



**AD HOC QUERY ON 2019.28 Ad-Hoc Query on the status granted to family members of recognized refugees or beneficiaries of subsidiary protection**

**Requested by EMN NCP Austria on 1 March 2019**

**Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Norway (25 in Total)**

Disclaimer:

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

**1. Background information**

Austria is currently reviewing the policy on family procedures and family reunification of beneficiaries of international protection. Therefore, we are gathering evidence on the legislation of other Member States in this field.

Given the conciseness of the questions and the fact that Austria is currently amending its Aliens Law, we would be most grateful if the Member States could provide their answers in this exceptional case no later than **15 March 2019**.

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.

**2. Questions**

- 1. 1. If a family member of a recognized refugee (after fulfilling the relevant criteria) will be reunited according to Directive 2003/86/EC what kind of status does the family member receive in your country after arrival?
- 2. 2. If a family member of a person that was granted subsidiary protection (after fulfilling the relevant criteria) will be reunited what kind of status does the family member receive in your country after arrival?
- 3. 3. What happens if the family member applies for asylum after arriving in your country?

We would very much appreciate your responses by **12 April 2019**.

**3. Responses**

1

		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	Yes	1. Austrian legislation on family reunification is regulated in § 35 Asylum Act. According to this provision, a family member of a beneficiary of international protection status may, for the purpose of filing an application for international protection according to § 34 Asylum Act, file

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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.

			<p>an application to be granted an entry permit. After having been granted entry to the Austrian territory, family members receive the same scope of protection: asylum or subsidiary protection (§ 34 Asylum Act). ---Source: Ministry of the Interior</p> <p>2. See Q 1.---Source: Ministry of the Interior</p> <p>3.</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Persons authorized to stay in Belgium for reasons of family reunification with a TCN, must present themselves to the municipal administration of the place of residence. They are registered in the National Register (Foreigners Register) and are issued a residence card ("A-type") of limited duration. The residence permit of the family member may be withdrawn or not renewed if the requirements are no longer met before the autonomous stay is granted. This may happen for example if the condition on sufficient, stable and regular resources (if applicable) is no longer met, or if there is no longer an effectively married or family life (Please note that the residence permit will not be withdrawn when the separation between the spouses or registered partners resulted from domestic violence). The residence permit may also be withdrawn when false or misleading information was used during the family reunification process or fraud was committed, or where there are founded reasons to suspect that the marriage, partnership or adoption has been concluded to allow the person concerned to enter or remain in Belgium. Since the residence of the family members depends on the residence of the sponsor, the residence permit may also be withdrawn or not renewed in case the sponsor loses its residence permit, for example when the international protection status of the sponsor is ended. In Belgium refugees and beneficiaries of subsidiary protection have initially only a limited residence right, which can become unlimited. During the first five years the residence permit of the family member is of limited duration (1 year) and conditional. After this five year period, and if the sponsor has acquired (by then) a permit of unlimited duration, a residence permit of unlimited duration is also granted to the family migrant.</p>

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.

			<p>2. Similar to recognized refugees (same requirements). So please see Q1.</p> <p>3. It is quite frequent that the family member of a beneficiary of international protection, once arrived in Belgium, applies for international protection, as he/she may also be entitled to it. In the latter case, the application will be examined in the light of the content of the asylum application of the sponsor. If the application for international protection is rejected, the family member will keep his or her residence right based on family reunification.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. According to art. 8 (9) of the Law on Asylum and Refugees (LAR) the family members of the alien who have been granted refugee status shall also be considered refugees, insofar as this is compatible with their personal status and where no circumstances under Art. 12 (1) have been established. (Art. 12 (1) - there are serious grounds to assume that he/she has committed an act defined as a war crime or crime against peace and humanity under the Bulgarian legislation and under the international treaties to which the Republic of Bulgaria is a signatory; 2. there are serious grounds to assume that he/she has committed a serious non-political crime outside the territory of the Republic of Bulgaria; 3. there are serious grounds to assume that he/she commits or incites towards acts contrary to the goals and principles of the United Nations Organisation; 4. who benefits from the protection or assistance provided by bodies or organisations of the UN other than the UNHCR; where such protection or assistance has not been suspended and his/her status has not been established under a relevant resolution of the United Nations Organisation, such individual can avail himself/herself of the benefits from the Geneva Convention regarding the Status of Refugees of 1951; 5. with respect to whom the competent authorities of his/her state of permanent residence have recognized the rights and obligations resulting from the citizenship in that country; 6. with respect to whom there is serious proof for regarding him or her as a danger to national security; 7. who, having been convicted by an enforceable sentence of a serious crime, constitutes a danger to the community.)</p> <p>2. According to art. 9 (6) of LAR, humanitarian status shall be granted also to the family members of the alien who has been granted humanitarian status insofar as this is</p>

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.

