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COMMON TEMPLATE FOR THE EMN STUDY ON FAMILY REUNIFICATION OF THIRD-COUNTRY NATIONALS: A STATE OF PLAY AFTER OF LAW AND PRACTICES

Final common template, October 2024

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).

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

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.

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

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.

¹¹Ireland 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);
- **Eligible Family members** that are covered by the family reunification procedure (Article 4 and Article 10 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.

- **Requirements for the exercise of the right to family reunification** (Article 7(1) and (2) of the Family Reunification Directive and more favourable requirements for refugees provided by Chapter V of the Family Reunification Directive), i.e. accommodation, sickness insurance, stable and regular resources, integration measures: whether EMN Member and Observer Countries implement them and if there are any exemptions.
- **Procedural aspects** of the application for family reunification: for example, how the evidence (e.g. documentary evidence of the family relationship, travel documents, evidence that the sponsor has accommodation, sickness insurance, stable and regular resources, etc.) is checked, which methods of investigation are used, the time limits to issue a decision on a family reunification request, whether applying from inside the territory is allowed, whether the applicant is the sponsor or the family member, applicable fee, cooperation between embassies when there is no consular representation of a country, etc.;
- **The rights granted to family members**: in particular, whether access to employment/ self-employment is in any way restricted (Article 14(2) and (3) of the Family Reunification Directive) and how, after how long and the conditions under which a family member can acquire an autonomous residence permit, including before the time limit foreseen for the granting of such permit in specific cases, (i.e. what constitutes a particular difficult circumstances)(Article 15 of the Family Reunification Directive), etc.;
- **Refusal**, non-renewal and withdrawal of the residence permit and application for family reunification of family members more widely (Article 16 of the Family Reunification Directive);
- How the **best interests of the child** and the need for a case-by-case assessment is horizontally embedded in national legislations, policies, and practices on family reunification (Article 5(5) and 17 of the Family Reunification Directive);
- Examples of **good practices to facilitate the access to the right to family reunification** or of family reunification assistance programmes that improve access to information and simplify the visa application process (Point 12 of Commission Recommendation on 'legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways');
- Examples of challenges and **good practices to prepare**, in the third countries and countries of arrival, the **pre-arrival, arrival and post-arrival of family member** joining the sponsor.

4. EU LEGAL AND POLICY CONTEXT

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

agreements with third countries (Article 3(4)). The family reunification of **refugees** is subject to **more favourable rules** in the Family Reunification Directive.

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

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

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

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

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.

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

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

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

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

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

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 \(europa.eu\)](https://eur-lex.europa.eu/eli/rec/2020/1364/oj), last accessed on 26 July 2024.

5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

This study aims to address the following primary research questions:

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

6. RELEVANT SOURCES AND LITERATURE

EMN INFORM AND STUDIES

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

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

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

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

EMN AD-HOC QUERIES

The following recent EMN AHQs are relevant to this study:

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

examined regulations to family reunification with persons who have been granted subsidiary protection.

COMMISSION REPORTS AND GUIDELINES

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

Other relevant sources:

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

7. AVAILABLE STATISTICS

EU level

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

- All valid permits by reason on 31 December of each year (tps00171)
- All valid permits by reason, length of validity and citizenship on 31 December of each year (migr_resvalid)
- First permits by reason (tps00170)
- First residence permits - per thousand persons (migr_respop)
- First residence permits by reasons - % of total first residence permits (migr_resfpc)
- Valid permits by reasons - % of total valid permits (migr_resspc)
- First permits by reason, length of validity and citizenship (migr_resfirst)
- First permits by reason, age, sex and citizenship (migr_resfas)
- First permits issued for family reasons by reason, length of validity and citizenship (migr_resfam)
- Change of immigration status permits by reason and citizenship (migr_reschange)
- First permits issued for family reunification with a beneficiary of protection status (migr_resfrps1)
- Permits valid at the end of the year for family reunification with a beneficiary of protection status (migr_resfrps2)
- EU Blue Cards holders and family members by Member State of previous residence (migr_resbc3)
- Authorisations for study and research by reason, type of decision, citizenship and length of validity (migr_ressrath)

National level

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

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

8. DEFINITIONS

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

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

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

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

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

Term	Definition
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	<p>In the general migration context, a person who is either married to a migrant, or has a relationship legally recognised as equivalent to marriage with a migrant, as well as their dependent children or other dependants who are recognised as members of the family by applicable legislation.</p> <p>In the context of the Family Reunification Directive, a third-country national (normally members of the nuclear family, i.e. the spouse and the minor children), who has entered the territory of the European Union for the purpose of family reunification.</p> <p>NB: A family member may also be another family member whose relationship is attested by documentary evidence or other means, according to national law.</p>
Family reunification	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	<p>In the global context, a person falling within ILO ISCO-88 Classes 1, 2 and 3, e.g. a person qualified as a manager, executive, professional, technician or similar, who moves within the internal labour markets of transnational corporations and international organisations, or who seeks employment through international labour markets for scarce skills.</p> <p>In the EU context, a third-country national who seeks employment in a Member State and has the required adequate and specific competence, as proven by higher professional qualifications.</p>
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.

Term	Definition
Minor	In a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.
Nuclear family	The spouse and the minor children of a family.
Refugee	In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 (Exclusion) of Directive 2011/95/EU does not apply.
Researcher	In the EU migration context, a third-country national holding a doctoral degree or an appropriate higher education qualification, which gives that third-country national access to doctoral programmes and who is selected by a research organisation and admitted to the territory of an EU Member State for carrying out a research activity for which such qualification is normally required.
Right to family life	A right enshrined in Arts. 7, 9 and 33 of the Charter of Fundamental Rights of the European Union and Article 8 of the European Convention on Human Rights (ECHR).
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

Term	Definition
	reunification, a third-country national residing lawfully in a Member State and applying, or whose family members apply, for family reunification to be joined with them.
Student	In the EU migration context, a third-country national accepted by an establishment of higher education and admitted to the territory of an EU Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training.
Subsidiary protection	The protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of 2011/95/EU, and to whom Article 17(1) and (2) of Directive 2011/95/EU do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country.
Third-country national	Any person who is not a citizen of the European Union within the meaning of Article 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Article 2(5) of the Schengen Borders Code.

9. ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this study, an Advisory Group (AG) has been established. In addition to the European Commission and the EMN Service Provider (ICF) including the Odysseus Network, the AG for the study consists of the following EMN Member Countries: Belgium, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Latvia, the Netherlands, Sweden and the Slovak Republic.

Other relevant partners:

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

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

10. TIMETABLE

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

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

Date	Action	
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:

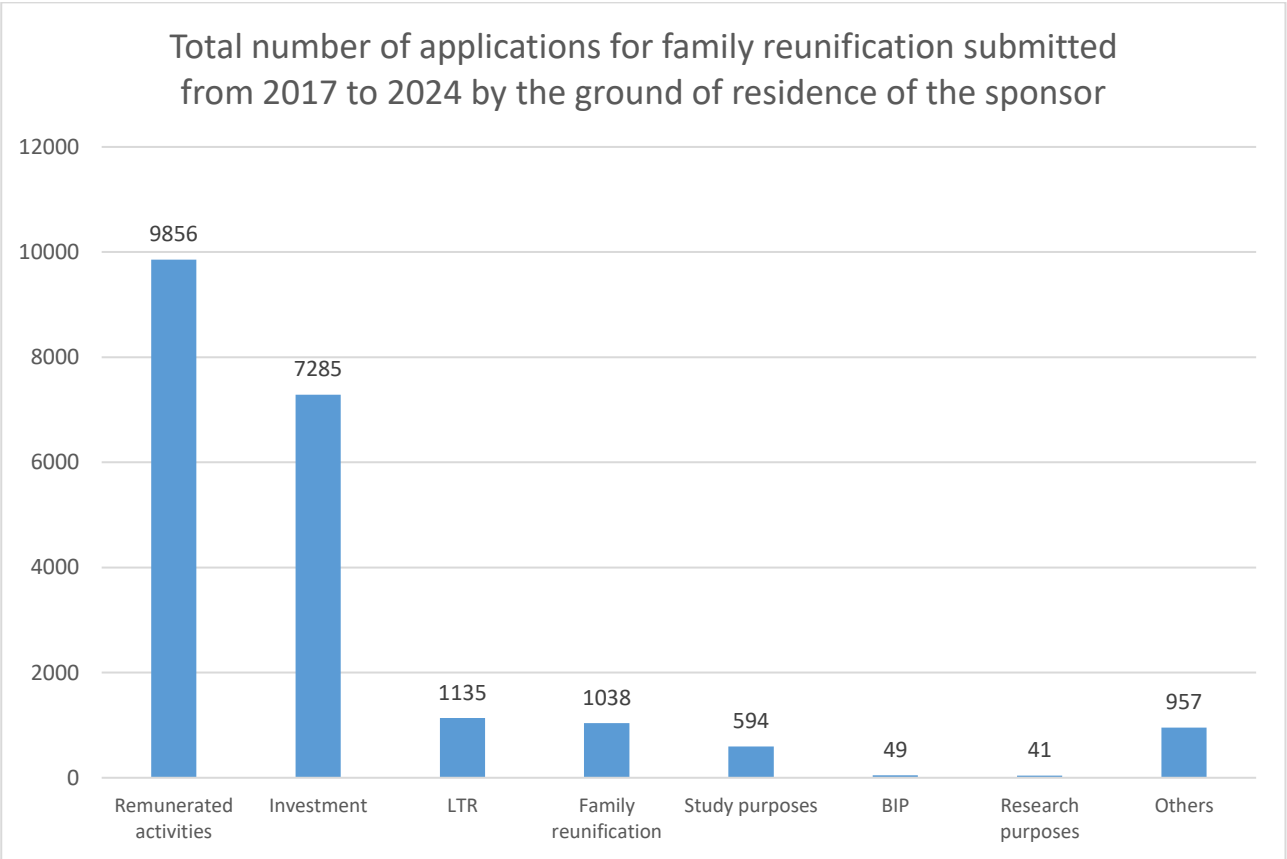
- Key changes to policy and/or practice on family reunification in recent years (i.e. since 2017)²⁴ or being planned currently – including EU or national-level factors driving changes to policy and/or practice, for example relevant EU and/or national case law, etc.;
- Overview of the rights that follow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

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

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

There have been only a few key changes on family reunification since 2017. The most impactful and relevant were the amendments to the Immigration Law entering into force on 2 March 2017, which determined access to the labour market without restrictions to a wider range of family members of employed third-country nationals after obtaining a residence permit. Additionally, as of the start of 2025, persons granted refugee or alternative (subsidiary protection) status and their family members in the event of family reunification are exempt from the payment of state fee for the consideration of an application for a first-time temporary residence permit or permanent residence permit.

