If the financial requirement is not met after submitting additional document, the family reunification application may be rejected. However, the applicant can appeal the decision.

- At what stage(s) of the examination procedure are the above requirements verified?

⁴⁹ Aliens Act §139

⁵⁰ Act on Granting International Protection to Aliens § 73

If needed, these requirements are verified at the initial stage of the family reunification process when the application is being assessed by the Police and Border Guard Board.

- Are the (potential) resources of the family member(s) taken into consideration?

It is a case-by-case approach.

All of the criteria mentioned above **do not apply** in case of the reunification of family members of the **beneficiaries of international protection** unless the respective application is presented to the PBGB more than 6 months after the beneficiary received the status, in which case the decision of whether to apply the requirements or not is made by the PBGB.⁵¹

11a. Does the national law of your country require family members **specifically** applying for family reunification to comply with any **integration measures** before and/or after admission⁵²? Y/ N

Yes, all third-country nationals are directed to take part in the adaption programme⁵³ mainly recommended requirements after the admission, dependent of the ground of the residence permit⁵⁴, only compulsory for beneficiaries of international protection⁵⁵.

If yes, are third-country nationals required to comply with the following integration measures:

- (A) **Civic integration exams?**

No, there is no requirement for family members applying for reunification to pass a civic integration exam before or after admission to Estonia.

If yes, please specify:

- When the civic integration exam(s) takes place (i.e. before admission, after admission, before and after admission).
- What knowledge and skills are required from applicants to pass the exam(s).
- If any support is provided to them during preparation (e.g. preparatory classes, easily accessible information on the exam for the applicants, etc.).
- If costs are incurred by applicants (if yes, indicate the amount).

(B) **Language tests?**

No according to the Aliens Act, only recommended participation in the language courses that are a part of the adaptation programme. **Yes** according to the AGIPA, for BIPs.

If yes, please specify:

⁵¹ Source: E-mail questionnaire filled by official from the Estonian Ministry of the Interior.

⁵² Article 7(2) of the Family Reunification Directive established that EU Member States may require third-country nationals to comply with integration measures, in accordance with national law.

⁵³ Adaption programme. Available at: <https://www.riigiteataja.ee/akt/131052017004?leiaKehtiv>

⁵⁴ Aliens Act § 121¹

⁵⁵ Act on Granting International Protection to Aliens § 47¹

- When the language test(s) takes place (i.e. before admission, after admission, before and after admission).

The language courses and tests take place after admission.

- What knowledge and skills are required from applicants to pass the test(s).

Language tests are usually not required. Aliens who have been granted a temporary residence permit (including spouses and close relatives) are referred to an adaptation programme by the PGBG after the residence permit is granted. Participation or non-participation in the adaptation programme shall not be grounds for revoking or refusing to renew the residence permit. In case of the beneficiaries of international protection it is the duty of the state to provide language courses at least 2 years after granting of the status. Language learning is mandatory for all working-age beneficiaries of international protection from the age of 18, unless they are receiving primary, secondary, or higher education in Estonian, until they reach the retirement age⁵⁶. You are required to achieve A2 level proficiency within two years and B1 level within five years.

- If any support is provided to them during preparation (e.g. preparatory classes, easily accessible information on the exam for the applicants, etc.).

The Estonian government offers language courses to support new immigrants in learning Estonian. There are also free online resources available to help applicants prepare for the language test like online language courses, a language learning app and educational games.

- If costs are incurred by applicants (if yes, please indicate the amount).

In most cases, no direct costs are incurred by applicants. However, under the Act on Granting International Protection to Aliens, Estonia may require reimbursement of the costs incurred for language training from beneficiaries of international protection in specific cases. In particular, reimbursement may be required if the beneficiary fails to attain the legally required level of Estonian language proficiency within the prescribed time limits.⁵⁷

(C) Other integration measures (please specify)? Y/ N

If yes, please specify what these measures entail and when they take place:

Yes, there are other integration measures. Upon arrival and after granting residence permit, family members are referred to participate in the adaption programme, which includes language courses, cultural orientation programs, and guidance on living and working in Estonia. The program usually begins after the family member has been granted a residence permit. The integration measures usually take place shortly after arrival, and family members are encouraged to complete them within the first few years of residence. Beneficiaries of international protection are required to participate in the adaptation programme.⁵⁸

11 b. Please specify what exemption grounds apply and to what extent non-compliance has consequences for the right to family reunification.

⁵⁶ Act on Granting International Protection to Aliens § 75

⁵⁷ Act on Granting International Protection to Aliens § 75

⁵⁸ Settle in Estonia programme, available: <https://settleinestonia.ee/>

There are certain exemptions from the integration requirements, as described in the previous answer; however, in the case of beneficiaries of international protection or other grounds, the non-fulfilment of integration measures does not result in refusal.

12. Does your country set a **waiting period**⁵⁹ before a sponsor's family members can reunite with him/ her? Y/ N

If yes, how long is the waiting period? Can an application be submitted before the period has expired?

