



EMN Ad-Hoc Query on Required resources in the framework of family reunification

Requested by BE EMN NCP on 27th May 2016

Summary prepared by NO EMN NCP on the basis of 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 and Norway.

Disclaimer: The responses were provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs did provide, to the best of their knowledge, information that was up-to-date, objective and reliable. Note, however, that the information provided did not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

In the framework of the drafting of the Belgian Migration Code, the Belgian Contact Point of the European Migration Network is requested to provide an overview of the application of article 7 Â§1 (c) of Directive 2003/86/EC on the right to family reunification in the EU Member States and Norway.

Article 7 Â§1 (c) states: “When the application for family reunification is submitted, the Member State concerned may require the person who has submitted the application to provide evidence that the sponsor has stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.”•

Relevant information can also be found in the 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 from 3 April 2014 and in cases C-356/11 and C-357/11, O. & S., 6 December 2012 of the Court of Justice of the EU.

Questions concerned whether the country had resource requirements in the framework of family reunification applications by third country nationals (i.e. stable and regular resources available at the moment of the application); and whether only the resources of the sponsor would be taken into account, or the (possible) resources of the third-country national for whom a right of residence is sought on the basis of family reunification would be considered as well.

Responses signalled that all the responding countries require that the sponsor of a family reunification application from a third country national has to document that s/he at the time of the application satisfies the resource requirements and can be expected to do so in the future. While 14 of the replies signal that the (possible) resources of the applicant are also to be taken into account, earnings capacity and/or savings, 6 countries signal that this may depend on the particular circumstances of the case, e.g. in one country the applicant's earnings must be gained in another MS. In the remaining 6 countries only the sponsor's resources and earnings are to be taken into account.