

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.

¹ Eurostat, '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-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.

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 complementary pathways'⁹ 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).

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 \(europa.eu\)](#), 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 \(europa.eu\)](#), last accessed on 26 July 2024.

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.

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;
- 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.

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.

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:

- **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);

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.

- **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

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/2014/66/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/2014/66/oj), last accessed on 26 July 2024.

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.

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:

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) 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:

- 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.

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.

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 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.
EU Blue Card holder	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).
Family formation	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.
Family member	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

²¹ EMN Glossary, https://home-affairs.ec.europa.eu/networks/european-migration-network/emn/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
	dependants who are recognised as members of the family by applicable legislation. 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. NB: A family member may also be another family member whose relationship is attested by documentary evidence or other means, according to national law.
Family reunification	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.
Highly qualified migrant	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. 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.
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.

Term	Definition
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).
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,

Term	Definition
	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. TEMPLATE FOR NATIONAL CONTRIBUTIONS

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 EMN MEMBER OR OBSERVER COUNTRY

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:

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.

- 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.

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? Y/N

Legislative framework

In Greece, Law 4939/2022 "Ratification of the Code on reception, international protection of third-country nationals and stateless persons, and temporary protection in cases of mass influx of displaced persons" is the legislation act that codifies provisions regarding international protection, reception conditions, asylum procedures and temporary protection, incorporating the European Directives 2011/95/EU, 2013/33/EU, 2013/32/EU and 2001/55EC.

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.

Council Directive 2003/86/EC (the Family Reunification Directive) is transposed in the Greek legal framework by Presidential Degree 131/2006 as in force, which applies exclusively for beneficiaries of international protection, while Law 5038/2023 (Migration code) provides family reunification provisions for third country nationals residing legally in the country.

No. The international protection law in Greece does not make this distinction. In the national migration legislation which incorporated the Directive 2003/86, the term family reunification is used. However, there is a national provision (article 92, L.5038/2023) according to which:

"1. In cases of marriage or registered partnership in Greece between third-country nationals residing in the country with a residence permit, one of the spouses or partners and their family members, who are already legally residing in the country, may be granted a residence permit for family reunification.

2. The residence of minor children born in Greece is covered by the residence permit of the sponsor (who is legally residing in Greece with residence permit) until an application is submitted for the granting of a residence permit to them." In these cases, the provisions of family reunification are also applied.

Finally, in case a third country national is a family member of an EU member state, the relevant provisions of the Directive 2004/38, as transposed in national legislation, regarding the free movement of EU citizens and of their family members is applied.

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

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.

Migration legislation

A new Migration Code (L.5038/2023, GG A'81) was introduced on April 1st 2023 which entered into force on January 1st 2024, in which, the provisions for family reunification were transferred (unchanged) from the previous legislative framework (previous Migration Code, law 4251/2014). For the implementation of the new Migration Code, the following ministerial and joint ministerial decisions were issued:

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.

-nr.95391/2024 (GG B'1807) for the "Determination of the specific supporting documents, per category of national entry visa, and the

required supporting documents for the granting and renewal of residence permits".

-nr.118654/2024 (GG B'2303) for the "Determination of the type, content and procedure for submitting applications", where there is a special provision for the electronic submission of an application for approval of family reunification.

-nr.225679/2025 (GG B'5223) for the "Determination of the amount and method of proving the availability of sufficient resources provided for in the provisions of Law 5038/2023, as well as the amount and method of proving the required income" where there is a special provision regarding the income requirement for approval of a third-country national's application for family reunification.

International protection

In the field of family reunification in regard to refugees, Joint Ministerial Decision 47094/28.8.2018 was published in August 2018 and it specifies the required documents and the procedure for issuing a national long-stay entry visa (VISA-type D) to third country nationals or stateless persons in the context of their family reunification with refugees.

The JMD provides that the Asylum Service is the competent authority to receive and examine the applications of family reunification for refugees (article 2), the Consular Authority supports the procedure by receiving and validating the family certificates, supporting the interview procedure etc (article 3). Additionally, there is a provision for DNA testing within the framework of family reunification (article 4) and for the supporting documents for the issuance of a national long-term visa (article 5). According to article 5 of JMD 47094/2018, following the transmission of the positive decision for family reunification, the Greek Diplomatic or Consular Authority may issue the long-term national visa to the refugee's family members. With a justified decision by the Consular Authority, when there is an objective inability to issue a criminal record certificate, the visa may be issued without it. The competent Consular Authority informs the refugee's family members to submit a relevant application for the issuance of a national visa, as well as the required supporting documents, which must be submitted in person.

The applicant, who is a third-country national or stateless person, is required to provide the following documents to the competent Diplomatic or Consular Authority:

- a) An application for a long-term national visa, accompanied by a photograph.
- b) A passport or other travel document recognized by the competent Greek Authorities.

In cases where the travel document of the applicant is not recognized by Greece, the competent Greek Diplomatic or Consular Authority may issue the third-country national a long-term entry visa on a uniform format form, as defined by Council Regulation (EC) No. 333/2002.

c) A recent medical certificate from a recognized public or private institution, indicating that the applicant does not suffer from a disease capable of posing a threat to public health, according to the international standards of the World Health Organization (WHO).

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.

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

No.

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

5. Has your country introduced any family assistance programme (e.g. comparable or similar to the one implemented in Germany)?²⁶ Y/N

No.

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)?

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?

Please see answer in question 1 regarding the residence of minor children of a legally residing sponsor who are born in Greece.

²⁶ Family assistance programme, Global Compact on Refugees, [Family Assistance Programme | The Global Compact on Refugees | UNHCR](#), last accessed on 24 October 2024.