Yes, if a foreigner applies for a temporary residence permit to live with his or her spouse or registered partner who has a **temporary residence permit for studies**, the spouse or partner must have lived in Estonia for at least two years. This requirement does not apply to a TCN whose spouse or registered partner, who is an TCN, has been granted a temporary residence permit for Doctoral studies.⁶⁰ Also, in the case of a parent or grandparent who requires care that cannot be provided in their country of residence or another country is settling with an adult child or grandchild, the sponsor must hold a long-term resident's residence permit in Estonia.⁶¹

In case of international protection there is no waiting period.

13. Are there any requirements contained in national law to incorporate the consideration of the reasonable prospect of obtaining permanent residence as laid down in Article 3(1), or otherwise? What are the parameters taken into account to assess such prospects?

No

14. If the above conditions are not (completely) fulfilled (accommodation, resources, insurance, integration and/or waiting period), how does your country guarantee that individual circumstances and the best interests of the child are taken into account (e.g. nature and solidity of the person's family relationship)?⁶²

According to Estonia's national law upon the issue of a temporary residence permit to a minor child to settle with his or her parent the rights and interests of the child shall be taken into consideration. A temporary residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia. The residence permit of a minor child shall not be cancelled, and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.⁶³

15. In addition to any information you have already provided above, does your country apply the following provisions concerning the **more favourable family reunification rules for refugees**:⁶⁴

⁵⁹ Article 8 of the Family Reunification Directive established that EU Member States may require the sponsor to have stayed lawfully on the territory for a period not exceeding two years (or three years by derogation in specific circumstances) before having his or her family members join him or her.

⁶⁰ Aliens Act § 137

⁶¹ Aliens Act § 150

⁶² This is laid down in Article 5(5) and Article 17 of the Family Reunification Directive and in the case law of the CJEU.

⁶³ Aliens Act § 154

⁶⁴ Article 9-12 in Chapter V of the Family Reunification Directive set out more favourable conditions for family reunification of refugees.

- Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply?⁶⁵ Y/ N

Yes

If yes, is this grace period of (minimum) three months extended and if so, for how long?⁶⁶ Y/ N

Yes, for family members of beneficiaries of protection, the inviting party is not required to fulfill their obligations for up to six months from the date the first family member is granted protection. Within this six-month period, the family member must arrive in Estonia and submit an application for international protection. After this period, the obligations of the inviting party can be reinstated and is done taking account of individual circumstances.⁶⁷

- Restriction to relationships established before entry into the country?⁶⁸ Y/ N

Yes

If yes, please specify:

The family links must be proven, however original documents are not required when reasons are elaborated. The marriage or registration of cohabitee must be done before entry into the country.⁶⁹

- Application of a wider definition of family members (going beyond parents) when it comes to UAMs?⁷⁰ Y/ N

Yes.

If yes, please specify:

The family reunification process for UAMs can include family members beyond the traditional parents or minor children. In cases of UAMs, family members of an unaccompanied minor refugee and an unaccompanied minor person eligible for subsidiary protection are his or her parent; his or her guardian or other family member if he or she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor.⁷¹

- How do you take into consideration the best interests of the child when it comes to UAMs?

There are several factors considered. For UAMs, an assessment is conducted to evaluate the child's specific needs, vulnerabilities, and circumstances. This includes ensuring that the child is not exposed to further trauma or danger, and that reunification will provide safety, stability, and care. The emotional, psychological, and developmental needs of the child are carefully assessed, ensuring that family reunification will benefit the child's well-being. An unaccompanied minor shall be placed in the accommodation centre, referred to substitute home service or to an adult relative. Representative fulfilling the role of a guardian, can provide input

⁶⁵ Article 7(1) of the Family Reunification Directive.

⁶⁶ Ibid.

⁶⁷ Act on Granting International Protection to Aliens § 46

⁶⁸ Article 9(2) of the Family Reunification Directive.

⁶⁹ Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025)

⁷⁰ Article 10(3)(b) of the Family Reunification Directive.

⁷¹ Act on Granting International Protection to Aliens § 7

which is considered in the decision-making process. Additionally, respective legal or social services involved in the child's care can be consulted to ensure the child's safety and stability. The Police and Border Guard Board shall commence family tracing of an unaccompanied minor as soon as possible after the submission of an application for international protection.⁷²

In case of international protection the assessment of the best interests of the child is written in the decision of granting or denying international protection.

16. If applicable, does your country apply **similar rules for the family reunification of beneficiaries of subsidiary protection or other protection statuses**, as for refugees, i.e. in relation to eligible family members, waiting period and requirements for family reunification? Y/ N

Yes, Estonia applies similar rules for the family reunification of beneficiaries of subsidiary protection as it does for refugees.

