



EMN Study 2024

**Family reunification of third-country nationals:
State of play after 20 years of implementation of the
Family Reunification Directive**

Estonian national report

February 2025

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the EMN Focussed Study on Family reunification of third-country nationals: State of play after 20 years of implementation of the Family Reunification Directive. The contributing EMN NCP have provided information that is, to the best of their 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 an EMN NCPs' Member State.

This document was produced by Marian Juurik the expert of EMN EE NCP. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.

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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.

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

¹Eurostat, '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-](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)

[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](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.

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 \(europa.eu\)](https://eur-lex.europa.eu/eur-lex-content/document/?uri=COM:2019:162:FIN:EN:PDF), 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 \(europa.eu\)](https://eur-lex.europa.eu/eur-lex-content/document/?uri=COM:2014:0210:FIN:EN:PDF), last accessed on 26 July 2024.

complementary pathways⁹ 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 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;

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.

¹¹ Ireland is not bound by the Family Reunification Directive. This also applies to EMN Observer Countries, as they are not EU Member States.

- 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.

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:

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.

- **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);
- **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

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.

pathways¹⁹ called upon EU Member States to facilitate access to the right to family reunification by putting in place family reunification assistance programmes that improve access to information and simplify the application process. In addition, EU Member States were also invited to provide pathways for admitting family members of beneficiaries of international protection through humanitarian admission programmes such as family-based sponsorship schemes (point 12).

The rules applicable to family reunification in EMN Member and Observer Countries not applying the Family Reunification Directive are defined in national legislation.

5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

This study aims to address the following primary research questions:

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

6. RELEVANT SOURCES AND LITERATURE

EMN INFORM AND STUDIES

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

- 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

¹⁹ European Commission, ‘Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways’, [L_2020317EN.01001301.xml \(europa.eu\)](#), last accessed on 26 July 2024.

- EMN (2024) 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

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
	<p>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.</p>
EU Blue Card holder	<p>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).</p>
Family formation	<p>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.</p>
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	<p>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.</p>
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	<p>In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.</p>

Term	Definition
Intra-corporate transferee	A third-country national subject to a temporary secondment from an undertaking established outside the territory of a Member State and to which the third-country national is bound by a work contract to an entity belonging to the undertaking or to the same group of undertakings which is established inside this territory.
Long-term resident	A third-country national who has long-term resident status as provided for under Arts. 4 to 7 of Council Directive 2003/109/EC or as provided for under national legislation.
Minor	In a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.
Nuclear family	The spouse and the minor children of a family.
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.

Term	Definition
Seasonal worker	A third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State.
Sponsor	In the global context, a person or entity which undertakes a (legal, financial or personal) engagement, promise or pledge, on behalf of another. In the EU context of family reunification, a third-country national residing lawfully in a Member State and applying, or whose family members apply, for family reunification to be joined with them.
Student	In the EU migration context, a third-country national accepted by an establishment of higher education and admitted to the territory of an EU Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, 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		

Date	Action	
11/02-24/02/25	Drafting of the first draft of the study.	EMN Service Provider
04/03 -10/03/25	Circulation of the first study draft to COM and AG members (one week-deadline for review).	EMN Service Provider
10/03/25	Deadline for comments.	COM and AG members
18/03-31/03/25	Circulation of the second draft to all NCPs (two week-deadline for review).	EMN Service Provider
31/03/25	Deadline for comments.	EMN NCPs
01/04-23/04/25	Review and circulation of the third draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
23/04/25	Deadline for comments	EMN NCPs
24/04-13/05/25	Review and circulation of the final draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
13/05/25	Deadline for comments	COM and all NCPs
10/06-12/06/25	Final validation by COM	COM
17/06/25	Publication	EMN Service Provider

11. TEMPLATE FOR NATIONAL CONTRIBUTIONS

Common Template 2024 EMN Study

Family reunification of third-country nationals: State of play after 20 years of implementation of the Family Reunification Directive

NATIONAL CONTRIBUTION FROM ESTONIA

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.

This study aims to give an updated overview of the current national situation regarding family reunification for third-country nationals, including any recent trends and developments in law, policy, and practice in Estonia since 2017.

Regarding policy developments, in 2023, amendments to the Act on the Granting of International Protection to Aliens included registered partners as family members of applicants for international protection. This change ensures legal recognition and protection of family ties and aligns with Estonia's marriage equality laws. There are currently no planned legislative changes in the field of family reunification, although informal discussions are ongoing regarding potential administrative improvements.