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

Migration legislation

Total number of applications **2017-2024** (according to Family Reunification Directive): 422,909

Men: -Granted: 125,851

-Revoked: 279

-Rejected: 2,887

-Pending: 30,244

-Total: 159,261

Women: -Granted: 216,746

-Revoked: 380

-Rejected: 4,213

-Pending: 42,309

-Total: 263,648

General Total (men and women): 422.909

International protection

For 2017-2024, statistical data regarding family reunification of refugees:

Total number of applications: 3,962

Authorisations granted: 511

Applications rejected: 202

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

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 Directive. 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 sponsor²⁷ to an application for family reunification in your country (e.g. unaccompanied minors, students, workers, including highly qualified etc.)?

Migration legislation

According to migration legislation in force (article 4, point Id of Migration Code-I.5038/2023), as sponsor is defined a third-country national residing lawfully in Greece and applying for family reunification, so that the members of his family, as defined in the legislation, be allowed to enter into and reside in Greece.

International protection

The sponsor is the recognized refugee who can also be an unaccompanied minor (article 3 of PD 131/2006 that transposes the Directive 2003/86/EC).

8b. Does the national law of your country allow beneficiaries of subsidiary protection²⁸, or holders of similar protection statuses, to apply for family reunification? Y/ N

International protection

No, the beneficiary of subsidiary protection is not allowed to apply for family reunification. The beneficiaries of temporary protection have the right to reunite with their families according to the Directive 2001/55/EC on minimum standards for temporary protection that is transposed by Law 4939/2022.

²⁷ Article 3 in Chapter I of 2003/86/EC define who can be a **sponsor** to an application for family reunification in the EU.

²⁸ Currently, beneficiaries of subsidiary protection are not covered by the Family Reunification Directive.

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?²⁹

Migration legislation

In the definition of the family members are included the unmarried children below the age of eighteen (18).

International protection

The maximum age for the child to benefit from family reunification according to article 4 and 13 of PD 131/2006 that transposes the Directive 2003/86/EC is 18 (eighteen) years old. Additionally, adult unmarried children, if they are objectively unable to meet their needs by themselves because of their state of health, also benefit from family reunification.

9. Does your country extend the definition of family members who can apply for family reunification beyond nuclear/core members³⁰? Y/N

Migration legislation

No. However, there is an exception regarding the family members of the following categories:

-third country nationals who enter the country for the purpose of investment activity (articles 96-100 of I.5038/2023): the family members include also the partners, eligible are unmarried children below the age of twenty-one (21), as well as the direct ascendants of the spouses/partners.

-third country nationals who enter the country as digital nomads (article 68 of I.5038/2023) or as holders of sufficient living resources (article 163, par.8 of the above law): the family members include also the partners.

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

International protection

²⁹ 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.

³⁰ 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.

According to art. 13 (Presidential Decree 131/2006) a recognized refugee may request at any time, for reasons of family reunification, under the restrictions of paragraph 2 of article 4, the entry and settlement with him of the persons referred to in paragraph 1 of the same article **and in addition**:

- a. his or her adult unmarried children or spouse, provided that they cannot objectively meet their needs due to their state of health,
- b. his or her parents, provided that the latter, according to a solemn declaration of the refugee, lived with and were supported by him or her before their arrival in Greece and are deprived of the necessary family support in the country of origin and
- c. his or her extramarital partner, with whom he or she maintains a stable, long-term relationship duly proven.

If the refugee is an unaccompanied minor, family reunification is permitted:

- a. with his first-degree blood relatives, regardless of the conditions provided for in case b' of par. 1 and
- b. with the legal guardian or another member of his family, if the minor has no blood relatives or they cannot be located.

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	1) In cases of unaccompanied minors and 2) If the parents, according to a solemn	Beneficiaries of international protection

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.)?
		declaration by the refugee, were accompanied and supported by him/her before their arrival in Greece and lack the necessary family support in the country of origin	
Adult children	Y	Adult unmarried children or the refugee's spouse's adult unmarried children, if they are objectively unable to meet their needs by themselves because of their state of health	Beneficiaries of international protection
Non-married partners (<i>please specify if this applies only to registered partnerships or includes also stable</i>)	Y	Non-married partner, with whom the	Beneficiaries of international protection

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.)?
<i>long-term relationships)</i>		refugee has a stable and duly documented long-term relationship.	
Non-married partners (please specify if this applies only to registered partnerships or includes also stable long-term relationships)	y	Registered partner	Investors, digital nomads, holders of sufficient living resources
Same-sex partners who are registered	Y	Non-married partner, with whom the refugee has a stable and duly documented long-term relationship.	Beneficiaries of international Protection
Same-sex partners who are registered	y	Registered partner	Investors, digital nomads, holders of sufficient living resources
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) <i>If yes, please specify how the concept of dependency is defined in the relevant provisions/ practice, and what</i>	Y	In cases of unaccompanied minors (as sponsors) with his/her legal guardian or another member of his/her family,	Beneficiaries of international protection

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.)?
<i>type of evidence is required to demonstrate dependency</i>		if the minor has no parents or if they cannot be traced.	
Other family members	y	-Direct ascendants of the spouses/partners - unmarried children below the age of twenty one (21) years old	Investors

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 requirements³¹ for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases):

Migration legislation

- **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.**

Yes. The legislation provides that the sponsor shall have an accommodation that can cover his/hers needs and the needs of the family members for whom they request reunification. This requirement is checked by the submission of evidence from which it can be proved that the accommodation is suitable for meeting the needs of the sponsor and his family (e.g. the "form E9" submitted to the tax office in the event that the applicant owns a home or leases a home, which has been accepted through the national platform taxis.net or a copy of "the form E2", in the case of a house concession).

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

Yes. The legislation provides that the sponsor shall have full health coverage, providing all the benefits provided for the equivalent category of insured nationals, which can also cover their family members. This requirement is checked by the submission of a document proving insurance capacity (issued by the relevant national insurance agency) or by submitting a private insurance contract with a private insurance company (in cases of certain categories of residence permits provided for in the legislation), which covers the whole of risks and the amount of covered benefits, as defined in relevant ministerial decision.