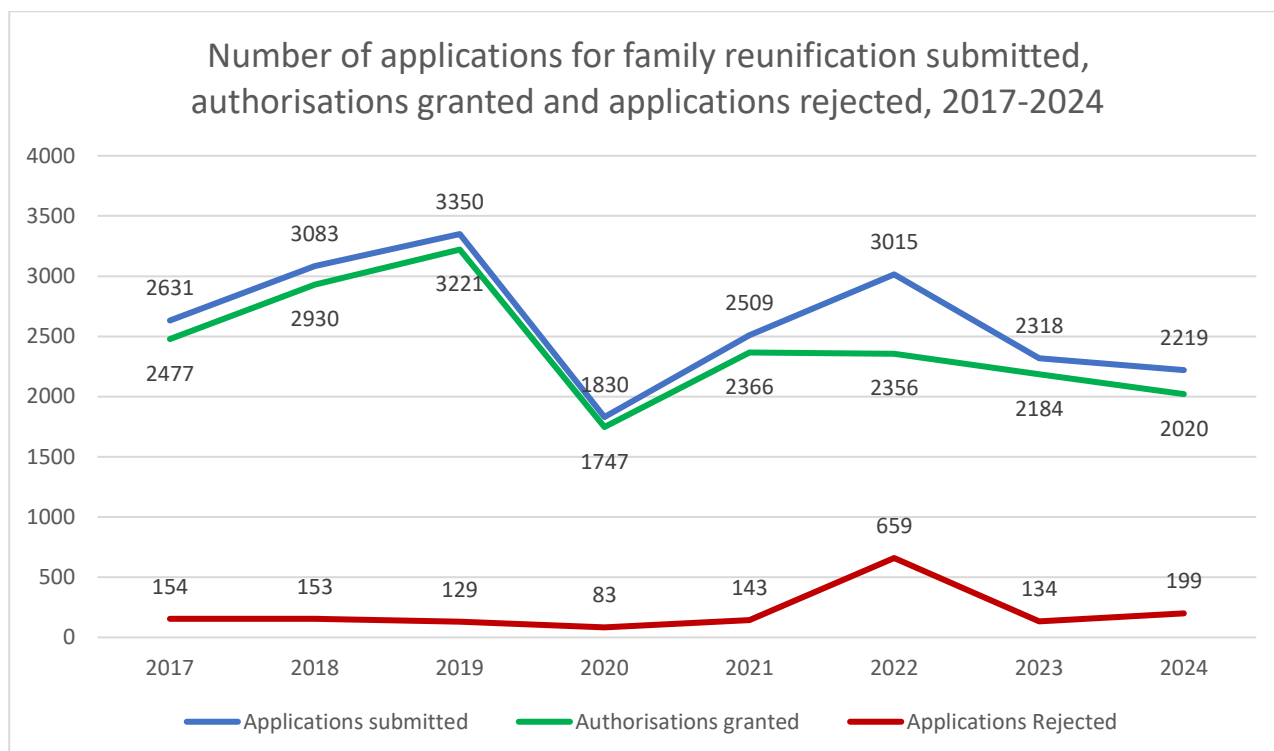
Looking towards the future, new draft Immigration Law has been developed and is currently being reviewed. Although, the draft law does not provide for significant changes to the regulation related to family reunification, it contains certain provisions that would extend the validity of temporary residence permits from one to two years for specific applicant categories, reducing the administrative burdens for both the applicants and state administration institutions.



Data source: Office of Citizenship and Migration Affairs (hereinafter - OCMA)

Any person residing in Latvia with a valid residence permit can be a sponsor to an application for family reunification, but in case of family reunification the definition of family only includes the nuclear family and for beneficiaries of international protection the family relationship has had to be established before entry into the country. There are several requirements to exercising the right to family reunification related to the place of residence, health insurance and financial resources, but family members of persons granted refugee or subsidiary protection status do not have to fulfil these requirements. Additionally, family members of almost all categories of third country nationals can access education, employment and vocational training. Even though there

are no specifically targeted programmes of support for this group, family members can access the mainstream measures in place. Family members are also not prevented from applying for autonomous right of residence based on a different ground if it exists.



Data source: OCMA

Generally, a key challenge in accessing the right to family reunification has been the correct preparation of the necessary documents. Regarding the family members' access to education, employment and vocational training, the main challenge can be lack of language skills. Some examples of good practices to be highlighted include the changes made to legislation which resulted in access to the labour market granted without restrictions to family members of all employed third-country nationals and the establishment of the Integration and Inclusion Agency, which provides tailored consultations and practical support to all third-country nationals who are legally residing in Latvia.

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**

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

No, there is not a different regulation for these concepts in Latvia.

However, beneficiaries of international protection (refugees and beneficiaries of subsidiary protection) are entitled to family reunification only in cases where such a family has already existed in the country of origin and the family members are abroad.

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.

As of 2 March 2017, a wider range of family members who are entitled to be employed without restrictions when obtaining a residence permit (family members of a foreigner who has been granted the right to be employed by a specific employer or the right to carry out commercial activities) has been determined. The changes were made to facilitate the integration of third-country nationals into the labour market.²⁶

As of 1 January 2025, a refugee or a beneficiary of subsidiary protection in the Republic of Latvia, and their family member in the event of family reunification are exempt from the payment of state fee for the consideration of an application for a first-time temporary residence permit or a permanent residence permit.²⁷

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)

A new draft Immigration Law has been developed and is currently before the Saeima. Although the draft law does not provide for significant changes to the regulation related to family reunification, it contains certain provisions that reduce the administrative burden on applicants for temporary residence permits. The draft law defines several categories of persons for whom a temporary residence permit will be issued for a longer period – two years – instead of the current one year, thus also

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

²⁶ Law "Amendments to the Immigration Law", *Latvijas Vēstnesis*, No. 36, 16.02.2017. – [entered into force 02.03.2017.] – Available: <https://likumi.lv/ta/id/288742-grozijumi-imigracijas-likuma>

²⁷ Cabinet Regulation No. 731 of 26 November 2024 "Rules on State Fees for Migration Services", *Latvijas Vēstnesis*, No. 231, 27.11.2024. – [entered into force 01.01.2025.] – Available: <https://likumi.lv/ta/id/356656-noteikumi-par-valsts-nodevu-par-migracijas-pakalpojumiem>

reducing the number of administrative procedures to be carried out at state administration institutions.²⁸

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

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

No. These judgements have so far had no direct impact on policy-making on family reunification or on decisions in specific cases.

5. Has your country introduced any family assistance programme (e.g. comparable or similar to the one implemented in Germany)?²⁹ Y/N

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

No, Latvia does not have a specific assistance programme to support family reunification, but Latvian legislation provides for family members of persons who have been granted refugee or subsidiary protection status to have a more lenient regime regarding the documents they must submit when applying for a residence permit for the first time. In addition, as of 1 January 2025, family members applying for a residence permit for the first time are exempted from paying a state fee for the examination of documents.

Although there is no specific assistance or support programme for family members, family members of refugees or beneficiaries of subsidiary protection may receive various types of social assistance from non-governmental organisations and/or social services that provide it to the beneficiaries of international protection.

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?

In cases not provided for by law, the possibility of granting a temporary residence permit on humanitarian grounds may be considered³⁰.

7. Please provide national statistics on:

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

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

²⁸ Draft Law "Immigration Law", – Available: https://tapportals.mk.gov.lv/legal_acts/1dc0b31b-c297-4fa9-9c52-61c9519b370a

²⁹ Family assistance programme, Global Compact on Refugees, [Family Assistance Programme | The Global Compact on Refugees | UNHCR](#), last accessed on 24 October 2024.