Since 2017, the Police and Border Guard Board (PBGB) has offered free migration advisory services in Estonian, Russian, and English to assist all foreign nationals with residence and family reunification processes. This service plays an important role on providing legal migration related information including the introduction on legislative changes.

Estonia also offers an adaptation programme Settle in Estonia which is a free study programme developed by the Estonian state to help recently arrived foreigners to adapt to local life faster and integrate into Estonian society. Participation in the programme is optional, except for persons granted temporary or international protection in Estonia.

Between 2017 and 2024, most applications of family reunification were approved, although there were some rejections, particularly in recent years. In terms of sponsorship, most sponsors are male and hold either refugee or subsidiary protection status.

The applicants of family reunification are required to provide residence information and confirm by signing the application that he/she has a health insurance contract that meets the requirements set out in the Aliens Act and sufficient legal income to ensure the subsistence of himself/herself and the members of his/her family in Estonia. Applicants must also provide documentary evidence to confirm both their identity and family relationship. Estonia extends family reunification beyond the core family unit. Parents can join their children if they require care and adult children are eligible if they have a disability or cannot live independently. Also, registered partners, including same-sex partners, are eligible for family reunification.

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?

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

No.

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.

In 2022, the amendments to the Aliens Act and the amendments to the Act on Granting International Protection to Aliens were made, to update the conditions for obtaining a residence permit for settling with a family member and the rules for expiry of a temporary residence permit granted to settle with your spouse. It became clear that, from the point of view of public policy, family migration accompanied by an alien staying temporarily in the country may lead to illegal employment and stay in the country if the family has a desire to stay in Estonia but lacks the legal means to do so, once the initial residence permit expires.

<https://www.riigiteataja.ee/akt/114052022001>

In 2023, the amendments to the Aliens Act and the amendments to the Act on the Granting of International Protection to Aliens were made, now including a person's registered partner among the family members, allowing registered partners to also obtain a residence permit on the family reunification purpose. The amendment adds the registered partner to the definition of family member (Article 7 of the Family and Civil Status Act), taking into account their close personal and economic relationship, their mutual dependency and their presumed shared home and household. The amendment ensures legal clarity and guarantees the protection and preservation of the family ties of registered partners.

These changes were part of the act of Amending the Family Law Act and amending other acts in connection therewith, with the aim of establishing marriage equality (marriage is to be concluded by two persons of legal age, regardless of their gender).

<https://www.riigiteataja.ee/akt/106072023006>

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)?

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.

If so, please describe briefly the main changes planned. For each planned change, please provide information to the extent possible on the drivers and objectives behind them. (For planned changes on access to rights, please fill in Q26 in Section 6 below)

No, not in the field of international protection nor other legal migration pathways. However there have been informal discussions in the field of international protection involving relevant authorities and NGOs and UNHCR of the possible ways of amending the administrative process of the family reunification of beneficiaries of international protection. It is planned to include the possible changes in the Amendment Act covering changes stemming from the CEAS reform.

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

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

To support and facilitate third-country nationals to settle in legally, and also to reduce bureaucracy, Police and Border Guard Board (PBGB) launched in 2017 free of charge migration advisory service in Estonian, Russian and English, which started to offer information and counselling about the legal grounds for entering and staying in Estonia, documents, application processes and requirements. Information provision was (and still is) available via phone, email, Skype, one-on-one meetings and trainings. Migration advisors play an important role raising awareness of employers, entrepreneurs, educational institutions and to others (i.e. family members) who invite foreigners to Estonia as well as foreigners. The need for migration related counselling has increased since introducing the service in 2017. Service plays an important role on providing legal migration related information including the introduction on legislative changes.

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,

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

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?

Yes, Estonia does have alternative avenues for family members and other individuals who do not qualify for family reunification under the Family Reunification Directive or the national legislation on family reunification.

1. Residence Permits for Children Born in Estonia

A child receives a residence permit automatically upon birth if:

- their parent is a foreigner residing in Estonia on the basis of a residence permit
- the child is born in Estonia or settles in Estonia within one year after birth
- the birth of the child in Estonia or the data of the child’s birth are registered in the Estonian Population Register.

2. Special Humanitarian Programs or Ad-hoc Solutions

In response to specific humanitarian crises (e.g., regional conflicts or displacement), Estonia may introduce temporary or ad-hoc humanitarian solutions to admit individuals who do not fall under the typical legal frameworks for family reunification or asylum.

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.

Year	Applications submitted	Applications granted	Applications rejected
2017	12		11
2018	14		14
2019	6	3	3
2020	2	1	
2021	8	7	1
2022	19	17	1
2023	18	12	5
2024	11	7	5

Grounds of residence	Female	Male	Total
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of the sponsor			
Refugee	2	23	25
Subsidiary protection	5	13	18
Total	7	36	43

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. 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**²⁷ to an application for family reunification in your country (e.g. unaccompanied minors, students, workers, including highly qualified etc.)?