- **Stable and regular financial resources? Y/ N.**

Yes. The legislation provides that the sponsor shall have personal income which is stable, regular and sufficient to cover their needs and the needs of their family and is earned without recourse to the country's social assistance system. This income cannot be lower than the annual income of an employee on minimum wage, pursuant to national laws, increased by 20% for the spouse and 15% for each child. The 15% increase for each child is not required if both spouses reside lawfully in Greece. This requirement is checked by the submission of a copy of the last, before the submission of the application for family reunification, income tax statement, in order to be verified if the sponsor has personal income, stable and regular, sufficient for the needs of himself and his family.

International Protection

³¹ 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.

According to article 14 of PD 131/2006, for beneficiaries of international protection (refugees) if the application for family reunification has not been submitted within three months of the refugee's recognition, or in cases that family reunification concerns the sponsor's parents, the following is required:

- (i) a certificate from a public social security institution proving that the refugee has health insurance, which also covers the members of his/her family who will be dependent on him/her. Beneficiaries of international protection have access to the social security system and medical care under the same conditions as Greek citizens (articles 26 and 30 of Law 4939/2022); or
- (ii) a tax statement from a tax authority or any other public document proving that the sponsor has an annual personal income which is stable and regular and sufficient for the needs of himself/herself and his/her family and which is not derived from the social assistance system of the country. This income may not be less than the annual earnings of an unskilled worker, increased by 20% for the spouse and 15% for each parent and child (The income criteria are defined in article 235 of Law 4389/2016; and
- (iii) a certified contract of a property purchase or a contract of a property lease certified by a public financial service or another certified document proving that the refugee has accommodation that can meet the accommodation needs of him/herself and his/her family.

For unaccompanied minors the aforementioned criteria are not followed.

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.**

Migration legislation

The minimum wage of an employee is defined by the Ministry of Employment and Social Security, by a relevant ministerial decision (article 103 of L.4172/2013, GG A` 167). The last decision was issued in 2024 (and was entered into force on 1 April 2024) and concerns the legal minimum wage and the legal minimum daily wage, for full-time employment, for employees and manual workers throughout the country, without age discrimination, as follows:

- a) For employees, the minimum wage is set at eight hundred and thirty euros (€830.00).
- b) For manual workers, the minimum daily wage is set at thirty-seven euros and seven cents (€37.07).

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

Migration legislation

The income defined in the law is increased by 20% for the spouse and 15% for each child.

- **The reference period over which this requirement is considered.**

Migration legislation

- This requirement is checked by the submission of a copy of the last, before the submission of the application for family reunification, income tax statement.

International Protection

The year the application is submitted and the decision is adopted.

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

International protection

It is not evaluated.

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

International protection

No exemption grounds are applied.

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

Migration legislation

If a sponsor does not prove the efficiency of the resources, the application for approval of family reunification (stage before the entrance in the country of the family members) may be rejected by the competent authority.

International Protection

Failure to meet the above requirements result in the rejection of the application of family reunification.

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

Migration legislation

The above requirements are verified at the stage before the entrance in the country of the family members.

International Protection

During the stage of the examination of the case in order to issue the decision.

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

Migration legislation

For the granting of an initial residence permit for family reunification there is no such precondition (which was examined during the stage of approval). For the renewal of a residence permit, a proof of fulfillment of tax obligations of the sponsor and of the family member is submitted.

International protection

They are not taken into consideration.

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 admission³²? Y/ N

No.

³² 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.

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

- (A) **Civic integration exams?** Y/ N

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?** Y/ N

If yes, please specify:

- When the language test(s) takes place (i.e. before admission, after admission, before and after admission).
- What knowledge and skills are required from applicants to pass the test(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, please indicate the amount).

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

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

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

-

12. Does your country set a waiting period³³ before a sponsor's family members can reunite with him/ her? Y/ N

Migration legislation.

Yes (two years period) with the exception of certain categories of third country nationals, who may be accompanied by their family members (e.g. researchers, EU Blue Card holders, ICTs, digital nomads, investors, etc.)

International protection

No waiting period is provided by law before the family members can reunite with the sponsor.

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

Migration legislation

A third-country national who has resided lawfully in Greece for two years is entitled to apply for his/her family members to enter into and reside in the country. The application is submitted and examined while these family members reside outside Greek territory.

³³ 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.

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?

Migration legislation

The provisions for family reunification, according to Migration Code, apply when the sponsor has a residence permit issued by the competent Greek authorities valid for at least two years, which enables him/her to acquire the right of permanent residence, provided that the members of his/her family are third country nationals, regardless of their status.

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)?³⁴

Migration legislation

During the stage of submission and examination of the application for the approval of family reunification, the competent authority requests the opinion of the competent Greek consular authority, in order to verify the existence of the family relationship, especially by personally interviewing the members of the family.

International protection

In regard to family reunification of refugees, for unaccompanied minors the aforementioned requirements (accommodation, resources, insurance) are not followed (article 14 para. 3 of PD 131/2006). Additionally, according to article 14 para. 4 of PD 131/2006, in order to establish the existence of a family relationship, the competent authorities may invite the refugee and his/her family member(s) for an interview and carry out any other relevant investigation deemed necessary. Moreover beneficiaries of international protection benefit from social welfare programs under the same conditions as Greek citizens (article 29 of Law 4939/2022) and they have access to national welfare system (https://migration.gov.gr/wpcontent/uploads/2024/04/ENGLISH_BROCHURE.pdf).

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:³⁵

- **Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply?³⁶ Y/ N**

International protection

Yes. The three-month grace period is applied but it is not extended.

³⁴This is laid down in Article 5(5) and Article 17 of the Family Reunification Directive and in the case law of the CJEU.

³⁵ Article 9-12 in Chapter V of the Family Reunification Directive set out more favourable conditions for family reunification of refugees.

³⁶ Article 7(1) of the Family Reunification Directive.

If yes, is this grace period of (minimum) three months extended and if so, for how long?³⁷ Y/ N

International protection.