			<p>compatible with their personal status and where no circumstances under Article 12, paragraph 2 have been established . (Art. 12 (2) Humanitarian status shall not be granted to an alien:1. with respect of whom there are serious reasons to assume that he/she has committed any of the acts referred to in paragraph 1, subparagraphs 1 and 3; 2. in respect of whom there are serious reasons to assume that he/she has committed a serious public crime; 3. who has committed a crime outside the territory of the Republic of Bulgaria for which the Bulgarian law envisages the penal sanction of deprivation of liberty; and who has left his/her country of origin solely with the purpose of absconding from criminal prosecution, unless such prosecution endangers his/her life or is inhuman or degrading; 4. in respect of whom there are serious reasons to assume that he/she constitutes a serious dangerto the society or to the national security).</p> <p>3. The procedure includes registration and an interview in order to establish the existence of a family relationship, if documents to prove it are unavailable, expired or not original.</p>
	EMN NCP Croatia	Yes	<p>1. According to Aliens Act Article 55., family members of persons granted international protection (refugees, persons under subsidiary protection) are granted temporary residence permits. Only in case of reunification with a child, that child is given the same status as the status of the parent (refugee/subsidiary protection).</p> <p>2. See answer 1.</p> <p>3. If a family member applies for international protection his application will go into regular procedure.</p>
	EMN NCP Cyprus	Yes	<p>1. If the family members include the wife and minor children then all the family members are receiving the refugee status. If one member of the applicant is an adult person (an adult</p>

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.

			<p>child) then that person has to apply for international protection and he/she is examined on an individual basis.</p> <p>2. No family reunifications are applied for beneficiaries of subsidiary protection.</p> <p>3. The application is examined on an individual basis. If the reason for granting refugee status is extended to the family member then the person of interest is granted with the refugee status as well. If not, then the application is examined on its own merits. In all situations the principle of family unity is applied especially for depended persons (i.e wife, minor children).</p>
	EMN NCP Czech Republic	Yes	<p>1. The long-term residence permit for the purpose of family reunification.</p> <p>2. The family member of a person with a subsidiary protection status is required to apply for a long visa for the purpose of family reunification. The holder of this long visa is than required to apply for the long-term residence permit for the purpose of family reunification.</p> <p>3. The Asylum Act provides for the possibility to grant the asylum for the purpose of family reunification. The family members of the recognised refugee eligible for the asylum based on family reunification are:-spouse or “registered partner”,-unmarried child under 18 years,-a parent of a minor recognised refugee,-an adult responsible (guardian) for unaccompanied minor recognised refugee,-minor unmarried sibling of the recognised refugee.The same is applied in the case of the beneficiary of subsidiary protection. The subsidiary protection status for the purpose of family reunification may be granted to the same categories of family members as in the case of asylum for the purpose of family reunification.</p>
	EMN NCP Estonia	Yes	<p>1. Beneficiary of the international protection shall make an application for the family reunification. Upon its approval the family members apply for the visa and arrive to Estonia.</p>

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.

			<p>After arrival they must apply for the international protection and for the ID documents. Police and Border Guard Board shall process the application and make a decision on case-by-case basis whether international protection or residence permit of the family member is needed. In case there is no need for the international protection, the Police and Border Guard Board shall issue a residence permit of a family member of the beneficiary of the international protection. The validity of the temporary residence permit issued to the family member shall not exceed the validity of the temporary residence permit of a beneficiary of the international protection who invited the family member.</p> <p>2. According to the legislation if a TCN has been granted subsidiary protection and a temporary residence permit thereof, the Police and Border Guard Board shall issue a residence permit of a family member to his or her family member based on the same principles as described above.</p> <p>3. A family member is directed to apply for asylum after arriving to Estonia, his or her application will be assessed and if the need for international protection is established, he or she will be granted international protection. If the need for the international protection is not established, the residence permit of a family member shall be issued.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. The family member may receive the same status as the sponsor (refugee status or subsidiary protection) in these situations.</p> <p>2. Please see response to Q.1.</p> <p>3. Not relevant in Finland. See response to Q.1.</p>

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.