³⁰ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

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

Any person residing in Latvia with a valid residence permit – employed person, self-employed person, person carrying out commercial activity, refugee, beneficiary of subsidiary protection, student, investor, etc.³²

8b. Does the national law of your country allow **beneficiaries of subsidiary protection**³³, or **holders of similar protection statuses**, to apply for family reunification? Y/ N

Yes

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?³⁴

When applying for a residence permit, the child must not be of majority age (should be under 18 years of age). After reaching the age of majority, the child can continue to stay with a residence permit if he or she was a minor when the residence permit was first applied for. A residence permit for family reunification can only be granted if the child is not married and shares a household with the sponsor.³⁵

9. Does your country extend the **definition of family members who can apply for family reunification** beyond nuclear/ core members³⁶? Y/N

No

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

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

³² Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

³³ Currently, beneficiaries of subsidiary protection are not covered by the Family Reunification Directive.

³⁴ 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.

³⁵ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

³⁶ In the context of the Family Reunification Directive, as specified in its Article 4, members of the nuclear family are the spouse and the minor children.

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Parents	Yes	<p>Parents who have reached the retirement age in the Republic of Latvia.</p> <p>Father, mother or other adult who, in accordance with the laws and regulations of the Republic of Latvia, is responsible for the beneficiary of international protection, if said beneficiary of international protection is a minor and unmarried, provided that such a family already existed in the country of origin.</p>	<p>This family reunification option applies to parents of Latvian citizens and Latvian non-citizens.</p> <p>Also applies to unaccompanied minors who have been granted international protection and are not married.</p>
Adult children	No		
Non-married partners <i>(please specify if this applies only to registered partnerships or includes also stable long-term relationships)</i>	No		

Same-sex partners who are registered	No		
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 type of evidence is required to demonstrate dependency</i>	Yes	Incapacitated persons (e.g., parents and adult children)	Only if the person is legally incapacitated, as determined by a court decision, and wants to obtain a residence permit together with a guardian.
Other family members	No*	*The only exception pertains to unaccompanied minors: for family reunification can apply father, mother or other adult who, in accordance with the laws and regulations of the Republic of Latvia, is responsible for the beneficiary of international protection, if said beneficiary of international protection is a minor and unmarried, provided that such a family already existed in the country of origin.	*The only exception applies to unaccompanied minors who have been granted international protection and who are not married.

SECTION 4: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

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

10. Does your country apply the following **requirements**³⁷ for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases):

- 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.

No, submitting a document proving your intended place of residence is sufficient.³⁸

Does not apply to family members of refugees and beneficiaries of subsidiary protection.

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

A document confirming that the persona has a valid health insurance policy must be presented when obtaining a temporary residence permit, covering emergency medical treatment; hospital treatment for a critical condition threatening life or health; transport to the nearest medical facility; transport back to the home country in the event of serious illness or death.³⁹

Does not apply to family members of refugees and beneficiaries of subsidiary protection.

- Stable and regular financial resources? Y/ N.

A document proving subsistence must be provided, proving that the person has sufficient means to live on for at least the next 12 months. The regularity and stability of the funds are not assessed.⁴⁰

Does not apply to family members of refugees and beneficiaries of subsidiary protection.

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

³⁷ 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.

³⁸ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi>

³⁹ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi> ;
Cabinet Regulation No. 591 of 28 July 2008 "Regulations for the Health Insurance of Foreigners", *Latvijas Vēstnesis*, No. 117, 31.07.2008. – [entered into force 01.08.2008.] – Available: <https://likumi.lv/ta/id/179063-arzemnieku-veselibas-apdrosinasanas-noteikumi>

⁴⁰ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi>

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

For a family member who has reached the age of majority – financial means per month must be not less than the minimum monthly wage established in the country (EUR 740 from 1 January 2025), for a minor – 30% of the minimum monthly wage established in the country.⁴¹

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

The difference is only for a minor (see previous answer).

- The reference period over which this requirement is considered.

One year. If the period of stay is less than one year, the entire period of stay.

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

If the financial resources are supported by a salary slip from the employer, it is checked whether the person has been paid the appropriate salary and whether the state taxes and mandatory state social insurance contributions have been paid on it.

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

Each case is assessed on its individual merits.

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

Not having sufficient subsistence resources can be grounds for refusing/revoking a residence permit.⁴²

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

Usually, during the examination of a new application (application for or registration of a residence permit), however, inspections may be carried out at any time during the validity period of the residence permit in specific cases under suspicion.

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

Only the expected salary, if the person provides a certificate from the employer.⁴³

⁴¹ Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means", *Latvijas Vēstnesis*, No. 97, 18.05.2017. — [entered into force on 19.05.2017.] – Available: <https://likumi.lv/ta/id/290808-noteikumi-par-arzemniekam-nepieciesamo-finansu-lidzeklu-apmeru-un-finansu-lidzeklu-esibas-konstatesanu> ;

Cabinet Regulation No. 656 of 24 November 2015 "Regulations Regarding the Amount of the Minimum Monthly Wage within the Framework of the Normal Working Time and Calculation of the Minimum Hourly Tariff Rate", *Latvijas Vēstnesis*, No. 232, 26.11.2015. — [entered into force on 01.01.2016.] – Available: <https://likumi.lv/ta/id/278067-noteikumi-par-minimalas-menesa-darba-algas-apmeru-normala-darba-laika-ietvaros-un-minimalas-stundas-tarifa-likmes-aprekinasanu>

⁴² Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

⁴³ Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means", *Latvijas Vēstnesis*, No. 97, 18.05.2017. — [entered into force on 19.05.2017.] – Available: <https://likumi.lv/ta/id/290808-noteikumi-par-arzemniekam-nepieciesamo-finansu-lidzeklu-apmeru-un-finansu-lidzeklu-esibas-konstatesanu>

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 admission⁴⁴? Y/ N

No

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 period**⁴⁵ before a sponsor's family members can reunite with him/ her? Y/ N

For the majority of categories – no.

There is a waiting period of two years only for beneficiaries of subsidiary protection.

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

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?

⁴⁴ 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.

⁴⁵ 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.

National legislation does not make any such reference to the possibility of obtaining a permanent residence permit. All beneficiaries of a temporary residence permit are entitled to family reunification, regardless of the reason for obtaining the permit.