No. If the application for family reunification is submitted within three months from the adoption of the refugee's decision, as mentioned above, the requirements regarding accommodation, resources and insurance are not followed. If the application is submitted after three months from the decision or in cases where family reunification regards to the sponsor's parents, the aforementioned requirements need to be followed with the exception of unaccompanied minor cases.

- **Restriction to relationships established before entry into the country?³⁸ Y/ N**

If yes, please specify:

International protection

Family members of a third country national who enter Greece in the context of family reunification of refugees are defined as (article 4 para. 1 and article 13 para1 of PD 131/2006):

- The spouse, if he/she has reached the age of 18 years, as well as their unmarried children under the age of 18 years, including those who have been legally adopted in Greece,
- The other unmarried children, under the age of 18, of the sponsor or his/her spouse, including children who have been adopted in accordance with the above.
- The adult unmarried children of the refugee or his/her spouse, if they are objectively unable to meet their needs due to their state of health,
- His/her parents, if they were accompanied and supported by him/her before their arrival in Greece and lack the necessary family support in the country of origin; and
- His/her unmarried partner, with whom he/she has a stable and duly documented long-term relationship.
- According to the above there is no explicit restriction to relationships established

prior to entry into the country.

- **Application of a wider definition of family members (going beyond parents) when it comes to UAMs?³⁹ Y/ N**

Yes

If yes, please specify:

International protection

Regarding unaccompanied minors (article 13 para. 2 of PD 131/2006) family reunification is allowed:

- with his/her parents and
- with the legal guardian or another member of his/her family, provided that the minor has no blood-related ascendants or they cannot be located.

³⁷ Ibid.

³⁸ Article 9(2) of the Family Reunification Directive.

³⁹ Article 10(3)(b) of the Family Reunification Directive.

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

In every case, the unaccompanied minor has a representative who is designated by public authorities in order to assist the minor and safeguard his or her best interests and general well-being.

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

No

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).

Family reunification provisions are not applied for beneficiaries of subsidiary protection. The beneficiaries of temporary protection have the right to reunite with their families according to the Directive 2001/55/EC on minimum standards for temporary protection that is transposed by Law 4939/2022.

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?⁴⁰ Y/N

Yes.

If yes, please provide details on how these requirements are more favourable for each category.

Migration legislation

Yes, as follows:

-EU Blue Card holders: The provisions of family reunification are applied with the following derogations:

-Family reunification shall not be dependent on whether the holder of the "EU Blue Card": a) has a reasonable prospect of acquiring the right to permanent residence, b) holds a residence permit with a validity of one (1) year or more, or c) has a minimum period of residence.

-If the conditions for family reunification are met and the complete applications were submitted at the same time, the decisions on the applications of the family members shall be issued and notified at the same time as the decision on the application for the "EU Blue Card". Where family members are reunited with the EU Blue Card holder after the EU Blue Card has been granted to him/her and provided that the conditions for family reunification are met, the decision shall be issued and notified as soon as possible and no later than ninety (90) days from the date of submission of the complete application.

-The period of validity of the residence permits of family members shall be the same as the period of validity of the EU Blue Card, to the extent permitted by the period of validity of their travel documents.

⁴⁰ 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.

-Family members of the EU Blue Card holder shall have access to paid employment, without any waiting period being applicable. Also, subject to the restrictions referred to migration legislation ("EU Blue Card" holders do not have access to employment, provided that these are activities which involve even occasional participation in the exercise of public authority and responsibility for safeguarding the general interests of the State, or in accordance with applicable national or EU legislation are exercised exclusively by Greeks or citizens of the European Union or the European Economic Area), family members have access to any employment, as well as self-employment.

-For the calculation of the duration of residence required for the acquisition of an independent residence permit, residence in different Member States of the European Union is added together. Two (2) years of legal and uninterrupted residence within the Greek territory are required, immediately prior to the submission of the relevant application for an independent residence permit.

-Researchers: The provisions of family reunification are applied with the following derogations:

-Researchers may be accompanied or followed by their family members (no requirement for a two year previous residence in Greece).

-The members of the family are granted, upon their application, a residence permit for family reunification, which expires at the same time as the researcher's residence permit. If, the preconditions are met, the competent authority grants the residence permit within ninety (90) days from the submission of the complete application.

-The family members of the researcher have direct access to dependent employment and provision of services or work.

-Intra corporate transferees: The provisions of family reunification are applied with the following derogations:

-family reunification shall not be subject to the condition that the holder of the intra-corporate transfer permit has a reasonable prospect of acquiring the right to permanent residence and has a minimum period of residence of two years.

-Residence permits for family members shall be granted, provided that the conditions for family reunification are met, within ninety (90) days from the date of submission of the complete application.

-Without prejudice of the principle of preference for citizens of the European Union, the family members of the intra-corporate transferee, to whom the possibility of family reunification has been recognised, have the right to access employment in dependent employment and the provision of services or work.

18a. Please indicate any challenges experienced by

- i) sponsors and/or family members associated with accessing the right to family reunification,**

International protection

The difficulty of presenting the required documents from their country of origin.

Access of family members to Greek consular posts and validation of documents.

- ii) your national authorities implementing any of the above requirements for family reunification.**

When examining the conditions for family reunification, national authorities often do not have the required documents, thus it becomes difficult to reach a decision.

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

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

International protection

No.

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.

Migration legislation

Information on the family reunification procedure is available in the following address in the site of the Greek ministry of Migration and Asylum:

<https://migration.gov.gr/en/migration-policy/metanasteusi-stin-ellada/>

International protection

Every beneficiary for international protection after the adoption and notification of the decision granting refugee status is informed by means of a leaflet/brochure regarding their rights, including their right to family reunification (https://migration.gov.gr/wpcontent/uploads/2024/04/ENGLISH_BROCHURE.pdf).

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:

20a. Who can lodge the application for family reunification in your country: the sponsor or his or her family members?⁴¹

Migration legislation

⁴¹ 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.