	<p>EMN NCP France</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Family members admitted for the family reunification of refugees receive, as the sponsor, a ten-year residence permit (article L.314-11 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum - CESEDA).</li> <li>2. In application of article L.752-1 of the CESEDA, the family reunification of refugees' procedure is applicable to beneficiaries of subsidiary protection (in the same way as for refugees). However, unlike family members of refugees, family members of beneficiaries of subsidiary protection do not receive a ten-year residence permit. Article L.313-25 of the CESEDA provides for the issue of a residence permit for maximum four years and after four years of legal residence of a residence permit of ten years (article L.314-11, 12° of the CESEDA).</li> <li>3. The asylum application will be treated as any other asylum application.</li> </ol>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The family members (spouse or life partner and minor, unmarried child) are entitled to a temporary residence permit (if they meet the requirements) and subsequently to a residence permit for the subsequent immigration of dependants (Sections 27, 29, 30 and 32 of the Residence Act (Aufenthaltsgesetz)). A temporary residence permit shall be issued to the parents of a minor foreigner if the Federal Office for Migration and Refugees has granted him refugee status and if no parent possessing the right of care and custody is resident in the federal territory (Section 36 subsection 1 of the Residence Act). Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship (Section 36 subsection 2 of the Residence Act).</li> <li>2. The family member may be granted a residence permit on humanitarian grounds (if they meet the requirements), however, there is no legal entitlement to a residence permit. 1,000 temporary residence permits can be issued for this purpose each month. The regulation applies to the spouse or life partner and the minor, unmarried children as well as, in the case of a minor entitled to subsidiary protection, to their parents if no parent possessing the right</li> </ol>

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.

			<p>of care and custody is resident in the federal territory (Sections 27, 36a of the Residence Act).</p> <p>3. Once a family member has filed an application for asylum, a temporary residence permit issued for entry expires and the stay is no longer considered to be allowed until the decision on the granting of a residence permit has been taken, but is only granted for the duration of the asylum procedure (Section 55 subsections 1 and 2 of the Residence Act). If the asylum application is lodged after the residence permit has been issued, its validity shall not be affected.</p>
	EMN NCP Greece	Yes	<p>1. Persons that have been granted family reunification are eligible, within one month after their arrival in Greece, to be granted residence permits with the duration of the validity of the permit of the beneficiary of Convention protection.</p> <p>2. Beneficiaries of subsidiary protection are not entitled to family reunification.</p> <p>3. GAS ensures that family unity is maintained in all cases: A) For family members of the beneficiary of international protection who do not individually qualify for international protection and are granted family reunification, please refer to our answers question 1.1B) For family members of the beneficiary of international protection that individually qualify for international protection, shall receive, at their request and with the same procedures, the same rights deriving from the status of the beneficiary of international protection.</p>
	EMN NCP Hungary	Yes	<p>1. According to Article 19. Sections (2) and (4) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, the family member of a recognized refugee can receive a temporary residence permit for the purpose of family reunification.</p>

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.

			<p>2. According to Article 28. Section (1) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, residence permit for other purposes may be issued to a third-country national who plans to stay in the territory of Hungary for a reason other than those specified in Sections 19–27 of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, and fulfils the requirements for the right of residence in Hungary in other respects (e.g. family member of a person that was granted subsidiary protection, plans to attend a higher education institution that has not been accredited in Hungary, or for the purpose of language learning, etc.).</p> <p>3. In order to preserve family unity, the family members of an alien who has been granted refugee status shall also be granted refugee status upon request unless there is a reason for excluding the person from international protection. In order to preserve family unity, the family members of an alien who has been granted subsidiary protection status shall also be granted subsidiary protection status upon request if they file a joint application for subsidiary protection, OR if the family member has submitted an application for subsidiary protection upon the consent of the beneficiary of subsidiary protection, before the resolution for granting subsidiary protection status is adopted unless there is a reason for excluding the person from international protection.</p>
	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Italy	Yes	1. First at all, it would be useful to clarify that the Italian legislation provides a specific provision regarding the family reunification of a recognized refugee. According to article 29-bis of Law 286/1998, foreigner who has been recognised as a refugee could ask for family reunification for the same categories of family members and with the same procedure regulated by art. 29 of law 286/1998 for other migrants, with the exception of paragraph 3. This paragraph establishes that when a migrant asks for family reunification, he has to

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.