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)?⁴⁶

Each case is considered on its own merits, but, for example, insufficient means of subsistence can be grounds for refusing/revoking a residence permit.

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**?⁴⁷

- Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply?⁴⁸ Y/ N

In Latvia, the "grace period" is not defined at all. Or, it could be characterized as indefinite, as there is no requirement to prove financial resources, accommodation or health insurance regarding family members of refugees and beneficiaries of subsidiary protection. Additionally, in cases where not all the necessary documents have been submitted for family reunification, persons are given additional time to submit them or provide explanations.

If yes, is this grace period of (minimum) three months extended and if so, for how long?⁴⁹ Y/ N

Restriction to relationships established before entry into the country?⁵⁰ Y/ N

Yes

If yes, please specify:

The right to family reunification is conditional on the existence of a family in the country of origin. This rule applies mainly in the case of family reunification of spouses.

Application of a wider definition of family members (going beyond parents) when it comes to UAMs?⁵¹ Y/ N

Yes

If yes, please specify:

Father, mother or other adult who, in accordance with the laws and regulations of the Republic of Latvia, is responsible for the beneficiary of international protection, if said beneficiary of international protection is a minor and unmarried, provided that such a family already existed in the country of origin.

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

⁴⁶This is laid down in Article 5(5) and Article 17 of the Family Reunification Directive and in the case law of the CJEU.

⁴⁷ Article 9-12 in Chapter V of the Family Reunification Directive set out more favourable conditions for family reunification of refugees.

⁴⁸ Article 7(1) of the Family Reunification Directive.

⁴⁹ Ibid.

⁵⁰ Article 9(2) of the Family Reunification Directive.

⁵¹ Article 10(3)(b) of the Family Reunification Directive.

Cases of unaccompanied minors are assessed on an individual basis, in the context of Latvian legislation and taking into account the best interests of the child.

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

Yes, they are similar, but there are also some differences.

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).

A refugee or a person who has been granted alternative status – beneficiary of subsidiary protection - has the right to reunite with family members who are abroad. However, beneficiary of subsidiary protection has such rights if he or she has resided in the Republic of Latvia for at least two years after acquiring his/her status.⁵²

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**?⁵³ Y/N If yes, please provide details on how these requirements are more favourable for each category.

No, except that EU Blue Card family members' cases are examined within a shortened time limit of 10 working days, the decision being taken at the same time as the EU Blue Card applicant's decision.⁵⁴

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

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

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

According to an expert from OCMA, challenges are related to the correct preparation of an application, as people often lack understanding of the required documents and the procedure for certifying (legalising) and submitting them. This is reflected in the large number of incomplete applications received by the Office of Citizenship and Migration Affairs.

Often family members of refugees and beneficiaries of subsidiary protection do not have passports, which is an obligatory requirement for obtaining a residence permit.

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

⁵² Asylum Law, *Latvijas Vēstnesis*, No. 2, 05.01.2016. – [entered into force 19.01.2016.] – Available: <https://likumi.lv/ta/id/278986-patveruma-likums>

⁵³ 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.

⁵⁴ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

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

The website of the Office of Citizenship and Migration Affairs is being continuously improved to make information more comprehensible and accessible.

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.

Detailed information is available on the website of the Office of Citizenship and Migration Affairs.⁵⁵

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?⁵⁶

Usually, the family members apply for residence permit on the basis of family reunification. If the third-country national is invited by a legal person (e.g., an employer), the inviting person is entitled to submit applications from all applicants, including family members.⁵⁷

In case of refugees, after obtaining refugee status they have to submit a sponsorship request to OCMA and acquire OCMA's approval. Family members then apply to the diplomatic or consular mission of the Republic of Latvia abroad and submit the documents for the request of a residence permit based on the approval of sponsorship. In case of beneficiaries of subsidiary protection, they can begin this process after they have resided in the Republic of Latvia for at least two years after acquiring their status.⁵⁸

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).

The sponsor can submit the application electronically (with a secure electronic signature) or by post.

⁵⁵ Available: https://visspirmigraciju.pmlp.gov.lv/?page_id=36#toggle-id-1

⁵⁶ 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.

⁵⁷ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi>

⁵⁸ Asylum Law, *Latvijas Vēstnesis*, No. 2, 05.01.2016. – [entered into force 19.01.2016.] – Available: <https://likumi.lv/ta/id/278986-patveruma-likums>

For a minor child, the documents can be submitted by the child's legal representative, therefore also by the guardian. If the child is legally residing in Latvia, the documents can be submitted by post or electronically.⁵⁹

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.)?

Documents may be submitted to a diplomatic or consular mission of the Republic of Latvia abroad, or during legal residence in the Republic of Latvia to the OCMA.⁶⁰

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.

Proof of identity is provided by a copy of a valid travel document. To prove your family relationship, you must submit a certified copy of a marriage certificate and a certified copy of a birth certificate. The accuracy of the copy may be certified by the applicant, or in the case of a minor child by his or her legal representative. A document issued abroad must be legalised or certified with an apostille in accordance with the prescribed procedure. As the applicant certifies the document in his or her country of origin, the costs are unknown.⁶¹

For refugees and beneficiaries of subsidiary protection, they need to have a foreigner's eID card with a secure electronic signature to submit a sponsorship request for approval. If there is no documentary evidence of a family relationship, such as a marriage certificate or birth certificate then, alternatively, all the information at OCMA's disposal can be evaluated, including information obtained during the examination of asylum application, making sure that there are no mutual contradictions and, if necessary, requesting additional explanations. However, it is strictly necessary for the family member to have a passport.

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.