The sponsor submits, through the electronic services of the Ministry of Migration and Asylum, an application for approval of family reunification (while the family members have not entered Greece). If the approval is issued, the family member is granted a national visa for family reunification and after the entrance in the country, he/she submits an application for the issuance of a residence permit for the same purpose.

International protection

In Greece, in cases of beneficiaries of international protection, the sponsor can lodge the application for family reunification (articles 13 and 14 of PD 131/2006).

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 sponsor who are unaccompanied children (e.g. submission via legal representative).

Migration legislation

The sponsor submits in person or through a proxy an application for the approval of family reunification.

International protection

The submission of the application is made in person or through an attorney at the Asylum Service (Regional Asylum Service or Autonomous Asylum Unit of International Protection Beneficiaries). If the refugee is an unaccompanied minor under the age of 15, the submission of this application is made through a legal representative.

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.)?

Migration legislation

The application for the approval of family reunification is submitted to the competent migration authorities of the Decentralised Administrations of the country.

International protection

In cases of beneficiaries of international protection it is not provided that the sponsor's family members can submit an application for family reunification.

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.

Migration legislation

The sponsor applying for approval of family reunification needs, among others, to submit a standardized information form of his/her status, completed, signed and certified through the Single Digital Portal of the greek state, as well as a recent certificate of family status from foreign authorities or other equivalent document, officially certified and translated, from which the family bond is proved (date of issue up to six months before the submission of the application).

International protection

In cases of beneficiaries of international protection, according to article 14 para. 1 of PD 131/2006 the applicant must submit a recent certificate of family status or other document officially translated into Greek and certified by a competent Greek authority, showing the family relationship as well as the age of the family members. The documents presented must meet the requirements of a foreign public document, i.e. they must be valid under the law of the place of their issue, bear, if required, the relevant "apostille" in accordance with the International Convention of The Hague of 5.10.1961, or in any other case, be endorsed by the Consular Authority of Greece in the country of origin of the document. If the refugee is unable to submit the above documents, the competent authorities take into account other appropriate evidence. Additionally, in order to confirm the identity of the family member(s), the applicant must submit an exact copy of the travel documents of the family member(s).

In practice the certificates that are required are the following:

- Sponsor's residence permit
- Certificate of marital status from the country of origin.
- Marriage certificate
- Birth certificate of children

All supporting documents must be officially certified by a Greek consulate and officially translated into Greek. We do not know the cost of ratification, it is different in each country

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.

Migration legislation

To verify the existence of the family relationship, the competent body may invite the sponsor to a personal interview and conduct any other investigation deemed necessary. Also, during the stage of submission and examination of the application for the approval of family reunification, the competent authority requests the opinion of the competent Greek consular authority, in order to verify the existence of the family relationship, especially by personally interviewing the members of the family.

International protection

In cases of beneficiaries of international protection, according to article 14 para. 1 of PD 131/2006, as mentioned above, if the refugee is unable to submit family status documents, the competent authorities take into account other appropriate evidence. According to para. 2 of the same article, if the application concerns the unmarried partner of the refugee, evidence of this relationship is taken into account, particularly the existence of a common child, prior cohabitation, and any other suitable proof. Para.4 provides that in order to establish the existence of a family relationship, the

competent authorities may invite the refugee and his/her family member(s) for an interview and carry out any other relevant investigation deemed necessary.

In order to establish family links, DNA testing is applied (articles 3 and 4 of JMD47094/2018) and interview with family members at the Greek consular are conducted (article 3 of JMD 47094/2018). When there is no embassy in the country of departure, the family members have to arrive at the nearest competent Greek embassy or Consular serving each country.

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.

Migration legislation

When applying for the issuance of an initial residence permit for family reunification or for the renewal of it, the family member needs to submit an electronic fee of an amount of 150 euros. The children who are under the age of 18 years old, are exempted from the requirement of the fee.

International protection

No fee is required by the law in order to apply for family reunification. According to article 4 of JMD 47094/2018, DNA testing cost shall be borne by the sponsor. Additionally, examinations or checks, legalization of documents, exit and travel costs (including visas), go beyond the competence of the Asylum Service, and are borne by the beneficiary.

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?⁴² Y/ N

Yes.

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?

Migration legislation

The residence permit for family reunification shall not be granted, is revoked or not renewed, among others, if there is a risk to public order and security. The examination of reasons relating to public order and security is a prerequisite for the approval of family reunification and the initial granting of the residence permit to family members, or there are public health reasons.

The competent migration authority, responsible for examining the application of the sponsor for approval of family reunification, is obliged to immediately seek the opinion of the relevant police authority on matters relating to public order and security, as well as the opinion of the competent Greek consular authority, with a view to examining risks arising for public health.

⁴² 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.

More specifically, according to migration legislation, the right of residence of third-country nationals who legally enter Greek territory according to migration legislation, is subject to condition that they not be considered a threat to public order, public security or international relations, not be registered as undesirable in national databases for serious reasons of public order and security for a period exceeding five years. The following criteria for the contribution of public order and security reasons are taken into account by the competent for issuing the residence permit authority:

- the issuance of a final conviction for a felony or misdemeanor with a prison sentence of at least one (1) year,
- registration on the list of undesirable aliens, which automatically ceases to be valid upon the granting or renewal of a residence permit, provided that the said registration was made for reasons of illegal entry or residence,
- other public order reasons, including repeated delinquency, which are specifically and justifiedly mentioned in the relevant decision
- particularly exceptional reasons, specifically justified, relating to issues of public security.

Finally, revoking or not renewing the residence permit of a family member according to the above for reasons of public order and public security or public health, the seriousness or type of the offense committed and the risks posed by this person are examined, while checks may be carried out in any case that comes to the attention of the competent services and for any incident that may justify revoking the residence permit.