In Estonia, the **sponsor** for a family reunification application can be a spouse or registered partner who resides in Estonia and who is an Estonian citizen or of Estonian nationality or who is an alien residing in Estonia on the basis of a residence permit.

The sponsor can also be a close relative who is an Estonian citizen or who is an alien who resides in Estonia and holds a residence permit in one of the following cases:

- 1) to a minor child in order to settle with a parent who resides in Estonia;
- 2) to an adult child in order to settle with a parent who resides in Estonia if the child is unable to cope independently due to health reasons or a disability;
- 3) to a parent or grandparent in order to settle with his or her adult child or grandchild who resides in Estonia if the parent or grandparent needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia and;
- 4) to a ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia.

If the sponsor, who is an alien, has been granted a temporary residence permit for short-term employment, he or she can only be a sponsor for his or her children (clauses 1 and 2 of the close relative section).

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

Regardless of the sponsor's status, the sponsor generally needs to show that they have sufficient stable and regular income to support their family members without relying on public assistance. This income threshold is typically linked to the subsistence benefit and is adjusted annually. The sponsor must have a registered place of residence and actual dwelling (there are also exceptions from the general requirement of registered place of residence and actual dwelling). The sponsor`s family members must also have compliant health insurance coverage.

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

Yes. There are no similar statuses provided for.

8c. What is the maximum age for a child to benefit from family reunification and what is the reference point in your country to determine whether a child is a **'minor'** for the purpose of family reunification?²⁹

A child is a minor **before turning 18** and this is generally also the maximum age for a child to benefit from family reunification. In case of the child is a beneficiary of the international protection, the age of the right to reunite the family members is dependent of the age at the time of applying for the protection. When the applicant was a child at the time of the making of the application then the right to reunite does not disappear when the applicant becomes of age as provide for in the C-133/19, C-136/19 ja 137/19. In Estonia as well, the child must be considered to be a minor in the context of the right to family reunification irrespective of the fact that a child became of age during the asylum proceedings.

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

Yes.

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

Important note applicable in case of the international protection: family members are considered a family in case the family existed in the country of origin, including in case the marriage was contracted or partnership registered before entry into Estonia.

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

²⁹ According to Article 4(6) of the Family Reunification Directive, EU Member States may request that the applications concerning family reunification of minor children have to be submitted before the age of 15.

³⁰ In the context of the Family Reunification Directive, as specified in its Article 4, members of the nuclear family are the spouse and the minor children.

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Parents	Y	a parent or grandparent who needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia	all sponsors
Adult children	Y	an adult child in order to settle with a parent who resides in Estonia if the child is unable to cope independently due to health reasons or a disability	all sponsors
Non-married partners <i>(please specify if this applies only to registered partnerships or includes also</i>	Y	registered partner who resides in Estonia and who is an Estonian citizen or of Estonian nationality or with the registered partner who is TCN residing in Estonia on the basis of a residence permit.	all sponsors

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<i>stable long-term relationships)</i>			
Same-sex partners who are registered	Y	registered partner who resides in Estonia and who is an Estonian citizen or of Estonian nationality or with the registered partner who is TCN residing in Estonia on the basis of a residence permit.	all sponsors
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</i>	Y	a close relative who lived with him or her in the country of origin and was dependent on him or her ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia	all sponsors

Category of family members	Eligible for family reunification in your country? Y/N	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<i>provisions/ practice, and what type of evidence is required to demonstrate dependency</i>			
Other family members	N		

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**³¹ 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.

Although it is required to submit information about the registered place of residence and actual dwelling, there is **no separate process** that requires the proof that the living space meets health and safety standards. In the residence permit procedure, the applicant shall submit his/her contact details (including both the contact address and the address of residence in Estonia, if different from the contact address). If necessary, additional information and documents will be requested.

No in case of beneficiaries of international protection there is no such requirement. As the application for the reunification can be submitted together with the application for international protection and the decision on the reunification is in that case done immediately after the positive decision, then at least during first 4 months the state is responsible for assisting a person with finding an independent living.

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

Yes, the family member seeking reunification must have health insurance covering the costs of healthcare in Estonia. The applicant confirms by signing the application that he/she has a health insurance contract that meets the requirements set out in the Aliens Act. If necessary, additional information and documents will be requested.

No in case of the beneficiaries of the international protection. **Yes** only in rare cases when the timeline has been exhausted or when reunification is possible in other third country.