If no, please explain how the rules differ for beneficiaries of subsidiary protection or holders of similar protection statuses referring to the different topics covered previously (e.g. eligible family members, waiting period and requirements for family reunification).

17. Are the requirements for family reunification in your country more favourable for the family reunification of **EU Blue Card holders, researchers and intra-corporate transferees**?⁷³ Y/N If yes, please provide details on how these requirements are more favourable for each category.

Yes. The requirement for registered place of residence and actual dwelling is not applied as a requirement for the issue of a temporary residence permit to settle with the spouse or registered partner in case the spouse or registered partner for the purposes of settling with whom the residence permit is applied has received a residence permit for employment for research activities.⁷⁴

Also, the requirement for prior residence in Estonia shall not be applied for the issue of a temporary residence permit to settle with the close relative if the close relative has the EU Blue Card or has a temporary residence permit for an intra-corporate transfer.⁷⁵

In addition, the stay in Estonia of the spouse, registered partner or close relative of TCN who is a holder of the EU Blue Card of another MS and is applying for the EU Blue Card in Estonia is legal until the decision with regard to the application is made in case they hold a residence permit issued by another MS to a family member of the TCN holding the EU Blue Card and they are applying for a residence permit in Estonia to settle with the spouse or registered partner for the purpose of settling with the alien who is applying for the EU Blue Card.⁷⁶

18a. Please indicate any **challenges** experienced by

⁷² Source: E-mail questionnaire filled by official from the Ministry of the Interior (30.01.2025).

⁷³ Article 17 and Article 22 of the revised Blue Card Directive; Article 26, Article 27(3) and Article 30 of the Students and Researchers Directive; Article 19 of the Intra-Corporate Transferees Directive.

⁷⁴ Aliens Act § 140

⁷⁵ Aliens Act § 150

⁷⁶ Aliens Act § 161¹

- i) sponsors and/or family members associated with accessing the right to family reunification, n/a
- ii) your national authorities implementing any of the above requirements for family reunification.

Please indicate according to whom this is a challenge (e.g. through studies/ evaluations/expert opinions). n/a

18b. Have there been any **good practices** put in place to overcome the above-mentioned challenges or to facilitate the family reunification procedure, including innovative practices, work with the diaspora or facilitation of the access to information? Y/N

n/a

Please indicate according to whom this is a good practice (e.g. through studies/ evaluations/expert opinions).

SECTION 5: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION [MAXIMUM 5-10 PAGES]

This section reports on the process for submitting and examining an application for family reunification in the host country or abroad covered by Chapter III of the Family Reunification Directive, including the procedures for verifying the fulfilment of the requirements/ measures listed in Section 3 above. **If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the variations.**

19. Please describe where sponsors and family members can find **available information** on the family reunification procedure.

Individuals seeking family reunification in Estonia can find reliable information on the website of the Estonian Police and Border Guard Board⁷⁷; on the website eesti.ee⁷⁸ and through embassies.

In case of the international protection, the information can be found in the information booklets for applicants and beneficiaries for international protection.⁷⁹ There is no separate information available on the process.

20. Please describe the **procedure(s) that apply to the sponsor or his or her family members** when an application for the purpose of family reunification is submitted, as follows:

⁷⁷ Estonian Police and Boarder Guard Board website, available:

<https://www.politsei.ee/en/instructions/residence-permit-for-a-minor-child-for-settling-with-a-family-member>

⁷⁸ Eesti.ee website, available: <https://www.eesti.ee/eraisik/en/artikkel/citizenship-and-documents/right-of-residence-and-residence-permit-for-foreign-nationals>

⁷⁹ Estonian Police and Boarder Guard Board website, available:

<https://www.politsei.ee/et/juhend/rahvusvaheline-kaitse/kasulikud-materjalid>

20a. Who can lodge the application for family reunification in your country: the sponsor or his or her family members?⁸⁰

According to the Aliens Act, the application for the residence permit must be submitted by the family member⁸¹. The application for a residence permit for a child under 15 years of age may be submitted by their legal representative, for example, their mother or father. A child over 15 years of age may apply for their residence permit independently.

In case of international protection, the application for family reunification can only be submitted by the sponsor and can be done already at the time of the applying for the international protection. In case of the UAM, the representative or a guardian shall submit the application on behalf of the child.⁸²

20b. If the sponsor must submit an application for family reunification, where and how can this application be submitted (e.g. in person, online, etc.)? Please also indicate whether a different procedure applies to sponsors who are unaccompanied children (e.g. submission via legal representative).

In case of international protection, the application can be submitted in person at the PBGB service point. In case of the UAM, the representative or a guardian shall submit the application on behalf of the child.

20c. If the sponsor's family members must submit an application for family reunification, where can this application be submitted (e.g. consulate of the country abroad, possibility to submit the application in the host country, online submission, etc.)?

TCN can apply for a residence permit at a foreign representation of Estonia or at the PBGB service point.