International protection

In cases of beneficiaries of international protection according to articles 17 and 9 para. 1 of PD 131/2006, a residence permit for family reunification is not granted, is revoked or not renewed in cases where there is a threat to public policy and public security or for public health reasons. The examination of reasons relating to public order and security of the country is a prerequisite for the approval of family reunification and the initial granting of the residence permit to the family members. At the end of each month, the competent Aliens and Immigration Regional Services are obliged to send to the local police or security directorates of the Hellenic Police lists containing the exact details of the third-country nationals whose residence permits have been renewed. The existence of reasons of public order and security which arise after the initial residence permit has been granted shall constitute grounds for its revocation. In regard to public health reasons, according to article 9 para. 1 of PD 131/2006 the only diseases which may justify refusal of entry or refusal of the right of residence are those provided for by the World Health Organisation and other infectious, contagious or parasitic diseases which require measures to protect public health. After the issuance of the initial residence permit, the ascertainment that the person concerned is suffering from a disease contracted after entering the country shall not constitute grounds for non-renewal of the residence permit or for removal from the territory of the country. When revoking or not renewing the residence permit of a family member for reasons of public order, public security or public health, the seriousness or type of offence committed and the risks posed by the person concerned, are also examined.

20h. How are the best interests of the child taken into account during the examination of the application?⁴³

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.

Migration legislation

For the rejection of an application, the revocation or refusal to renew a residence permit for family reunification, or in the event of a removal measure being taken against the sponsor or members of his family, the nature and stability of the person's family ties, the duration of his residence in the country, as well as the existence of family, cultural and social ties with his country of origin, are taken into account.

International protection

According to article 14 para. 5 of PD 131/2006 in examining the application of family reunification, the interests of the minor children shall be taken into account. In practice, the best interests of the child during the examination of the application are taken into account by determining an interview as soon as possible if the minor is over 15 years of age, while minors under 15 years of age are not interviewed and are examined on the basis of the elements in the file. In every case the unaccompanied minor has a representative who is designated by public authorities in order to assist the minor and safeguard his or her best interests and general well-being.

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.**

Migration legislation

According to migration legislation, the family reunification procedure shall be completed no later than nine (9) months after the application for approval of family reunification was submitted. In the event of exceptional circumstances, the above deadline may be extended by up to three (3) more months.

International protection

In cases of beneficiaries of international protection according to article 14 para. 5 of PD 131/2006 the officer (caseworker) of the competent authority for the examination of the refugee's family reunification application shall decide on the family reunification application and notify the decision to the person concerned within nine (9) months from the date of submission of the application. In exceptional cases, where the verification of the fulfilment of the requirements for family reunification is subject to objective difficulties, the examination of a request within two (2) months after the expiry of the nine-month period shall be justified. In examining the application, the interests of the minor children shall be taken into account. In practice, a longer deadline may be allowed for documents to be filed, in which case a decision may be issued after 9 months, pending the submission of documents at the request of the beneficiary. The period within which the decision can be appealed is 10 days from the notification of the judgement.

⁴³ 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.

- **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 cases where the documents requested are submitted promptly, the duration of the procedure is a few months. However, in most cases the submission of the documents is delayed, so the average duration of the procedure can be of about one year.

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

International protection

Staffing of the competent departments with human resources.

22. Is a visa required for family members to enter the territory of your country or is the residence permit delivered abroad?⁴⁴

International protection

Yes.

If a visa is required:

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

Migration legislation

The sponsor submits, through the electronic services of the Ministry of Migration and Asylum, an application for family reunification, accompanied by the required supporting documents. Then, the Service responsible for examining the request immediately requests the opinion of the relevant police authority on matters relating to public order and security, as well as the opinion of the competent Greek consular authority, in order to verify the existence of the family relationship, in particular through personal interviews with the family members and the examination of risks arising for public health. Failure to appear for an interview at the relevant consular authority of the family members whose entry the sponsor has requested shall render the request inadmissible. The above opinions are provided within a maximum period of three (3) months. In exceptional cases related to the complex nature of the examination, this deadline may be extended for a period of thirty (30) days.

The complete file of the applicant for family reunification is sent to the competent Greek Consulate by the Decentralized Administration via e-mail. The competent Service of the Decentralised Administration examines the application for compliance with the preconditions of the law and when examining the application for family reunification, the interests of minor children are particularly assessed. Then, the above mentioned Service, after taking into account the opinions of the Police and of the Consulate, issues a decision of approval for family reunification and transmits it via e-mail to the relevant Greek consular authority.

The third-country national who wishes to obtain a national entry visa must appear in person at the relevant consular authority and submit an application accompanied by the necessary supporting documents, be interviewed, in order to establish the purpose

⁴⁴ 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.

of his entry and residence in Greece, pay the required consular fees (of an amount of 90 euros), allow the collection of his biometric data.

The Greek consular authority, provided that the request has been approved and the other entry conditions are met, grants the required national entry visas to the family members, without prejudice to legislation regarding issues on entry ban.

International protection

In cases of beneficiaries of international protection according to article 15 para. 1 of PD 131/2006 the competent authority receiving and examining the refugee's application for family reunification forwards the decision on family reunification to the relevant Greek consular authority, which shall, in its turn, issue the required entry visa. The visa shall indicate the purpose of the family member's arrival and the protocol number of the decision on family reunification.

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

Migration legislation

The Greek Consular must receive applications for national entry visas, process them in accordance with the legal provisions and decide on them within a reasonable period of time.

International protection

Joint Ministerial Decision nr.47094/2018 does not provide a specific time limit for the decision upon a visa application.

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

Migration legislation

According to migration legislation, the family reunification procedure (approval of family reunification, issuance of national visa, issuance of initial residence permit) shall be completed no later than nine (9) months after the application for approval of family reunification was submitted. In the event of exceptional circumstances, the above deadline may be extended by up to three (3) more months.

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.

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:

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

Migration legislation

The preconditions of sufficient resources, accommodation and insurance must be fulfilled at the stage when the sponsor applies for approval of family reunification, before the entrance in the country of the family members. If these preconditions are not met, the approval is not granted.

Also for the initial residence permit and for the renewal of it, the person concerned needs to submit a certificate that an application has been submitted to the relevant insurance body for full health insurance for all risks covered for nationals and a document proving insurance capacity of the sponsor and of the family member respectively.