Stable and regular financial resources? Y/ N.

Yes, this requirement applies. In case an alien applies to settle with the spouse or registered partner who resides in Estonia, the alien's spouse or registered partner is required to have permanent legal income that ensures the subsistence of the family in Estonia, or the joint permanent legal income of the spouses or registered partners must ensure the subsistence of the family in

³¹ Article 7(1) of the Family Reunification Directive lays down that EU Member States may require the person who has submitted the application to provide evidence that the sponsor has: accommodation suitable for the size of the family, as well as meeting health and safety standards; sickness insurance; and sufficient resources to provide for himself or herself and his or her family.

Estonia. The applicant confirms by signing the application that he/she has sufficient legal income to ensure the subsistence of himself/herself and the members of his/her family in Estonia. If necessary, additional information and documents will be requested.

No in case of the beneficiaries of the international protection. **Yes** only in rare cases when the timeline has been exhausted and a person has managed to become self-sufficient or when reunification is possible in other third country.

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

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

Although there is no requirement of providing evidence in the application process, additional documents could be requested. The minimum income requirement for an applicant of family reunification in Estonia is linked to the subsistence level. The legal income threshold is double the subsistence limit established on the basis of the Social Welfare Act for each month of stay in Estonia, depending on the size of the family.

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

See the previous answer.

- The reference period over which this requirement is considered.

n/a

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

n/a

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

n/a

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

If the financial requirement is not met after submitted additional document, the family reunification application may be rejected. However, the applicant can appeal the decision.

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

If needed, these requirements are verified at the initial stage of the family reunification process when the application is being assessed by the Police and Border Guard Board.

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

It is a case-by-case approach.

All of the criteria mentioned above do not apply in case of the reunification of family members of the beneficiaries of international protection unless the respective application is presented to the PBGB more than 6 months after the beneficiary received the status.

11a. Does the national law of your country require family members **specifically** applying for family reunification to comply with any **integration measures** before and/or after admission³²? Y/ N

Yes, after the admission, dependent of the ground of the residence permit

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

- (A) **Civic integration exams?**

No, there is no requirement for family members applying for reunification to pass a civic integration exam before or after admission to Estonia.

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?**

Yes, although there are no special requirements for family members applying for family reunification, the general rules apply.

If yes, please specify:

- When the language test(s) takes place (i.e. before admission, after admission, before and after admission).

The language tests take place after admission.

- What knowledge and skills are required from applicants to pass the test(s).

Language tests are usually not required. Aliens who have been granted a temporary residence permit (including spouses and close relatives) are referred to an adaptation programme by the PGBG after the residence permit is granted. Participation or non-participation in the adaptation programme shall not be grounds for revoking or refusing to renew the residence permit. In case of the international protection it is the duty of the state to provide language courses at least during 2 years after granting of the status. The beneficiary is obliged to master the language at least of A2 level within 2 years and B1 level within 5 years.

- If any support is provided to them during preparation (e.g. preparatory classes, easily accessible information on the exam for the applicants, etc.).

The Estonian government offers language courses to support new immigrants in learning Estonian. There are also free online resources available to help applicants prepare for the language test.

- If costs are incurred by applicants (if yes, please indicate the amount).

³² Article 7(2) of the Family Reunification Directive established that EU Member States may require third-country nationals to comply with integration measures, in accordance with national law.

No

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

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

Yes, there are other integration measures. Upon arrival and after granting residence permit, family members may be required to participate in integration programs, which include language courses, cultural orientation programs, and guidance on living and working in Estonia. These programs usually begin after the family member has been granted a residence permit. The integration measures usually take place shortly after arrival, and family members are encouraged to complete them within the first few years of residence.

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

In case of the beneficiaries of international protection nor other grounds there are no integration requirements related exemption grounds, that would result refusal.

12. Does your country set a **waiting period**³³ before a sponsor's family members can reunite with him/ her? Y/ N

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

Yes, if a foreigner applies for a temporary residence permit to live with his or her spouse or registered partner who has a **temporary residence permit for studies**, the spouse or partner must have lived in Estonia for at least two years. This requirement does not apply to a TCN whose spouse or registered partner, who is an TCN, has been granted a temporary residence permit for Doctoral studies.

In case of international protection there is no waiting period.

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?

Yes, Estonia's national law does incorporate the consideration of the reasonable prospect of obtaining permanent residence.