In case of the international protection, it is not possible for the family members of the beneficiary to apply for the residence permit for reunification purposes at the embassy. After the preliminary proceedings by the PBGB confirming the eligibility of the procedure is finished, the family members are advised to apply for the visa at the embassy and family members are obliged to apply for international protection upon arrival to Estonia.⁸³

20d. What documentary evidence is required from the applicant to confirm i) his or her identity and ii) the family relationship? Please describe separately for each category of family members. Please also indicate if apostille, legalisation or other practices related to the validation of the documents are requested and their associated cost.

Identity Proof: a valid travel document

Family Relationship Proof:

For a spouse or registered partner, a marriage certificate or registration documents are needed if issued outside of Estonia. If the marriage certificate was issued in a country that is a member of the Hague Convention on Apostille, the certificate should be

⁸⁰ Article 5 of the Family Reunification Directive specifies that EU Member States determine whether, in order to exercise the right to family reunification, an application for entry and residence must be submitted to the competent authorities by the sponsor or his or her family members.

⁸¹ Aliens Act § 32

⁸² Source: E-mail questionnaire filled by official from the Ministry of the Interior (30.01.2025).

⁸³ Source: E-mail questionnaire filled by official from the Ministry of the Interior (30.01.2025).

apostilled. If the country is not part of the Hague Convention, the document will need to be legalized by the relevant Estonian embassy or consulate.

For minor children, a birth certificate or adoption papers are required if registered outside of Estonia. As with the marriage certificate, if the birth or adoption certificate is issued outside Estonia, it must be apostilled or legalized depending on the country of issuance. In the case of joint custody, the consent of the other parent is required for the issuance of a residence permit.

For a TCN who applies for a residence permit to settle in Estonia as an adult child, in addition to the other documents and data required for the application, a birth certificate must be submitted if the birth has not been registered in the Estonian population register and a document certifying the state of health if the need for care arises from the state of health.

For a TCN who applies for a residence permit to settle in Estonia as a parent or grandparent, in addition to the other documents and data required for the application, documents certifying the family relationship and a document certifying the state of health of the parent or grandparent must be submitted if the need for care is due to a state of health.

In case of the international protection all forms of the proof are used and no apostille or legalisation is required. Lack of documents in itself cannot be the reason to reject the application.⁸⁴

20e. What alternative evidence or methods of investigation are employed by the competent authorities in your country in the absence of documentation (DNA testing, interviews, or alternative means to prove identity and/or family relationships, etc.)?

Please indicate whether any of these elements require in-person presence in the country of departure and how do you operate or what kind of cooperation agreements with other EU Member States or partners you have when you do not have an embassy in the country of departure.

DNA, interviews, pictures etc can be used but there has not been any need in practice.⁸⁵

20f. Is the applicant (be it either the sponsor or the family member) required to pay a fee to apply for family reunification? If yes, what is the level of this fee and are there exceptions to the payment of this fee?

Please also indicate whether there are any additional costs linked to the procedure which must be borne by the applicant, such as DNA testing, participation in tests or exam, legalisation of documents, exit and travel costs (including visa), etc.

Yes, in Estonia, there is a state fee for applying for temporary residence permit for settling with spouse, registered partner or close relative – 225 euros in Estonia and 255 euros at a foreign representation. For an application for a temporary residence permit for settling with a spouse or registered partner who is an Estonian citizen or a close relative who is an Estonian citizen – the state fee is 115 euros in Estonia and 145 euros in foreign representation. If it is not possible to pay the state fee, the PBGB has the right based on the person's financial situation, on the basis of an application justified by a government institution or local government to reduce the state fee rate or exempt the person from paying it. Travel costs are additional costs that the applicant or sponsor

⁸⁴ Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025).

⁸⁵ Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025).

must bear for the family members to travel to Estonia after the reunification process is approved.⁸⁶

In case of international protection there is no state fee for the procedure and issuance of the residence permit. However, there is a full state fee for issuance of a visa, which is needed for entering Estonia and applying for the international protection and residence permit.

20g. Does your national law provide for a rejection of an application for entry and residence, the withdrawal or non-renewal of the residence permit of family members on grounds of public policy, public security or public health?⁸⁷ Y/ N

If yes, what is the procedure in place to verify whether or not the family member(s) constitute a **threat to public policy, public security or public health?**

Yes, the Aliens Act provides grounds for the refusal of the residence permit, as well as the withdrawal or non-renewal of the residence permit for family members, based on concerns related to public policy, public security, or public health.⁸⁸

Under the Aliens Act the verification procedure involves background checks (criminal, security), and possibly further checks if any concerns arise. If there are grounds for refusal to issue the residence permit, TCN will be contacted. The processor of the application will ask TCN's opinion and objections on the matter and position will be taken into account when deciding whether or not to issue the residence permit. If the residence permit is still refused or not renewed, the applicant is notified and may, within ten days of the date of notification of the decision, lodge a complaint with the administrative court or an appeal. The appeal decision may be challenged before an administrative court within the same time limit.⁸⁹

According to the Act on Granting International Protection to Aliens (AGIPA), the issuance or extension of a residence permit to a family member shall be refused, or a residence permit shall be revoked, if the family member poses a threat to national security, public safety, or public order. In the case of international protection, only court proceedings are possible. Although only the decision on the residence permit application may be appealed; not the preliminary decision of the Police and Border Guard Board.⁹⁰

20h. How are the best interests of the child taken into account during the examination of the application?⁹¹

Please indicate how is the assessment performed and what kind of coordination mechanisms you have put in place with the relevant authorities in the departure countries.