			<p>demonstrate: an accommodation in accordance with hygiene, health and housing suitability requirements (verified by the competent municipal office); a minimum annual income resulting from lawful sources; an health insurance or the enrolment in the National Health System aimed at covering all risks in the national territory for over 65 years old ascendant. So, refugee have not to demonstrate these requirements when they request to Prefecture the authorization for the issuing of the visa for family members.</p> <p>2. The beneficiary of subsidiary protection has the right to family reunification at the same conditions provided for refugees by art. 29-bis of law 286/1998 (see Q. 1). This regulation has been introduced by Law 18/2014 (art. 1, comma 1, n.2, lett. o)) which modified art. 22, comma 4 of law 251/2007: so, before this law, the beneficiary of subsidiary protection had to demonstrate the requirements of accommodation, income and health insurance (comma 3, art. 29 of law 286/1998), established for migrants who want to apply for family reunion. The residence permit for family reasons has the same validity of the permit recognised to the relative with whom he has been reunited and it may be renewed together with this last one (art. 30 of law 286/1998). So, also in this case, the residence permit for family reunification is granted for 5 years and it can be renewed.</p> <p>3. In the Italian legislation there is no a provision banning the family member – after arriving in Italy - to apply for asylum, according to the procedure provided by law 25/2008. This situation could only be interpreted as an element of credibility/no credibility by authorities responsible for the assessment of the asylum application</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. In accordance with the Section 54 (1) and (3) of the Asylum Law a refugee has the right to reunite with family members who are in foreign countries. Family member of the refugee shall be issued a permanent residence permit. In accordance with the Section 22 (2) of the Immigration Law a permanent residence permit shall be registered once every five years. No other legal status has been granted to family members of a refugee.</p>

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.

			<p>2. In accordance with the Section 54 (1) and (3) of the Asylum Law a person having acquired subsidiary protection status has the right to reunite with family members who are in foreign countries. The person having acquired subsidiary protection status has such right, if he or she has resided in the Republic of Latvia for at least two years after acquisition of such status. A temporary residence permit shall be issued to the family member of a person having acquired subsidiary protection status for the same time period as the temporary residence permit has been issued to the person having acquired subsidiary protection status. No other legal status has been granted to family members of a subsidiary protection status granted person.</p> <p>3. If a family member applies for asylum, which cannot be excluded and in practice, Latvia has had some such kind of cases, the application has to be examined in accordance with the Asylum Law. Above mentioned means, that, while the case is under the examination, the person keeps rights as a family member of refugee or subsidiary protection granted person, but, if the person is granted a refugee or subsidiary protection status, the person acquires rights as a person with a refugee of subsidiary protection status in Latvia.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Family members are issued temporary residence permits on the basis of family reunification.</p> <p>2. Family member would be issued temporary residence permit on the basis of family reunification.</p> <p>3. If an application for asylum is submitted, this application would be examined to establish whether the asylum seeker meets the criteria for asylum.</p>

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.

	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. In accordance with article 69 in relation with article 74 (1) of the amended law of 29 August 2008 on free movement of persons and immigration the third-country national will be granted a residence permit for “family member”.</li> <li>2. See answer to Q.1.</li> <li>3. If the family member applies for international protection s/he will be considered an applicant for international protection in accordance with article 5 (1) and 6 (1) and (2) of the amended law of 18 December 2015 on international protection and temporary protection and cannot be granted the residence permit for “family member” as in the two precedent cases.</li> </ol>
	<p>EMN NCP Malta</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The status will be as family member of the refugee enjoying all the rights as provided for by the national regulations implementing the relative family reunification directive.</li> <li>2. Family reunification is limited to third country nationals or stateless persons who have been granted refugee status. Therefore, a beneficiary of subsidiary protection status cannot apply for family reunification.</li> <li>3. His/her application for international protection would be examined in accordance with the Asylum Procedures Directive.</li> </ol>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Asylum family reunification is a special type of family reunification which aims to reunite the beneficiary of international protection in the Netherlands with his or her family, as it existed at the time of the beneficiary entering the Netherlands. Persons who come to the Netherlands for asylum family reunification are granted an asylum residence. One condition is that the application for family reunification of the family member is made within 3 months after the asylum permit is granted to the person already remaining in the Netherlands. If the 3 months period is not met, a regular application can be made, in that case, the family</li> </ol>

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.

