



## **EMN Ad-Hoc Query on Maximum time limit for applications for family reunification of third-country nationals**

Requested by Benedikt VULSTEKE on 14th April 2016

### **Family Reunification**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (26 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*



### **Background information:**

According to article 5, §4 of the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, the competent authorities of the Member State shall give the person – who has applied for family reunification - written notification of the decision as soon as possible and no later than nine months from the date on which the application was lodged (may be extended in exceptional circumstances).

The Belgian government plans to increase the maximum time limit for processing applications for family reunification of third-country nationals from 6 to 9 months. The responsible Committee of the federal Parliament discusses the proposed legal changes this and following week(s).

Questions:

In this framework we would like to ask you the following questions:

- What is the current maximum time limit for processing applications for family reunification in your country?
- Did your country recently change this maximum time limit or does your country have plans to do so in the (near) future?

### **Questions**

1. What is the current maximum time limit for applications for family reunification of third- country nationals in your country?
2. Did your country recently change this maximum time limit or does your country have plans to do so in the (near) future?

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	No	
	Belgium	Yes	<ol style="list-style-type: none"><li>1. Currently, the Belgian competent authorities notify the applicant for family reunification of their decision no later than 6 months from the date the application was lodged. This deadline can be extended in case of particular complex applications.</li><li>2. The Belgian government plans to increase the maximum time limit for processing applications for family reunification of third-country nationals from 6 to 9 months.</li></ol>

	Bulgaria	Yes	<p><b>1.</b> 1 month</p> <p><b>2.</b> No</p>
	Croatia	Yes	<p><b>1.</b> In Croatia, there is no difference between the procedure for family reunification of refugees and beneficiaries of international protection and the procedure for other cases of family reunification. Applications for family reunification are processed not later than within 30 days from the lodging an orderly application. The Administrative Procedure Law allows this time limit to be extended if the applicant requests an extended investigation in which case the further investigation and the delivery of the final answer to the orderly application has to be done within 60 days.</p> <p><b>2.</b> Currently there is no official discussion about the time limit for processing a family reunification applications to be extended.</p>
	Cyprus	Yes	<p><b>1.</b> According to the legislation in force, which harmonises the Council Directive 2003/86/EC, in principle a decision on an application for family reunification should be issued as soon as possible and no later than within 9 months from the date of application submission. This period may be extended for up to three months for difficult cases. More favourable provision may apply for cases where the sponsor is a long term resident, or a holder of an immigration permit (national permanent residence) or is an employee of a company of foreign interest. In these cases the application for family reunification should be issued as soon as possible and no later than within 5 months from the date of application submission.</p> <p><b>2.</b> No such change has been made nor is being planned.</p>
	Czech Republic	Yes	<p><b>1.</b> Currently, the Czech Republic applies the maximum time limit when deciding on applications for family reunification of TCNs, i.e. 270 days (9 months). However, in accordance with the rules on family reunification set down in other relevant Directives (e.g. EU Blue Card Directive) and according to national rules, the time limit is shorter in case of certain categories of TCNs. Thus, the time limit for processing applications for family reunification is: - 60 days, in case of a family member of a third-country researcher, - 120 days, in case of a family member of a TCN, who had</p>

			<p>been granted the long-term residence status in a first Member State, and - 180 days, in case of a family member of an EU Blue Card holder.</p> <p><b>2.</b> No, we did not change the time limit for processing applications for family reunification of TCNs recently but we are planning to slightly change the time limits for processing applications for family reunification in case of some categories of TCNs (see below). According to the proposal to amend the Act on the Residence of Foreign Nationals in the Czech Republic which is at present being put forward to the Government, the time limit for processing applications for family reunification is set down to: - 90 days, in case of a family member of an EU Blue Cards holder, - 90 days, in case of a family member of an intra-corporate transferee permit holder, - 90 days, in case of a family member of a foreign investor. (The other time limits shall remain the same).</p>
	Estonia	Yes	<p><b>1.</b> Application for family reunification is reviewed within two months of the submission of the application. This time limit can be extended to eliminate shortcomings in the application.</p> <p><b>2.</b> No changes are foreseen in the near future.</p>
	Finland	Yes	<p><b>1.</b> According to the Finnish Aliens Act, the maximum processing time for applications based on family ties is 9 months.</p> <p><b>2.</b> No recent changes.</p>
	France	Yes	<p><b>1.</b> The article L.421-4 of the Code for the entry and stay of foreigners and right of asylum states that the prefet decision has to be notified to the applicant within 6 months after the filing of the application.</p> <p><b>2.</b> France did not modify the processing time for family reunification applications and does not intend to modify it so far.</p>
	Germany	Yes	<p><b>1.</b> 1) Family reunification is regulated in Chapter 6, German Residence Act (AufenthG), this regulation does not provide a time limit for the procession of applications. The time limit applied for</p>