A case-by-case approach is used, meaning that where necessary, the best interests of the child will be assessed in cooperation with The Social Insurance Board.

In case of the international protection the methods of communication and coordination varies dependent of the country of presence and the specific situation of the child. The assessment is written in the administrative act granting or refusing the status. All of the evidence and opinions seeked form specialists are stored in the file. Children, who

⁸⁶ Source: the website of the Police and Border Guard Board

⁸⁷ Article 6 of the Family Reunification Directive establishes that EU Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.

⁸⁸ Aliens Act § 124 and § 135

⁸⁹ Act on Granting International Protection § 46

⁹⁰ Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025).

⁹¹ Article 5(5) of the Family Reunification Directive establishes that when examining an application, the EU Member States shall have due regard to the best interests of minor children.

apply for asylum or on whose behalf asylum has been applied for, have their independent files and their opinion is asked and taken into account. The age and the level of maturity of the child is taken account of in all proceedings.⁹²

21. Taking the different steps above into account, what is the **duration** of the procedure deciding on an application for family reunification in your country – both according to law and in practice:

- Legal time limit for deciding upon an application? Please also indicate what is the period under which an appeal of the decision can be lodged.

International protection - After submitting the application for family reunification, the Police and Border Guard Board (PBGB) will make a decision whether family members qualify as family members under AGIPA within 30 days after receiving an application or together with the positive international protection decision, when the application was submitted together with the asylum application. Upon arrival the family member is obliged to apply for the international protection and regular deadlines of 6 months apply.

Proceedings carried out according to the Aliens Act – processing the temporary residence permit application may take up to 2 months.⁹³

Average duration of the procedure in practice, including the notification of the decision? (e.g. in days/months from the date of application until date of notification of the decision)

International protection – in 2024 the duration was 34 days in average.⁹⁴ According to the AGIPA, the transfer decision, the decision to reject an application or revoke international protection may be contested in the administrative court within ten days as of the announcement of the decision.⁹⁵

According to the Aliens Act, within ten days as of the date of notification of the decision an appeal may be filed with an administrative court or a challenge may be filed against a decision on the issue of and refusal to issue, the extension of and refusal to extend and the revocation of a temporary residence permit or the refusal to review an application for a temporary residence permit.⁹⁶

- Have any specific measures been taken by your country to shorten processing times? If so, what measures?

n/a

22. Is a visa required for family members to enter the territory of your country or is the residence permit delivered abroad?⁹⁷

Yes, a visa is required in case of international protection.

⁹² Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025).

⁹³ Information from the website of the Police and Border Guard Board: www.politsei.ee

⁹⁴ Source: E-mail questionnaire filled by official from the Ministry of the Interior (30.01.2025).

⁹⁵ Act on Granting International Protection § 25¹

⁹⁶ Aliens Act §222

⁹⁷ Article 13 of the Family Reunification Directive requires EU Member States to facilitate the entry of family members by authorising their entry and providing assistance in obtaining the necessary visas once their application for family reunification is accepted.

In terms of legal migration, a person does not need a visa if they can submit the application at a foreign representation, and in that case, the documents will be sent abroad. If the person cannot apply for a residence permit through a foreign representation, they will need a visa to enter Estonia beforehand.⁹⁸

If a visa is required:

22a. What is the procedure applicable to the visa?

International protection: When the person as well as the relevant Estonian embassy is informed about the positive decision made about qualifying as family member, the applicant/family member(s) can submit a visa application. In case of family reunification, third-country national can apply for long-term (D-type) visa (as there is no separate visa for family reunification or applying for international protection).

A family member should submit an application for an international protection and residence permit at the earliest opportunity but not later than six months as of the date of issuing a residence permit to the one applying for family reunification. However, Estonian PBGB has not imposed additional restrictions or conditions when the 6 months' time limit has been exceeded. Reasons for delay are taken into account individually.⁹⁹

22b. What is the legal time limit for deciding upon a visa application?

The consular officer decides on the granting or refusal of a long-stay (D) visa within 30 days from the date of acceptance of the application, unless an international agreement binding the Republic of Estonia provides otherwise. The PBGB shall review the submitted application within 10 working days of the acceptance of the application.¹⁰⁰

22c. What is the average duration of the procedure in practice, including the notification of the decision? (e.g. number of days/months)

n/a

22d. Have any specific measures been taken by your country to shorten processing times for the visa and to facilitate the visa procedure?