For most categories, no alternative methods are applied, the assessment is based on the documents provided. Documents must be presented in person at an embassy. If there is no embassy in the country of citizenship or residence of the foreigner, the

⁵⁹ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi>

⁶⁰ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigrācijas-likums>

⁶¹ Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturesanas-atlauju-noteikumi> ;

Cabinet Regulation No. 558 of 4 September 2018 "Procedures for Drawing up and Preparing Documents", *Latvijas Vēstnesis*, No. 177, 06.09.2018. – [entered into force 07.09.2018.] – Available: <https://likumi.lv/ta/id/301436-dokumentu-izstrāšanas-un-noformēšanas-kartība> ;

Document Legalisation Law, *Latvijas Vēstnesis*, No. 56, 04.04.2007. – [entered into force 18.04.2007.] – Available: <https://likumi.lv/ta/id/155411-dokumentu-legalizācijas-likums>

documents have to be submitted to the embassy that provides services to the citizens of the respective country.⁶²

As regards beneficiaries of international protection, if the family member of the beneficiary of international protection cannot submit a document proving kinship and has given a valid reason, the OCMA in order to make a decision on family reunification evaluates all the information at its disposal, including information obtained during the examination of asylum application, making sure that there are no mutual contradictions. If necessary, additional explanations are requested.

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.

There is a state fee for examining the documents for a temporary residence permit (EUR 160-560, depending on the time period of the examination procedure).

Additional costs – state fee for examination of documents for visa application (if required), costs for legalisation of documents, consular fee if documents are submitted to the diplomatic or consular mission of the Republic of Latvia abroad.⁶³

Person granted refugee or subsidiary protection status in the Republic of Latvia, and his/her family member in the event of family reunification – for the consideration of an application for a first-time temporary residence permit or permanent residence permit – are exempt from the payment of state fee. Other additional fees are covered by sponsor or family member.⁶⁴

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?⁶⁵ 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**?

The competent national security authorities check whether the foreigner poses a threat to public order and security. When obtaining a residence permit, the foreigner shall submit a document certifying that the foreigner does not have any health

⁶² Cabinet Regulation No. 725 of 3 August 2010 "Regulations Regarding the Territorial Competence of Diplomatic and Consular Missions of the Republic of Latvia for Requesting Visas", *Latvijas Vēstnesis*, No. 127, 12.08.2010. – [entered into force 13.08.2018.] – Available: <https://likumi.lv/ta/id/214846-noteikumi-par-latvijas-republikas-diplomatisko-un-konsularo-parstavniecibu-teritorialo-kompetenci-vizu-pieprasisanai>

⁶³ Cabinet Regulation No. 731 of 26 November 2024 "Rules on State Fees for Migration Services", *Latvijas Vēstnesis*, No. 231, 27.11.2024. – [entered into force 01.01.2025.] – Available: <https://likumi.lv/ta/id/356656-noteikumi-par-valsts-nodevu-par-migracijas-pakalpojumiem> ;
Cabinet Regulation No. 707 of 21 November 2018 "Price List of the Consular Remuneration of the Ministry of Foreign Affairs and the Procedures for the Collection of the Consular Remuneration and State Fees", *Latvijas Vēstnesis*, No. 231, 23.11.2018. – [entered into force 24.11.2018.] – Available: <https://likumi.lv/ta/id/303212-arlietu-ministrijas-konsularas-atlidzibas-cenradis-un-kartiba-kada-tiek-iekaseta-konsulara-atlidziba-un-valsts-nodevas>

⁶⁴ Cabinet Regulation No. 731 of 26 November 2024 "Rules on State Fees for Migration Services", *Latvijas Vēstnesis*, No. 231, 27.11.2024. – [entered into force 01.01.2025.] – Available: <https://likumi.lv/ta/id/356656-noteikumi-par-valsts-nodevu-par-migracijas-pakalpojumiem>

⁶⁵ 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.

disorders or diseases for which the residence permit should not be issued (tuberculosis in active phase)⁶⁶

20h. How are the best interests of the child taken into account during the examination of the application?⁶⁷

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.

The legislation requires the best interests of the child to be taken into account, but this condition is rarely relevant in the practical examination process of applications. Children usually apply together with one or both parents, and decisions are taken at the same time.⁶⁸

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.

Documents are examined within 30 days, 10 working days or 5 working days, depending on the amount of the state fee paid; for a family member of a Blue Card holder, documents are examined within 10 or 5 working days, depending on the amount of the state fee paid; for family members of investors subject to additional checks, within 90 days, 10 days or 5 working days, depending on the amount of the state fee paid. The decision may be appealed to the Head of the OCMA within 30 days from the date of entry into force of the decision, the appeal shall be examined within one month, the decision of the Head of the OCMA may be appealed in the court within one month from the date of entry into force of the decision.⁶⁹

- 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)

Applications are normally examined within the time limit specified in the previous answer. If necessary, a decision may be taken to extend the time limit

⁶⁶ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigrācijas-likums> ;

Cabinet Regulation No. 554 of 21 June 2010 "Regulation Regarding the Countries for the Citizens of which an Additional Assessment shall be Performed when Issuing a Visa or a Residence Permit", *Latvijas Vēstnesis*, No. 100, 28.06.2010. – [entered into force 29.06.2010.] – Available: <https://likumi.lv/ta/id/212364-noteikumi-par-valstīm-kuru-pilsoniem-izsniedzot-vīzu-vai-uzturēšanas-atļauju-veic-papildu-parbaudi> ;

Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits", *Latvijas Vēstnesis*, No. 101, 29.06.2010. – [entered into force 01.07.2010.] – Available: <https://likumi.lv/ta/id/212441-uzturēšanas-atļauju-noteikumi>

⁶⁷ 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.

⁶⁸ Asylum Law, *Latvijas Vēstnesis*, No. 2, 05.01.2016. – [entered into force 19.01.2016.] – Available: <https://likumi.lv/ta/id/278986-patveruma-likums>

⁶⁹ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigrācijas-likums> ;

Administrative Procedure Law, *Latvijas Vēstnesis*, No. 164, 14.11.2001. – [entered into force 01.02.2004.] – Available: <https://likumi.lv/ta/id/55567-administratīva-procesa-likums>

of the examination of the case by up to one year, in the case of a Blue Card – up to 3 months.⁷⁰

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

No

22. Is a visa required for family members to enter the territory of your country or is the residence permit delivered abroad?⁷¹

A foreigner may obtain a residence permit only after entering the Republic of Latvia. A national of a country that requires a visa to enter Latvia, should obtain a visa at a diplomatic or consular mission of the Republic of Latvia abroad.

If a visa is required:

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

The foreigner must apply to the diplomatic or consular mission of the Republic of Latvia abroad and submit the documents necessary for applying for a visa, including the decision on granting a residence permit.