			<p>member will not get an asylum status, but a regular status if the requirements for regular family reunification are met. This also applies to the next question.</p> <p>2. A special feature of the Dutch asylum seeker system is the one-status system, which means that no distinction is made between refugees and beneficiaries of subsidiary protection as regards the residence status. Both groups receive the same type of residence permit: which is the temporary asylum residence permit, with the same conditions and rights. In the Netherlands, the Family Reunification Directive is applied for both refugees and beneficiaries of subsidiary protection, family members of both categories will be, after arrival in the Netherlands, granted an asylum residence.</p> <p>3. Most family members will apply for a temporary visa, the so called MVV, with which they can travel to the Netherlands. After arrival, they should report to IND in Ter Apel, after which they will obtain the residence permit as a family member. If they want to apply for their own status, they can do so, in that case they have to apply in Ter Apel for a asylum residence permit. More information can be found on EMN research: 'Family reunification of third-country nationals', May 2017.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. Temporary residence permit.</p> <p>2. Temporary residence permit.</p> <p>3. As a general rule, such application will be examined as any other – If individual requirements are fulfilled than a person will be granted refugee status or subsidiary protection. However it must be noted that so far we have not registered a case where a family member of a beneficiary of international protection who came to Poland in the framework of family reunification and later applied for international protection, would get negative decision. In the analysed profile of cases applicants' asylum claim had been either connected to the claim of the already recognized refugee/ beneficiary of subsidiary</p>

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.

			protection and/ or such applicants had their own reasons for a well-founded fear of persecution or real risk of serious harm.
	EMN NCP Portugal	Yes	<ol style="list-style-type: none"> <li>1. The status of refugee</li> <li>2. The same status as the person who was granted subsidiar protection.</li> <li>3. The reunification does not</li> </ol>
	EMN NCP Slovakia	Yes	<p>1. Slovak legislation provides two possibilities for family reunification of persons granted asylum: granting asylum (to the family member) for the purpose of family reunification (according to the Act on Asylum) or temporary residence for the purpose of family reunification (according to the Act on Residence of Aliens).Act on Residence of Aliens (into which the given Directive has been transposed) states the following:Article 27Temporary Residence for the Purpose of Family Unification(1) Temporary residence for the purpose of family unification shall be granted by a police department, if there are no reasons for the refusal of the application in accordance with Art. 33 par. 4, for a third country national who is a:a) family member if the third country national with temporary residence or with permanent residence;b) relative in a direct ascending line of a person granted asylum younger than 18 years of age; orc) dependent person in accordance with an international treaty.(2) The following is considered as a family member of a third country national according to paragraph 1(a)a) a spouse, if the married couple is at least 18 years;b) a single child younger than 18 years of age of a third country national and his/her spouse;c) his/her single child younger than 18 years of age;d) a single child of his/her spouse younger than 18 years of age;e) his/her unattended single child older than 18 years of age or dependent single child older than 18 years of age of his/her spouse56) who cannot take care of him/herself due to long term unfavourable health condition;f) his/her parent or a parent of his/her spouse who is dependent on his/her care and lacks appropriate family support in the country of origin.</p>

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.

			<p>2. The same as for the persons granted asylum applies to the family members of persons granted subsidiary protection. Act on Asylum states: Article 13b Granting of Subsidiary Protection for Purpose of Family Reunification (1) Unless otherwise stipulated by this Act, the Ministry shall grant subsidiary protection for the purpose of family reunification to a) the spouse of a foreigner, who was granted subsidiary protection under Article 13a, provided that their marriage continues or continued at the time when the foreigner left the country of origin and the foreigner gave prior written consent to the reunification, b) single children of a foreigner, who was granted subsidiary protection under Article 13a, or persons under paragraph a) until 18 years of age, or c) the parents of a single foreigner younger than 18, who was granted subsidiary protection under Section 13a or a person to whom s/he was entrusted in the personal care, if the foreigner, who was granted subsidiary protection agrees in written beforehand. (2) In the course of the asylum procedure, the applicants under Paragraph 1 must be staying on the territory of the Slovak Republic and should not have a permanent residence in the territory of the Slovak Republic granted under a special act. (3) The Ministry shall also grant subsidiary protection to a child born on the territory of the Slovak Republic to a foreigner, who was granted subsidiary protection, provided that the requirement under Article 4 Paragraph 5 was met. Provisions on temporary residence for the purpose of family reunification based on Act on Residence of Aliens apply equally also to family members of persons granted subsidiary protection.</p> <p>3. Family Member of a person granted asylum can apply for asylum for the purpose of family reunification only after arriving to the Slovak Republic (or if s/he is already in the territory of the SR). If s/he is not in the territory of the SR, s/he can only apply for temporary residence for the purpose of family reunification on the respective Slovak diplomatic mission abroad. This also applies for the family member of persons granted subsidiary protection.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. He or she will get a temporary residence permit based on family reunification.</p>

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.