When determining whether there is a reasonable prospect of obtaining permanent residence, Estonia considers several factors. You can apply for a long-term residence permit, if you have been living continuously in Estonia for 5 years on the basis of a temporary residence permit immediately prior to applying for the long-term residence permit; you have a valid temporary residence permit; the information of your place of residence has been entered into the Population Register; you have permanent legal income for subsistence in Estonia; you have health insurance from the Estonian Health Insurance Fund; you have met the integration requirement and speak Estonian at least at the category B1 or equivalent level.

Special conditions apply if you are under 15 years old, if you hold EU Blue Card, if you have settled to Estonia before 1st of July 1990 or you have had Estonian citizenship.

³³ Article 8 of the Family Reunification Directive established that EU Member States may require the sponsor to have stayed lawfully on the territory for a period not exceeding two years (or three years by derogation in specific circumstances) before having his or her family members join him or her.

14. If the above conditions are not (completely) fulfilled (accommodation, resources, insurance, integration and/or waiting period), how does your country guarantee that individual circumstances and the best interests of the child are taken into account (e.g. nature and solidity of the person's family relationship)?³⁴

According to Estonia's national law upon the issue of a temporary residence permit to a minor child to settle with his or her parent the rights and interests of the child shall be taken into consideration in particular. A temporary residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia. The residence permit of a minor child shall not be cancelled, and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.

15. In addition to any information you have already provided above, does your country apply the following provisions concerning the **more favourable family reunification rules for refugees**:³⁵

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

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

Yes, for family members of beneficiaries of protection, the inviting party is not required to fulfill their obligations for up to six months from the date the first family member is granted protection. Within this six-month period, the family member must arrive in Estonia and submit an application for international protection. After this period, the obligations of the inviting party can be reinstated and is done taking account of individual circumstances.

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

Yes

If yes, please specify:

The family links must be proven, however original documents are not required when reasons are elaborated. The marriage or registration of cohabitee must be done before entry into the country.

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

Yes.

If yes, please specify:

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

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

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

³⁷ Ibid.

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

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

The family reunification process for UAMs can include family members beyond the traditional parents or minor children. In cases of UAMs, Estonia may allow family reunification with other close relatives, such as adult siblings, particularly if the child has been separated from them or if reunification with siblings is in the best interests of the child or other legal guardians or members of the family, if there are no parents or if they cannot be found, unless this would be contrary to the rights and interests of the minor.

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

There are several factors considered. Estonia upholds the principle that children should have the opportunity to live with their family, unless it is not in their best interests. For UAMs, an assessment is conducted to evaluate the child's specific needs, vulnerabilities, and circumstances. This includes ensuring that the child is not exposed to further trauma or danger, and that reunification will provide safety, stability, and care. The emotional, psychological, and developmental needs of the child are carefully assessed, ensuring that family reunification will benefit the child's well-being. UAM is being cared for by a guardian or foster family in Estonia and represented by the local government unit. Representative fulfilling the role of a guardian, can provide input which is considered in the decision-making process. Additionally, respective legal or social services involved in the child's care can be consulted to ensure the child's safety and stability.

In case of international protection the BI assessment is written in the decision of granting or denying international protection.

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, Estonia applies similar rules for the family reunification of beneficiaries of subsidiary protection as it does for refugees.

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).

17. Are the requirements for family reunification in your country more favourable for the family reunification of **EU Blue Card holders, researchers and intra-corporate transferees**?⁴⁰ Y/N If yes, please provide details on how these requirements are more favourable for each category.

Yes. The requirement for registered place of residence and actual dwelling is not applied as a requirement for the issue of a temporary residence permit to settle with the spouse or registered partner in case the spouse or registered partner for the purposes of settling

⁴⁰ Article 17 and Article 22 of the revised Blue Card Directive; Article 26, Article 27(3) and Article 30 of the Students and Researchers Directive; Article 19 of the Intra-Corporate Transferees Directive.

with whom the residence permit is applied for has received a residence permit for employment for research activities.

Also, the requirement for prior residence in Estonia shall not be applied for the issue of a temporary residence permit to settle with the close relative if the close relative has the EU Blue Card or has a temporary residence permit for an intra-corporate transfer.

In addition, the stay in Estonia of the spouse, registered partner or close relative of TCN who is a holder of the EU Blue Card of another MS and is applying for the EU Blue Card in Estonia is legal until the decision with regard to the application is made in case they hold a residence permit issued by another MS to a family member of the TCN holding the EU Blue Card and they are applying for a residence permit in Estonia to settle with the spouse or registered partner for the purpose of settling with the alien who is applying for the EU Blue Card.