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

Within 15 days of the receipt of all documents.

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

15 days

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

No

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

There are no restrictions. A long-stay visa is issued for receipt of a residence permit.

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

Yes

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

Yes

⁷⁰ Administrative Procedure Law, *Latvijas Vēstnesis*, No. 164, 14.11.2001. – [entered into force 01.02.2004.] – Available: <https://likumi.lv/ta/id/55567-administrativa-procesa-likums> ; Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

⁷¹ 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.

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

Yes

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

Yes

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

Yes

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

Yes. A family member's residence permit is issued for the duration of the sponsor's residence permit. If the residence permit of the sponsor is revoked, the residence permit of his or her family member is also revoked. ⁷²

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

- i) sponsors and/ or family members throughout the above-mentioned procedure(s) (lengthy procedures, difficulty in gathering documents, accessing consular posts, etc.);
In some cases, persons may have difficulties legalising documents and accessing diplomatic and consular missions to submit the application for a residence permit.
For the family members of refugees and beneficiaries of subsidiary protection another significant obstacle is usually the lack of a passport.
- 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)
The limited administrative capacity of the institutions can pose a challenge for the timely assessment of applications.

Please indicate according to whom this is a challenge.

According to OCMA's expert's opinion.

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).

⁷² Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

According to OCMA's expert, the procedure is not overly lengthy, as the residence permit application is processed within 5 to 30 days. Also, there is no overlap in institutional competences.

A refugee or a beneficiary of subsidiary protection in the Republic of Latvia, and their family member in the event of family reunification are exempt from the payment of state fee for the consideration of an application for a first-time temporary residence permit or a permanent residence permit as of 1 January 2025, which makes the procedure more accessible to them.

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 rights⁷³ 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.

There are no special support measures – any third-country national legally residing in Latvia has the right to apply for studies, language training, etc. No changes are planned.

26b. Access to employment and self-employed activity?⁷⁴ 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.

The family members of all third-country nationals who have been granted the right to employment in the Republic of Latvia have the right to unrestricted access to the

⁷³ 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).

⁷⁴ 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.

labour market. This also applies to family members of intra-corporate transferees and EU Blue Card holders, so they can look for work, be self-employed, run a business, etc. Family members of students, researchers, stateless persons and those of a guardian or trustee of a Latvian citizen or non-citizen are an exception. No changes planned.

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.

Access to general measures. No changes planned.

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?

If necessary, the family member is not prevented from applying for a residence permit on the basis of another purpose of residence, if there is any. It can be done at any time. After five years of residence, the person has the right to apply for a permanent residence permit that is not linked to the sponsor.⁷⁵

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.

In the case of divorce, the spouse of a Latvian citizen or Latvian non-citizen, if the court leaves the minor child – Latvian citizen or Latvian non-citizen – with the parent who is not a Latvian citizen or Latvian non-citizen, the third-country national has the right to apply for a permanent residence permit. A similar rule applies if the spouse, a Latvian citizen or a Latvian non-citizen, has died. In other cases, an individual assessment of the circumstances of the case is carried out.⁷⁶ As regards to refugees and beneficiaries of subsidiary protection and their family members, there have not yet been any such cases.

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?

State-funded health care services are available to foreigners who have been granted a permanent residence permit; minor children of a person employed or self-employed in the Republic of Latvia (who has actually paid social insurance contributions), as well as minor children of persons who have been granted a permanent residence permit in the Republic of Latvia; persons employed or self-employed in the Republic of Latvia

⁷⁵ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

⁷⁶ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums>

(who have actually paid social insurance contributions), spouses who have a temporary residence permit and are raising one child under the age of seven or at least three children under the age of 15; refugees or beneficiaries of subsidiary protection; asylum seekers.⁷⁷

Persons who have received a temporary residence permit in Latvia are not entitled to state social benefits, except for beneficiaries of subsidiary and the family members of such persons, if their permanent place of residence during the validity of the temporary residence permit is in the territory of the Republic of Latvia; persons who are holders of the European Union Blue Card and their family members, if their permanent place of residence during the validity of the temporary residence permit is in the territory of the Republic of Latvia.⁷⁸

Family members have the right to apply for a permanent residence permit or EU permanent resident status after a certain period of time if they meet all the necessary criteria, and they are also not prevented from naturalising.⁷⁹

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.

A person who has been granted a refugee status, is issued with a permanent residence permit valid for five years. This permit must be registered every five years. A family member of a refugee also receives a permanent residence permit.

A person who has been granted alternative (subsidiary protection) status for the first time is issued a temporary residence permit for one year, but if the temporary residence permit is issued again, it is valid for two years from the date of the decision. A family member of a beneficiary of subsidiary protection also receives a temporary residence permit, but it is issued for the same period as the sponsor.

If the refugee or beneficiary of subsidiary protection loses the status granted or it is revoked, the residence permit is cancelled for a family member of the refugee or beneficiary of subsidiary protection in accordance with the procedures laid down in the Immigration Law, except the case when the refugee or beneficiary of subsidiary protection has acquired Latvian citizenship.⁸⁰

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/

⁷⁷ Health Care Financing Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/296188-veselibas-aprupes-finansesanas-likums> ; Available: <https://www.vmnvd.gov.lv/lv/pakalpojumu-sanemeju-registrs>

⁷⁸ Law on State Social Allowances, *Latvijas Vēstnesis*, No. 168, 19.11.2002. – [entered into force 01.01.2003.] – Available: <https://likumi.lv/ta/id/68483>

⁷⁹ Immigration Law, *Latvijas Vēstnesis*, No. 169, 20.11.2002. – [entered into force 01.05.2003.] – Available: <https://likumi.lv/ta/id/68522-imigracijas-likums> ; Law on the Status of a Long-term Resident of the European Union in the Republic of Latvia, *Latvijas Vēstnesis*, No. 107, 07.07.2006. – [entered into force 21.07.2006.] – Available: <https://likumi.lv/ta/id/139372-par-eiropas-savienibas-pastaviga-iedzivotaja-statusu-latvijas-republika> ; Available: <https://www.pmlp.gov.lv/lv/naturalizacija-0>

⁸⁰ Asylum Law, *Latvijas Vēstnesis*, No. 2, 05.01.2016. – [entered into force 19.01.2016.] – Available: <https://likumi.lv/ta/id/278986-patveruma-likums>

evaluations or information received from relevant authorities and stakeholders/expert opinions) and solutions put in place to tackle them.