Please also indicate if there are any limitations to the number of visas that can be issued in a given period of time.

n/a

23. Does your national law provide for a **rejection of an application** for entry and residence, or the **withdrawal or non-renewal** of the residence permit of family members:

The granting of a temporary residence permit is refused, withdrawn or not renewed on the grounds provided in Aliens Act.¹⁰¹ In case on international protection, the ground are provided in the Act on Granting International Protection.¹⁰²

⁹⁸ Source: E-mail questionnaire filled by official from the Police and Border Guard Board (04.02.2025).

⁹⁹ Information from the webpage of the Police and Border Guard Board.

¹⁰⁰ Information from the webpage of the Police and Border Guard Board.

¹⁰¹ Aliens Act § 123 and 130.

¹⁰² Act on Granting International Protection § 57

23a. where the conditions laid down by the Family Reunification Directive are not or are no longer satisfied (sufficient resources, accommodation, insurance, etc.) Y/N

Yes.

No in case of the family reunification of beneficiary.

23b. where the sponsor and his/her family member(s) do not or no longer live in a real marital or family relationship; Y/N

Yes. In case of the international protection thorough individual assessment is needed. For example, when a person could be in danger due to of being a formal spouse, the residence permit will not be withdrawn.

23c. where it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person. Y/N

Yes.

23d. false or misleading information, false or falsified documents were used, fraud was otherwise committed, or other unlawful means were used. Y/N

Yes.

23e. the marriage, partnership or adoption was contracted for the sole purpose of enabling the person concerned to enter or reside in the host country. When making an assessment with respect to this point, national authorities may have regard in particular to the fact that the marriage, partnership or adoption was contracted after the sponsor had been issued his or her residence permit. Y/N

Yes.

24. Does the national law of your country provide for the **withdrawal or non-renewal** of the residence permit of family members where the sponsor's residence comes to an end and the family member does not yet enjoy an autonomous right of residence? Y/N If yes, please describe.

Yes, according to the Aliens Act a residence permit for settling with a family member is granted for up to five years, but not longer than for the period of validity of the sponsor's residence permit. If the sponsor's residence permit is revoked (e.g., due to the sponsor's permit expiring, the sponsor being deported, or the sponsor leaving Estonia), family members who do not have an autonomous right of residence (i.e., a right to remain in Estonia independent of the sponsor) may face the withdrawal or non-renewal of their own residence permits.¹⁰³

International protection – Yes, where a residence permit has been issued to the family member on the basis of family reunification. No, where the family member has been granted both a residence permit and international protection status independently in their own right.

In cases where a residence permit is issued to a family member under the Act on Granting International Protection to Aliens, the validity and continuation of that permit are linked to the sponsor's residence permit and the continued existence of the circumstances forming the basis for family reunification. The family member's permit

¹⁰³ Aliens Act § 155

may not exceed the validity of the sponsor's permit and may be refused extension or revoked if the sponsor's permit is not extended or is revoked, or if the underlying grounds for issuance cease to exist. However, where the underlying grounds no longer exist and requiring the person to leave Estonia would be manifestly excessively burdensome, a residence permit may be granted under the Aliens Act on another family reunification basis. In the case of a minor child, revocation or refusal of extension is not permitted if this would be contrary to the rights and best interests of the child.¹⁰⁴

25a. Please indicate any **challenges** experienced by:

- i) sponsors and/ or family members throughout the above-mentioned procedure(s) (lengthy procedures, difficulty in gathering documents, accessing consular posts, etc.);
In the case of Estonia, accessing consular posts can be particularly challenging. Family members have experienced difficulties in reaching Estonian consulates or embassies abroad, which may cause delays in submitting applications and providing necessary documents.
- ii) your national authorities in the implementation of the examination procedure (such as limited administrative capacities, division of competences between relevant national authorities, difficulty in the assessment of the family relationship, etc.). Please indicate according to whom this is a challenge. (e.g. through studies/ evaluations/expert opinions) n/a

Please indicate according to whom this is a challenge.

25b. Please provide any examples of identified **good practices** that might help to overcome the above-mentioned challenges or otherwise. Please indicate according to whom this is a good practice (e.g. through studies/ evaluations/expert opinions).

n/a

SECTION 6: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION

This section provides a comparative overview of the rights that follow on from family reunification in the EMN Member and Observer Countries, notably access to education, employment, vocational guidance and training, and right to apply for autonomous right of residence.

If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the variations.

26. Are family members entitled (in the same way as the sponsor) to access the following rights¹⁰⁵ in your country:

26a. Access to education? Y/ N

¹⁰⁴ Act on Granting International Protection §46

¹⁰⁵ Article 14 of the Family Reunification Directive establishes that family members are entitled (the same way as the sponsor) to access education, employment and self-employed activity, as well as vocational guidance and training. Article 15 of the Family Reunification Directive additionally specifies that family members are entitled to apply for autonomous right of residence after no later than five years, independent of that of the sponsor (also in case of dissolution of family ties).