			<p>procedural matters is the indicative limit of three months, according to §75 Code of Administrative Court Procedure (VwGO).</p> <p>2. 2) No. The time limit has not been changed recently and there are no plans to change it in the near future.</p>
	Greece	Yes	<p>1. The maximum time limit for processing the applications for family reunification, in Greece, are 9 months from the time the initial application is submitted. In exceptional circumstances, duly justified, this time limit may be extended for up to 3 additional months. For Holders of an EU Blue Card the time limit for processing their family reunification applications is up to 6 months, while for third country nationals who are long term residents in another member state and apply for family reunification in Greece, the time limit is 4 months from the time the application is lodged. The time limit for long term residents of another member state may be extended for up to 3 more months, for exceptional, duly justified, reasons.</p> <p>2. For the time being, no modifications are expected.</p>
	Hungary	Yes	<p>1. It is 21 days, but certain elements of the procedure, for example the time between the call for submission of further pieces of evidence and the response of the applicant is not included in this time limit.</p> <p>2. No, this time limit has not been changed recently and no plans are foreseen regarding such change.</p>
	Ireland	No	
	Italy	Yes	<p>1. In Italy, the maximum time limit for decisions on family reunification is six months. In particular, Legislative Decree No 286 of 25 July 1998 (Consolidated Act on Immigration) established that a migrant who intends to reunite with his or her family members, who are nationals of a third country and live in their country of origin, has to apply for an authorization for family reunification at the Immigration Desk in the local Prefecture. The applications is made electronically (Article 29 (7) and</p>

			<p>subsequent paragraphs). The Immigration Desk has to acquire the opinion of the local police authority that there are no obstacle to the entry into the country of the foreign national and has to establish that all requirements are met. The Immigration Desk has 180 days from receipt of the application for family reunification to give its authorization or to issue a rejection decision, and notify the consular authority. The applicant receives a written communication with the telephone number of the Immigration Desk to contact in order to make an appointment for his or her family member, who has to apply for a residence permit within 8 days from entry into Italy. Once the authorization has been obtained, the family member for whom an application for family reunification has been applied has to apply for a visa at the competent Italian consular or diplomatic authority in his o her State of residence, submitting documents that prove the family relationship. The authorization may be used for six months from the date of issue.</p> <p><b>2.</b> The 180-day time limit for decisions on applications for family reunification was established in Law No 94 of 24 July 2009, Provisions on public security, Article 1( 15)(s). Currently, there are no plans to change such a time limit.</p>
	Latvia	Yes	<p><b>1.</b> The time limit according to the Immigration Law is 30 days from the day when an application has been received in the Office of Citizenship and Migration Affairs. Most applications are processed within this time limit however the Administrative Procedure Law allows this time limit to be extended for up to 4 months. In some exceptional cases this possibility is used.</p> <p><b>2.</b> These time limits have not been changed recently and there is no intention to change them in the near future.</p>
	Lithuania	Yes	<p><b>1.</b> Applications for family reunification are processed not later than within 4 months from the lodging an application. For a higher fee an accelerated procedure can be used and the time limit is 2 months. Applications for family reunification for highly qualified workers and investors who invest no less than 260 thousand Euros are processed no later than within 2 months. For a higher fee an accelerated procedure can be used and the time limit is 1 month.</p>