International protection

Yes. In the field of family reunification in regard to refugees, according to articles 17 and 9 para. 1 of PD 131/2006, a residence permit for family reunification is not granted in cases where the conditions set out in the PD are not met. These conditions, in specific cases as mentioned above, include sufficient resources, accommodation, insurance. However, these conditions are not reexamined during the renewal of the residence permit.

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

Migration legislation

Yes. The residence permit for family reunification shall not be granted, shall be revoked or shall be not renewed if, among others, the sponsor and his family members have ceased to conduct a genuine marital or family life.

International protection

Yes. According to articles 17 and 9 para. 1 of PD 131/2006, in cases of beneficiaries of international protection a residence permit for family reunification is not granted, is revoked or not renewed in cases where the sponsor and the family members have ceased to lead a real marital or family life.

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

Migration legislation

According to national legislation, the third-country national, during his/her stay in Greece, is obliged to declare, through the electronic services of the Ministry of Migration and Asylum, to the competent services, among others, any change in his/her personal situation: dissolution or annulment of a marriage or cohabitation/partnership agreement. Also, checks may be carried out in any case that comes to the attention of the services and for any incident that may justify revocation of the residence permit.

To renew the residence permit, the sponsor must prove that he continues to maintain the family relationship with the dependent members of his family and that he has fulfilled his insurance and tax obligations. Also please below answer in question 28 regarding the autonomous right of residence.

International protection

Yes. According to article 17 of PD 131/2006, in cases of beneficiaries of international protection an application for family reunification shall be rejected and the residence permit shall not be granted or shall be revoked or shall not be renewed in cases where it is established that the refugee or his/her unmarried partner has entered into a marriage or stable long-term relationship with another person.

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

Migration legislation

Yes. The residence permit for family reunification shall not be granted, shall be revoked or shall be not renewed if, among others, it is proven, by an official document of a competent Greek authority or a final court decision, that false or misleading information, forged or falsified documents were used, that fraud was committed in any way or other illegal means were used.

International protection

Yes. According to articles 17 and 9 para. 1 of PD 131/2006, in cases of beneficiaries of international protection a residence permit for family reunification is not granted, is revoked or not renewed in cases where it has been proved by a final court decision that false or misleading information, false or falsified documents, fraud or any other illegal means were used.

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

Migration legislation

Yes. The residence permit for family reunification shall not be granted, shall be revoked or shall be not renewed if, among others, it is established that the family relationship, in particular marriage, adoption or recognition of children, has been concluded with the aim of circumventing the legislation, in order to achieve entry or residence in the country.

International protection

Yes. According to articles 17 and 9 para. 1 of PD 131/2006, in cases of beneficiaries of international protection a residence permit for family reunification is not granted, is revoked or not renewed in cases where it is established that the family relationship, in particular marriage, adoption or recognition of children, has been established in order to enable the person concerned to enter or reside in the country. It is provided that a family relationship shall be deemed to have been contracted for that purpose, in particular, in cases where the members of the family are unaware of matters relating to the personal situation of the other members or where there are circumstances from which it is presumed that there has never been cohabitation between the members of the family.

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.

Migration legislation

Yes. The residence permit for family reunification shall not be granted, shall be revoked or shall be not renewed if, among others, the sponsor's residence is terminated and the family member does not enjoy an autonomous right of residence.

International protection

Yes. According to articles 17 and 9 para. 1 of PD 131/2006, in cases of beneficiaries of international protection a residence permit for family reunification is not granted, is revoked or not renewed in cases where the residence of the sponsor is terminated and the family member has no autonomous right of residence.

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.);
The challenges that have arisen concern: lengthy procedures, difficulty in collecting 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)

International protection

The challenges that have arisen concern the distribution of responsibilities among the competent national authorities.

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).

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 rights⁴⁵ in your country:

26a. Access to education? Y/ N

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.

Migration legislation

Yes. The family members of the sponsor have, equally with him, the right of access to education.

International protection

See below.

26b. Access to employment and self-employed activity?⁴⁶ Y/ N

Yes

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.

Migration legislation

The family members of the sponsor have, equally with him, the right of access to dependent employment.

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

Yes

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.

Migration legislation

The family members of the sponsor have, equally with him, the right of access to vocational guidance, basic and further training, as well as retraining.

⁴⁵ 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).

⁴⁶ 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.

International protection

According to article 16 of PD 131/2006, the family members of the refugee who are legally residing in the country have the same rights and obligations as the refugee. According to articles 26 and 27 of Law 4939/2022 (Ratification of the Code of Legislation on reception, international protection of third country nationals and stateless persons and temporary protection in the event of a mass influx of displaced third country nationals) this includes, among others, access to employment or self-employment activities, participation in educational programs for adults, vocational training, workplace training and counselling by employment services and access to education (for minors), under the conditions applicable to Greek citizens.

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?

Migration legislation

No later than five (5) years of residence in Greece and provided that the family member has not been granted a residence permit for reasons other than family reunification, the spouse or partner and the child who has reached adulthood are entitled, upon their application, to obtain an autonomous residence permit in Greece.

International protection

According to articles 18 and 11 para. 1 and 2 of PD 131/2006 family members of refugees who have been admitted for reasons of family reunification shall be entitled, upon their application, to obtain an independent residence permit in Greece in the following cases: a. five years after the granting of the initial residence permit for family reunification, b. when they reach majority. An independent residence permit may be granted to persons admitted under family reunification in the following cases: a. the death of the sponsor, provided that the family members have resided in the country for at least one year prior to his/her death, b. in the event of divorce or annulment of marriage or a proven breakdown of the marital partnership, provided that: i. the marriage has lasted for at least three years, of which one year has been spent in the Greece, ii. the family member has suffered particularly difficult circumstances, such as has been a victim of domestic violence during the marriage.

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.