			<p>2. He or she will get a temporary residence permit based on family reunification. But according to the temporary legislation now in place it is only in special circumstances that persons granted subsidiary protection can have family reunification.</p> <p>3. The asylum application will be tried as any other asylum application.</p>
	<p>EMN NCP United Kingdom</p>	<p>Yes</p>	<p>1. Our refugee family reunion policy, allows a spouse or partner and children under the age of 18 of those granted refugee status or humanitarian protection in the UK to reunite with them here, providing they formed part of the family unit before the sponsor fled their country of origin or country of former habitual residence. Applications for entry clearance or leave to enter or remain for the purpose of family reunion are considered in accordance with paragraphs 352A to 352FJ of Part 11 of the Immigration Rules. There is also provision in our Family Reunion to exercise discretion to grant a visa outside the Immigration Rules where there are exceptional circumstances. Applications for family reunion that meet the relevant requirements of the Immigration Rules will be granted leave in line with the sponsor but they will not be granted refugee status. This is because an assessment as to whether a person is a refugee is an individual assessment. The family member will be granted the same duration of leave that the sponsor has remaining so that their leave will expire at the same time as the sponsor's leave expires. If the sponsor has indefinite leave to remain (ILR) and refugee or humanitarian protection status, family members will be granted ILR in line but not status in line. Further guidance on the UK's family reunion policy is available on Gov.UK at: <a href="https://www.gov.uk/government/publications/family-reunion-instruction">https://www.gov.uk/government/publications/family-reunion-instruction</a></p> <p>2. As per the above response, they will be granted leave (but not status) in line with the sponsor.</p> <p>3. As a signatory to the Refugee Convention and ECHR we are legally obliged to consider all asylum claims lodged in the UK, irrespective of whether someone already has leave to enter or remain in the UK in another category. Asylum decision-makers carefully consider protection needs following an interview by assessing all available evidence provided by the</p>

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.

			<p>claimant in light of published country information. Protection is normally granted when a claimant establishes a well-founded fear of persecution under the Refugee Convention or their individual circumstances engage our obligations under Article 3 (ECHR). Those who are found not to need protection are refused but have a right of appeal to the independent courts. Once their appeals rights are exhausted, they are required to leave the UK unless they have leave in another capacity such as, under the Family Reunion Immigration Rules.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. A family member of a recognized refugee, when the family member fulfils the relevant requirements for reunification, is granted a temporary residence permit for a period between 1 and 3 years. When this permit is nearing its end the family member can apply for a renewal of his/her residence permit or apply for a permanent residence permit, if the relevant requirements are fulfilled. There are usually no limitations on the number of renewals a person can be granted. A spouse, cohabitant or child of a recognized refugee are also entitled to a residence permit as a refugee (derivative refugee status), unless: a. the applicant is the refugee's spouse or cohabitant and their family life was established after the refugee left the country in which the refugee risks persecution, b. the applicant has a different nationality than the refugee, c. the applicant does not wish to have refugee status, or d. there are other special grounds that contradict doing so. Note that the family member is obliged to apply for a residence permit as a refugee and will not receive status as a derivative refugee without application. Without such application the family member will have an ordinary temporary residence permit in family immigration with the sponsor.</p> <p>2. Family members of a person who is granted subsidiary protection are granted the same status as family members of a recognized refugee; i.e. temporary residence permit in family immigration with the sponsor. A spouse, cohabitant or child of a person that is granted subsidiary protection can also apply for derivative refugee status.</p> <p>3. If the family member applies for asylum after arriving in Norway the application will be processed and handled according to common procedure.</p>

AD HOC QUERY ON 2019.28 Ad-Hoc Query on the status granted to family members of recognized refugees or beneficiaries of subsidiary protection (AT)

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.

\*\*\*\*\*