Yes.

If yes, please indicate whether any special measures to support access to education are available specifically to family members, e.g. language assistance, guidance regarding the national education system, validation of existing studies and recognition of diplomas and qualifications as well as any support measure for this purpose, etc. Please also mention whether there are any announced planned changes in the national legislation/ policy/ practice.

There are no special measures to specifically support family members.

26b. Access to employment and self-employed activity?¹⁰⁶ Y/ N

If yes, please specify if there are specific conditions and if it can be limited during the first 12 months, as well as whether a labour market test is foreseen? Please also specify how access to employment and self-employed activity is granted to family members of intra-corporate transferees, researchers and EU Blue Card holders? Please also mention whether there are any announced planned changes in the national legislation/ policy/ practice.

Yes, there are no limits or specific conditions for family members.

26c. Access to vocational guidance and training? Y/ N

If yes, please describe what the access to vocational guidance and training entails, for example, whether special guidance and training programmes are provided to family members or whether they have access to the general measures. Please also mention whether there are any announced planned changes in the national legislation/ policy/ practice.

Yes, they have access to general measures.¹⁰⁷

27. After how many years of residence and under which conditions (if any) family members are entitled to an **autonomous residence permit** independent of that of the sponsor?

According to the Aliens Act Family members can apply for an autonomous residence permit after 3 years of legal residence in Estonia. For children who are under 18 years old, they may be able to apply for an autonomous residence permit at an earlier stage if they are no longer dependent on their sponsor (e.g., if they have been living independently, studying, or if their parents' relationship has ended). If the family member's relationship with the sponsor ends due to reasons such as domestic violence, they may be granted the right to apply for an autonomous residence permit even before completing 3 years of residence. This exception is meant to protect vulnerable individuals.¹⁰⁸

The family member must have had continuous legal residence, they must demonstrate sufficient self-sufficiency and integration into Estonian society (e.g., language skills, employment). They must not be dependent on the sponsor for their residence status.

¹⁰⁶ In addition to the Family Reunification Directive, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of Blue Card holders or ICTs. Please elaborate on such specificities in the above answer.

¹⁰⁷ Aliens Act § 121¹

¹⁰⁸ Aliens Act § 149

28. Is an autonomous residence permit granted in case of exceptional circumstances such as widowhood, divorce, separation or death? Please detail what qualify as exceptional circumstances in your national law.

Yes, in Estonia, family members may be granted an autonomous residence permit in exceptional circumstances such as widowhood, divorce, separation, or the death of the sponsor. These situations are recognized under Estonian law as exceptional and can allow family members to apply for an autonomous residence permit before the typical 3-year residency period required for long-term residents.¹⁰⁹

29. What other rights are granted to family members in your country, for example, healthcare, social benefits, housing and social housing, possibility for family members to apply for long-term residence status or naturalisation, etc.?

For each right granted, please specify what access entails in practice, and under what conditions?

For beneficiaries of international protection¹¹⁰:

Healthcare: Access to public healthcare through the Estonian Health Insurance system if they work, study, receive an unemployment insurance benefit, are pregnant, under 19 years of age or who receive a state pension granted in Estonia.

Social Benefits: Eligibility for child benefits, unemployment benefits, and social assistance based on residency and income.

Housing: Right to rent or buy property; access to social housing based on municipal criteria.

To all:

Temporary residence permit to settle permanently: After having resided in Estonia for at least 3 years within 5 consecutive years on the basis of a temporary residence permit and having met the integration and financial requirements. (Time lived in Estonia with a residence permit issued to study will not be taken into account.)¹¹¹

Residence permit for long term residents: After having lived continuously in Estonia for 5 years on the basis of a temporary residence permit immediately prior to applying for the long-term residence permit. (And having met the integration and financial requirements and speaking Estonian at least at the category B1 or equivalent level.)¹¹²

Naturalisation: After 8 years of residence (of which at least the last five years on a permanent basis), family members may apply for Estonian citizenship, provided they meet the language, integration and financial requirements.¹¹³

Education: Children have access to free primary and secondary education; higher education may be subject to fees.

¹⁰⁹ Aliens Act § 149

¹¹⁰ Act on Granting International Protection § 75

¹¹¹ Aliens Act § 210¹

¹¹² Aliens Act § 232

¹¹³ Citizenship Act § 6

30. Are family members of refugees and/ or beneficiaries of subsidiary protection or holders of similar protection statuses granted refugee/ subsidiary protection status or similar protection statuses in their own right or on a 'derived' permit (from that of the sponsor)?

Please clarify how the type of permit issued differs in terms of its validity and rights attached to it.