Migration legislation

Yes. An autonomous residence permit may be granted to persons who have entered the country on the basis of family reunification in the following cases:

-death of the sponsor, provided that the family members reside in the country for at least one (1) year prior to his death,

-in the event of divorce or annulment of the marriage or proven cessation of the marital relationship, provided that a) the marriage lasted, until the commencement of divorce proceedings or the dissolution of the marriage in the case of a consensual divorce, or annulment of the marriage or proven cessation of the marital relationship, for at least three (3) years, of which one (1) year has been spent in the country, b)

that particularly difficult situations arise, such as in the case where the family member was a victim of domestic violence while the marriage was valid.

International protection

In cases of beneficiaries of international protection see answer to question 27 above.

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?

Migration legislation

Family members have the right to apply for EU long-term resident status, following the criteria provided by the Law (article 144 of Law 5038/2023, Migration Code), as well as for naturalisation procedures, if the relevant requirements of the legislation are met.

International protection

According to article 16 of PD 131/2006, the family members of the refugee who are legally residing in the country have the same rights and obligations as the refugee. Therefore, family members also have access to procedures for recognition of qualifications (article 28 of Law 4939/2022), social welfare (article 29 of Law 4939/2022), healthcare (article 30 of Law 4939/2022), access to accommodation (article 31 of Law 4939/2022), access to social integration services (article 33 of Law 4939/2022), freedom of movement (article 32 of Law 4939/2022) and they have the right to apply for long-term resident status, following the criteria provided by the Law (article 144 of Law 5038/2023, Immigration Code).

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.

International protection

Family members of refugees who apply as such for international protection are granted protection status in their own right. Family members of the beneficiary of international protection who do not individually qualify for international protection status, shall, at their request, be granted residence permits with the duration of the permit of the beneficiary, and the rights that he/she enjoys (articles 22 para. 2 and 23 para. 3 of Law 4939/2022).

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.

The main challenge experienced by family reunification applicants in Greece is the delays in issuing necessary documents such as validated documents by diplomatic authorities. The absence of Greek consular authorities in all countries where family members reside deteriorates the problem of submitting certified documents proving the family links.⁴⁷

Furthermore, the provision of a time frame for the conclusion of the family reunification process (nine months with the possibility of a two-month extension) creates a challenge that needs to be met by the competent services. Potentially, another challenge on EU lever would be the issue of exclusion of the beneficiaries of subsidiary protection from the scope of family reunification, following the relative directive.⁴⁸

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.

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.

The Council Directive 2003/86/EC (the Family Reunification Directive) was initially transposed in the Greek legal framework by Presidential Degree 131/2006. Its provisions regarding beneficiaries of international protection are still in force, while its provisions regarding family reunification of third country nationals legally residing in the country were transferred initially in the previous Migration Code (L4251/2014) and recently in the new Migration Code (Law 5038/2023). Greek legal framework is also in accordance with the relevant caselaw of the EU Court of Justice.

The new Migration Code (L5038/2023, GG A'81) which entered into force on January 1st 2024 made no changes to the previous legislative framework. In the period 2017-2024, almost half a million (422,909) applications have been submitted to Greek authorities while 342,597 of them have been successfully granted and 4.213 have been rejected.

Regarding international protection applicants, the Joint Ministerial Decision 47094/28.8.2018 specified the required documents and the procedure for issuing a

⁴⁷ UNHCR Greece, Refugee family reunites and finds hope after many years of separation, 21 Dec 2023, <https://www.unhcr.org/gr/en/56291-refugee-family-reunites-and-finds-hope-after-many-years-of-separation.html>

⁴⁸ Kasapi Z.A., The impact of European Union law on Family Reunification in Greece, 2016, <https://www.asylumlawdatabase.eu/en/journal/impact-european-union-law-family-reunification-greece>

national long-stay entry visa (VISA-type D) to third country nationals or stateless persons in the context of their family reunification with refugees.

In Greece, the sponsors (either a third country resident or a recognized refugee) have the right to family reunification, while the beneficiaries of subsidiary protection are not entitled to apply for family reunification. Nevertheless, additional benefits are granted by the extension of the definition of family members for e.g. investors and digital nomads, refugees, while the Greek law makes no restriction to relationships established prior to entry into the country.

As far as the rights for family members are concerned, family members have access to employment, education and vocational training, while after five years and upon certain conditions the family members may request an autonomous residence permit in Greece. Also, refugees and children (up to 18 years old) are exempted from any application fee.

Prior to granting a residence permit for family reunification, a number of preconditions need to be met. Actually, the necessary requirements, outlined in the Directive, for family reunification regarding accommodation, health insurance and financial resources are included and required by the Greek law. On the other hand, there are no integration requirements for the members of the family. Furthermore, family reunification in Greece treats EU Blue Card holders, researchers and intra-corporate transferees more favorably, granting specific derogations from family reunification requirements.

Additionally, special provisions are in force for protecting the best interests of the child within the framework of family reunification. More specifically, the legislation provides that during the stage of admission, the 15% increase of the personal income for each child is not required if both spouses reside lawfully in Greece. Also, for the rejection of an application, the revocation or refusal to renew a residence permit for family reunification, or in the event of a removal measure being taken against the sponsor or members of his family, the nature and stability of the person's family ties, the duration of his residence in the country, as well as the existence of family, cultural and social ties with his country of origin, are taken into account.

For beneficiaries of international protection, the best interests of the child during the examination of the application are taken into account by determining an interview as soon as possible if the minor is over 15 years of age, while minors under 15 years of age are not interviewed and are examined on the basis of the elements in the file. In every case, the unaccompanied minor has a representative who is designated by public authorities in order to assist the minor and safeguard his or her best interests and general well-being.

Finally, the main challenges experienced by family reunification applicants in Greece are related to the difficulty of presenting the required documents from their country of origin. The delays in issuing necessary documents, such as validated documents by diplomatic authorities, are mainly caused by the absence of Greek consular authorities in all countries where family members reside. These challenges, however, need to lead to the development of new practices, in European and national level, in order to address them.