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

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

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

n/a

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

SECTION 5: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION [MAXIMUM 5-10 PAGES]

This section reports on the process for submitting and examining an application for family reunification in the host country or abroad covered by Chapter III of the Family Reunification Directive, including the procedures for verifying the fulfilment of the requirements/ measures listed in Section 3 above. **If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the variations.**

19. Please describe where sponsors and family members can find **available information** on the family reunification procedure.

Individuals seeking family reunification in Estonia can find reliable information on the website of the Estonian Police and Border Guard Board (<https://www.politsei.ee/en/instructions/residence-permit-for-a-minor-child-for-settling-with-a-family-member>); on the website eesti.ee (<https://www.eesti.ee/eraisik/en/artikkel/citizenship-and-documents/right-of-residence-and-residence-permit-for-foreign-nationals>) and through embassies.

In case of the international protection, the information can be found in the information booklets for applicants and beneficiaries for international protection. There is no separate information available on the process.

<https://www.politsei.ee/et/juhend/rahvusvaheline-kaitse/kasulikud-materjalid>

20. Please describe the **procedure(s) that apply to the sponsor or his or her family members** when an application for the purpose of family reunification is submitted, as follows:

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

In Estonia, the application must be submitted by the TCN. The application for a residence permit for a child under 15 years of age may be submitted by their legal representative, for example, their mother or father. A child over 15 years of age may apply for their residence permit independently.

In case of the international protection, the application can only be submitted by the beneficiary and can be done already at the time of the submitting an application for the international protection. In case of the UAM, the representative or a guardian shall submit the application on behalf of the child.

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).

TCN can apply for a residence permit at a foreign mission of Estonia or at the PBGB service point.

In case of the international protection the application can be submitted in person at the PBGB service point.

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.)?

TCN can apply for a residence permit at a foreign mission of Estonia or at the PBGB service point.

In case of the international protection, it is not possible for the family members of the beneficiary to apply for the residence permit for reunification purposes at the embassy. After the preliminary proceedings by the PBGB confirming the applicability of the procedure is finished, the family members are advised to apply for the visa at the embassy and family members are obliged to apply for international protection upon arrival to Estonia.

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

⁴¹ Article 5 of the Family Reunification Directive specifies that EU Member States determine whether, in order to exercise the right to family reunification, an application for entry and residence must be submitted to the competent authorities by the sponsor or his or her family members.

practices related to the validation of the documents are requested and their associated cost.

Identity Proof: Passport, national ID card, or other official documents.

Family Relationship Proof:

For a spouse or registered partner, a marriage certificate or registration documents are needed if issued outside of Estonia. If the marriage certificate was issued in a country that is a member of the Hague Convention on Apostille, the certificate should be apostilled. If the country is not part of the Hague Convention, the document will need to be legalized by the relevant Estonian embassy or consulate.

For minor children, a birth certificate or adoption papers are required if registered outside of Estonia. As with the marriage certificate, if the birth or adoption certificate is issued outside Estonia, it must be apostilled or legalized depending on the country of issuance.

For an alien who applies for a residence permit to settle in Estonia as an adult child, then, in addition to the other documents and data required for the application, a birth certificate must be submitted if the birth has not been registered in the Estonian population register and a document certifying the state of health if the need for care arises from the state of health.

For an alien who applies for a residence permit to settle in Estonia as a parent or grandparent, in addition to the other documents and data required for the application, documents certifying the family relationship and a document certifying the state of health of the parent or grandparent must be submitted if the need for care is due to a state of health.

In case of the international protection all forms of the proof are used and no apostille or legalisation is required. Lack of documents in itself cannot be the reason to reject the application.

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.

DNA, interviews, pictures etc can be used but there has not been any need in practice.

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.

Yes, in Estonia, there is a state fee for applying for temporary residence permit for settling with spouse, registered partner or close relative – 225 euros in Estonia and 255 euros at a foreign representation. For consideration of an application for a temporary residence permit for settling with a spouse or

registered partner who is an Estonian citizen or a close relative who is an Estonian citizen – the state fee is 115 euros in Estonia and 145 euros in foreign mission. If it is not possible to pay the state fee, the PBGB has the right based on the person's financial situation, on the basis of an application justified by a government institution or local government to reduce the state fee rate or exempt the person from paying it. Travel costs are additional costs that the applicant or sponsor must bear for the family members to travel to Estonia after the reunification process is approved.

In case of international protection there is no state fee for the procedure and issuance of the residence permit. However there is a full state for issuance of a visa, which is needed for entering Estonia and applying for the international protection and residence permit.

20g. Does your national law provide for a rejection of an application for entry and residence, the withdrawal or non-renewal of the residence permit of family members on grounds of public policy, public security or public health?⁴² Y/ N

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**?