There are 2 options for possible outcomes for family members of refugees/beneficiaries of temporary protection¹¹⁴:

- a person receives a residence permit of a family member of the beneficiary of international protection. It means that the residence permit is 100% dependent of the fact of being a family member. When that connection brakes the right to the permit generally ends. There is a possibility for exceptions.
- A person receives a residence permit on account of being personally persecuted on another ground (apart from being a family member). The renewal is not connected to the "first" family member.

31a. Please indicate any **challenges** experienced by family members in your country with regard to accessing the above-mentioned rights (e.g. based on existing studies/ evaluations or information received from relevant authorities and stakeholders/expert opinions) and solutions put in place to tackle them.

n/a

32b. Please provide any examples of identified (e.g. through studies/ evaluations/expert opinions) **good practices** with regard to the provision of education/ access to the labour market and vocational guidance and training/ right to autonomous residence for family members in your country/ etc, including support before departure to ensure better access once in the host country.

n/a

Please indicate according to whom this is a good practice.

SECTION 7: CONCLUSIONS [MAXIMUM 3 PAGES]

Section 7 outlines the main findings of the study and presents conclusions relevant for policymakers at national and EU level.

This study gives an updated overview of the current national situation regarding family reunification for third-country nationals, including any recent trends and developments in law, policy, and practice in Estonia since 2017.

In Estonia, family reunification of third-country nationals is regulated primarily by two legislative acts: the Aliens Act and the Act on Granting International Protection to Aliens (AGIPA). The approach to family reunification has evolved since 2017. In 2022 the amendments to the Aliens Act and the amendments to the Act on Granting International Protection to Aliens were made, to update the conditions for obtaining a residence

¹¹⁴ Act on Granting International Protection to Aliens § 4 and 46

permit for settling with a family member and the rules for expiry of a temporary residence permit granted to settle with your spouse. In 2023 the amendments to the Aliens Act and Act on the Granting of International Protection to Aliens were made, now recognizing registered partners as family members of applicants for the family reunification purpose, a step that aligns with Estonia's inclusive marriage equality laws. While no further legislative changes are currently planned in the area of family reunification, there are ongoing informal discussions that could lead to potential administrative improvements in the future.

Estonia does not have a specific family assistance program, although since 2017, the Police and Border Guard Board (PBGB) has provided free migration advisory services in Estonian, Russian, and English. These services are aimed at helping foreign nationals navigate the complexities of residence and family reunification processes. Estonia also offers a free adaptation programme *Settle in Estonia* which supports newly arrived foreigners, with mandatory participation for persons granted international protection. Family members of international protection beneficiaries must attain A2 proficiency in Estonian within two years and B1 level within five years, supporting their integration into society.

In Estonia, sponsors for family reunification can be Estonian citizens or foreign residents with a valid residence permit. Eligible family members include spouses, registered partners, minor children, adult children unable to live independently due to health reasons, parents, grandparents needing care, and wards under guardianship. Special rules apply for students: only doctoral students' family members have immediate rights to residence permits, while others may apply after two years. Although family reunification generally doesn't apply to visa holders, exceptions exist for categories like doctoral students, researchers, intra-corporate transferees, start-up founders, and teleworkers, allowing their close family members to obtain visas under similar conditions.

However, there are limits to who can reunite under Estonian family reunification rules. Applicants for family reunification are required to have a registered place of residence and actual dwelling and compliant health insurance coverage, except for beneficiaries of international protection. The sponsor must demonstrate a stable and regular income, which is linked to Estonia's subsistence level. If these requirements are not met, applications may be rejected, though applicants can file an appeal in such cases. For refugees, there is a six-month grace period for family reunification without these requirements, and unaccompanied minors (UAMs) may reunite with extended family members if it serves their best interests. Furthermore, EU Blue Card holders, researchers, and intra-corporate transferees enjoy more favorable conditions for family reunification. Family members in Estonia enjoy the same rights as sponsors in terms of education, employment, and vocational training.

Regarding the submission and examination of family reunification applications, Estonia provides several reliable resources for applicants to find detailed information. These include the website of the Estonian Police and Border Guard Board, the eesti.ee portal, and Estonian embassies.

To support the application process, applicants must provide documentary evidence to confirm both their identity and family relationship. The required documents include passports, marriage certificates, birth certificates, or adoption papers, depending on the family relationship. In cases where documentary evidence is unavailable, alternative methods, such as DNA testing or interviews, may be used. However, Estonia has not yet needed to resort to such measures. Applicants are required to pay a state fee for their residence permit application, except for beneficiaries of international protection.

Between 2017 and 2024, the number of family reunification applications in Estonia showed significant variation. Nationally, the total number of granted applications was highest in 2022, reaching 2,867, while the lowest number was recorded in 2017 with 1,184 approvals. In cases related specifically to beneficiaries of international protection (BIPs), the number of submitted applications remained relatively low, fluctuating between 2 and 19 per year. Although most of these applications were approved, rejection rates increased slightly in recent years.