No studies have been carried out on this topic. According to OCMA's expert's opinion, persons might face difficulties due to language barriers.

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.

According to OCMA's expert's opinion, access to the labour market granted without restrictions to family members of all employed third-country nationals can be highlighted as an example of good practice of the integration of family members in the labour market.

Integration and Inclusion Agency has been established within the framework of the Society Integration Foundation to provide timely support to third-country nationals who have received the right to reside in the territory of Latvia and persons in need of international protection (refugees, beneficiaries of subsidiary protection and asylum seekers) and who are legally residing in the territory of Latvia during the initial integration phase, in order to promote the integration of third-country nationals and the development of a cohesive society by establishing a systematic and unified national approach, providing the necessary information and advisory support in one place in the Integration and Inclusion Agency and at the same time improving cooperation with representatives of different sectors. Besides informative assistance, their services include interpretation and translation, legal assistance and psychological and psychotherapeutic counselling. They have offices in several regions: Riga, Liepāja, Jelgava, Daugavpils and Valmiera. To address the needs of their clients they closely collaborate with representatives from national and local authorities, non-governmental organisations, universities and business community.⁸¹

⁸¹ Available: <https://www.sif.gov.lv/lv>

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.

Since 2017, Latvia has introduced a few changes impactful in the field of family reunification. Most notably, as of 2 March 2017, a key amendment has allowed a broader range of family members of foreign workers to access employment without restrictions after obtaining a residence permit, supporting their integration into the labour market. Additionally, as of 1 January 2025, a refugee or a beneficiary of subsidiary protection and their family members in the event of family reunification are exempt from the state fee when applying for a first-time temporary or permanent residence permit, which makes the procedure more accessible to them.

Looking towards the future, a new draft Immigration Law has been developed and is considered before the Saeima. Although, the draft law does not provide for significant changes to the regulation related to family reunification, it contains certain provisions that reduce the administrative burden on applicants for temporary residence permits - for several groups of persons a temporary residence permit will be issued for a longer period – two years – instead of the current one year, thus also reducing the number of administrative procedures to be carried out at state administration institutions.

Generally, any person residing in Latvia with a valid residence permit – employed person, self-employed person, person carrying out commercial activity, refugee, beneficiary of subsidiary protection, student, investor, etc. – can be a sponsor to an application for family reunification. It is important to note that in Latvia the definition of family members who can apply for family reunification does not extend beyond nuclear or core members and for beneficiaries of international protection the family relationship has had to be established before entry into the country. Also, European case law has so far had no direct impact on policy-making on family reunification or on decisions in specific cases and Latvia does not have a dedicated assistance programme to support family reunification.

There are several requirements to exercising the right to family reunification, such as submitting a document proving the intended place of residence, confirmation of a valid health insurance policy and proof of sufficient financial resources, but family members of persons granted refugee or subsidiary protection status do not have to fulfil these requirements. Furthermore, there is no requirement for family members applying for family reunification to comply with any integration measures. Additionally, there is no waiting period for most categories of sponsors, except for beneficiaries of subsidiary protection to whom a two-year waiting period applies.

Although, the necessary information on family reunification procedure is available and continuously improved on the Office of Citizenship and Migration Affairs' (hereinafter - OCMA) website, the main challenge in accessing the right to family reunification is related to the correct preparation of an application, as people often lack understanding of the required documents and the procedure for certifying and submitting them. This is reflected in the large number of incomplete applications received by OCMA. The main obstacle for family members of refugees and beneficiaries of subsidiary protection is their lack of passport, which is an obligatory requirement for obtaining a residence permit.

Usually, the family members apply for a residence permit on the basis of family reunification. In case of refugees, they have to first apply for sponsorship and get

OCMA's approval. Family members can then apply to the diplomatic or consular mission of the Republic of Latvia abroad and submit the documents for the request of a residence permit. In case of beneficiaries of subsidiary protection, they can begin this process after they have resided in the Republic of Latvia for at least two years after acquiring their status. Sponsors can submit the application electronically (signed with a secure electronic signature) or by post. The family members have to submit their documents to a diplomatic or consular mission of the Republic of Latvia abroad, or during legal residence in the Republic of Latvia to OCMA.

For most groups of people, a proof of identity in the form of a valid travel document is needed and a certified copy of a marriage certificate and a certified copy of a birth certificate has to be submitted. A document issued abroad must be legalised or certified with an apostille in accordance with the prescribed procedure. No alternative methods are applied to prove a family relationship in most cases. Challenges can arise in legalising the needed documents and accessing diplomatic and consular missions to submit them.

For persons granted refugee and subsidiary protection status a more lenient approach is employed. They need to submit a sponsorship request for OCMA's approval and if there is no documentary evidence of family relationships OCMA evaluates all the information obtained during the examination of the asylum application procedure, ensuring that no contradictory information has been given and requesting additional explanations when necessary. However, it is obligatory for the family member to have a passport, which is often an issue.

A family member's residence permit is issued for the duration of the sponsor's residence permit. An application can be rejected or a residence permit can be revoked on the basis of a threat to public order, public security or public health, if the requirements such as sufficient financial resources and valid health insurance are no longer met, if the family relationship has changed or if false or misleading information has been provided.

Family members have the right to access education, employment and self-employed activities and vocational guidance and training. There are no specific support measures targeted at family members, but they can access mainstream activities. Family members are also not prevented from applying for a residence permit on the basis of another purpose of residence, if there is any. It can be done at any time. Customarily, state-funded health care services are available to foreigners who have been granted a permanent residence permit. Persons who have received a temporary residence permit in Latvia are not entitled to state social benefits, with some exceptions.

Regarding access to rights and services the main challenge would be difficulties due to language barrier, whereas an example of good practice would be access to the labour market granted without restrictions to family members of employed third-country nationals and the creation of the Integration and Inclusion Agency providing varied informative assistance and other services to all third-country nationals who have received the right to reside in the territory of Latvia.

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