Yes, Estonian immigration law, specifically the Aliens Act and other relevant legislation, provides grounds for the refusal of the residence permit, as well as the withdrawal or non-renewal of the residence permit for family members, based on concerns related to public policy, public security, or public health. The verification procedure involves background checks (criminal, security), and possibly further checks if any concerns arise. If there are grounds for refusal to issue the residence permit, TCN will be contacted. The processor of the application will ask TCN's opinion and objections on the matter and position will be taken into account when deciding whether or not to issue the residence permit. If the residence permit is still refused or not renewed, the applicant is notified and may, within ten days of the date of notification of the decision, lodge a complaint with the administrative court or an appeal. The appeal decision may be challenged before an administrative court within the same time limit. In the case of international protection, only court proceedings are possible.

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

Please indicate how is the assessment performed and what kind of coordination mechanisms you have put in place with the relevant authorities in the departure countries.

A case-by-case approach is used, meaning that where necessary, the best interests of the child will be assessed in cooperation with The Social Insurance Board.

In case of the international protection the methods of communication and coordination varies dependent of the country of presence and the specific situation of the child. The assessment is written in the administrative act granting or refusing the status. All of the evidence and opinions sought from specialists are stored in the file. Children, who apply for asylum or on whose behalf asylum has been applied for, have their independent files and their opinion is asked and taken into account. The age and the level of maturity of the child is taken account of in all proceedings.

⁴² Article 6 of the Family Reunification Directive establishes that EU Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.

⁴³ Article 5(5) of the Family Reunification Directive establishes that when examining an application, the EU Member States shall have due regard to the best interests of minor children.

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.

International protection - After submitting the application for family reunification, the Police and Border Guard Board (PBGB) will make a decision whether family members qualify as family members under AGIPA within 30 days after receiving an application or together with the positive international protection decision, when the application was submitted together with the asylum application. Upon arrival the family member is obliged to apply for the international protection and regular deadlines of 6 months apply.

Proceedings carried out according to the Aliens Act – processing the temporary residence permit application may take up to 2 months.

Average duration of the procedure in practice, including the notification of the decision? (e.g. in days/months from the date of application until date of notification of the decision)

International protection – in 2024 the duration was 34 days in average

-

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

n/a

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

Yes, a visa is required in case of international protection

If a visa is required:

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

International protection: When the person as well as the relevant Estonian embassy is informed about the positive decision about qualifying as family member made, the applicant/family member(s) can submit a visa application. In case of family reunification, third-country national can apply for long-term (D-type) visa (as there is no separate visa for family reunification or applying for international protection).

A family member should submit an application for an international protection and residence permit at the earliest opportunity but not later than six months as of the date of issuing a residence permit to the one applying for family reunification. However, Estonian PBGB has not imposed additional restrictions or conditions when the 6 months' time limit has been exceeded. Reasons for delay are taken into account individually.

⁴⁴ Article 13 of the Family Reunification Directive requires EU Member States to facilitate the entry of family members by authorising their entry and providing assistance in obtaining the necessary visas once their application for family reunification is accepted.

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

The consular officer decides on the granting or refusal of a long-stay (D) visa within 30 days from the date of acceptance of the application, unless an international agreement binding the Republic of Estonia provides otherwise. The PBGB shall review the submitted application within 10 working days of the acceptance of the application

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

n/a

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

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

n/a

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.

No in case of the family reunification of beneficiary.

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.

In case of the international protection thorough individual assessment is needed. For example, when a person could be in danger due to of being a formal spouse, the residence permit will not be withdrawn

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 residence permit for settling with a family member is granted for up to five years, but not longer than for the period of validity of the sponsor's residence permit. If the sponsor's residence permit is revoked (e.g., due to the sponsor's permit expiring, the sponsor being deported, or the sponsor leaving Estonia), family members who do not have an autonomous right of residence (i.e., a right to remain in Estonia independent of the sponsor) may face the withdrawal or non-renewal of their own residence permits.

International protection – Yes, when a residence permit of the family member was issued. No in case a residence permit and international protection status was issued.

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.); n/a
- 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) n/a

Please indicate according to whom this is a challenge.

25b. Please provide any examples of identified **good practices** that might help to overcome the above-mentioned challenges or otherwise. Please indicate according to whom this is a good practice (e.g. through studies/ evaluations/expert opinions).

n/a

SECTION 6: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION

This section provides a comparative overview of the rights that follow on from family reunification in the EMN Member and Observer Countries, notably access to education, employment, vocational guidance and training, and right to apply for autonomous right of residence.

If the provisions vary across different categories of third-country nationals (refugees, beneficiaries of subsidiary protection, worker, student, etc.), please describe the variations.