			2. Time limits were shortened from 6 to 4 months and accelerated procedure introduced in 2014.
	Luxembourg	Yes	<p>1. Article 73 (6) paragraph 1 of the amended Law of 29 August 2008 on free movement of persons and immigration establishes that the Minister in charge of Immigration shall give the person – who has applied for family reunification - written notification of the decision no later than nine months from the date on which the application was lodged. In exceptional circumstances linked to the complexity of the examination of the application, that time limit may be extended. By way of derogation, authorisation of stay for family members of the holder of an EU Blue Card shall be granted no later than six months after the date on which the application was lodged, if the conditions for family reunification are fulfilled.</p> <p>2. At the moment there are no plans to modify this article.</p>
	Netherlands	Yes	<p>1. In the Netherlands, there is a difference between the procedure for family reunification of refugees and beneficiaries of international protection (which results in an asylum permit) and the procedure for other cases of family reunification (which results in a non-asylum permit). The maximum time limit for processing applications for family reunification of refugees/beneficiaries is 90 days. In November 2015, the Minister of State informed the Dutch Parliament that the time limit for processing applications will be extended to 9 months. The time limit for other cases of family reunification is 90 days, with the possibility to extend the period of decision-making with 3 months or 6 months.</p> <p>2. Yes (see question 1)</p>
	Poland	Yes	<p>1. Up to 1 month, and in particularly complex cases up to 2 months from the date of submission of the application. These periods do not include the duration of suspension of the proceedings, periods of delay for which the foreigner is at fault or to reasons beyond the control of authority examining the application and duration of security screening. Moreover, as each case is considered on an individual basis, the procedure may be prolonged until all important circumstances of the case are clarified.</p> <p>2. No.</p>

	Portugal	Yes	<p>1. The current maximum time limit for processing applications is 3 months.</p> <p>2. No.</p>
	Slovak Republic	Yes	<p>1. Maximum time limit for issuing a decision on application for family reunification is 90 days. In specific cases, this period can be extended.</p> <p>2. No changes are expected.</p>
	Slovenia	Yes	<p>1. 6-7 months.</p> <p>2. No.</p>
	Spain	Yes	<p>1. Spanish legislation establishes a general máximo resolution period of three months from the day following the date of entry of the application in the register of the competent body for processing (First Additional Provision, LO 4/2000, January the 11th) However the Spanish legislation provides half the period indicated above to notify the resolution of residency applications for family reunification (Twelfth Additional Provision)</p> <p>2. This period has not been recently modified. There is no information at this time providing for an amendment in the near future.</p>
	Sweden	Yes	<p>1. In accordance with the Directive 2003/86/EC the maximum time limit is nine months from the day on which the application was lodged.</p> <p>2. There has been no change recently and no change is planned.</p>
	United Kingdom	Yes	<p>1. All family reunion applications are carefully considered on their individual merits without unnecessary delay. In 2015, the average time taken to resolve an application was 40 days, and we aim to make a decision on these applications within 60 days. Some applications are decided more quickly and some may take longer, for example if further information or further investigation is required.</p>

			<p>There is no maximum time limit for processing applications or plans to introduce one. Further information on visa processing times is provided at Gov.UK at: <a href="https://visa-processingtimes.homeoffice.gov.uk/">https://visa-processingtimes.homeoffice.gov.uk/</a></p> <p><b>2. No.</b></p>
	<p>Norway</p>	<p>Yes</p>	<p><b>1.</b> Norway is not bound by the the Council Directive 2003/86/EC of 22 September 2003. The Norwegian Immigration Act does not set a time limit for processing applications for family reunification of TCN. The processing times varies depending on the complexity of the application, the need for conducting interviews, collecting DNA-analysis and other relevant documentation. The processing times have varied over the years depending on the number of applications received and the resources allocated for processing such applications. However, we do inform applicants about the expected processing time when applying and keeping them informed about any change in the expected processing time during the process as well as post the estimated processing times on our website.</p> <p><b>2. N/A</b></p>