26. Are family members entitled (in the same way as the sponsor) to access the following rights⁴⁵ in your country:

26a. Access to education? Y/ N

Yes.

If yes, please indicate whether any special measures to support access to education are available specifically to family members, e.g. language assistance, guidance regarding the national education system, validation of existing studies and recognition of diplomas and qualifications as well as any support measure for this purpose, etc. Please also mention whether there are any announced planned changes in the national legislation/ policy/ practice.

There are no special measures to specifically support family members.

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

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.

Yes, family members of individuals in Estonia, including those who arrive through family reunification, have unlimited access to employment and self-employed activity and there are no specific conditions.

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

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.

Yes, they have access to general measures.

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?

Family members can apply for an autonomous residence permit after 5 years of legal residence in Estonia. For children who are under 18 years old, they may be able to apply for an autonomous residence permit at an earlier stage if they are no longer dependent on their sponsor (e.g., if they have been living independently, studying, or if their parents' relationship has ended). If the family member's relationship with the sponsor ends due to reasons such as domestic violence, they

⁴⁵ Article 14 of the Family Reunification Directive establishes that family members are entitled (the same way as the sponsor) to access education, employment and self-employed activity, as well as vocational guidance and training. Article 15 of the Family Reunification Directive additionally specifies that family members are entitled to apply for autonomous right of residence after no later than five years, independent of that of the sponsor (also in case of dissolution of family ties).

⁴⁶ In addition to the Family Reunification Directive, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of Blue Card holders or ICTs. Please elaborate on such specificities in the above answer.

may be granted the right to apply for an autonomous residence permit even before completing 5 years of residence. This exception is meant to protect vulnerable individuals.

The family member must have had continuous legal residence, they must demonstrate sufficient self-sufficiency and integration into Estonian society (e.g., language skills, employment). They must not be dependent on the sponsor for their residence status.

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.

Yes, in Estonia, family members may be granted an autonomous residence permit in exceptional circumstances such as widowhood, divorce, separation, or the death of the sponsor. These situations are recognized under Estonian law as exceptional and can allow family members to apply for an autonomous residence permit before the typical 5-year residency period required for long-term residents.

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?

Healthcare: Access to public healthcare through the Estonian Health Insurance system if they work, study, receive an unemployment insurance benefit, are pregnant, under 19 years of age or who receive a state pension granted in Estonia.

Social Benefits: Eligibility for child benefits, unemployment benefits, and social assistance based on residency and income.

Housing: Right to rent or buy property; access to social housing based on municipal criteria.

Long-Term Residence: After 5 years of legal residence, family members can apply for long-term residence status.

Naturalisation: After 8 years of residence, family members may apply for Estonian citizenship, provided they meet the language and financial requirements.

Education: Children have access to free primary and secondary education; higher education may be subject to fees.

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.

There are 3 options for possible outcomes for family members:

- a person receives a residence permit of a family member of the beneficiary of international protection. It means that the residence permit is 100% dependent of the fact of being a family member. When that connection brakes the right to the permit generally ends. There is a possibility for exceptions.
- A person receives a residence permit on account of international protection need stemming from the fact of being a family member (derived status). A ground of social group is used. For example, for having imputed the same political affiliations as other family members. The renewal of the permit depends on the protection need of the "first" family member with whom a person is connected to.
- A person receives a residence permit on account of being personally persecuted on another ground (apart from being a family member). The renewal is not connected to the "first" family member.

31a. Please indicate any **challenges** experienced by family members in your country with regard to accessing the above-mentioned rights (e.g. based on existing studies/ evaluations or information received from relevant authorities and stakeholders/expert opinions) and solutions put in place to tackle them.

n/a

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.

n/a

Please indicate according to whom this is a good practice.

SECTION 7: CONCLUSIONS [MAXIMUM 3 PAGES]

Section 7 outlines the main findings of the study and presents conclusions relevant for policymakers at national and EU level.

This study gives an updated overview of the current national situation regarding family reunification for third-country nationals, including any recent trends and developments in law, policy, and practice in Estonia since 2017.

Estonia`s approach to family reunification has evolved since 2017. In 2022 the amendments to the Aliens Act and the amendments to the Act on Granting International Protection to Aliens were made, to update the conditions for obtaining a residence permit for settling with a family member and the rules for expiry of a temporary residence permit granted to settle with your spouse. In 2023 the amendments to the Aliens Act and Act on the Granting of International Protection to Aliens were made, now recognizing registered partners as family members of applicants for the family reunification purpose, a step that aligns with Estonia`s inclusive marriage equality laws. While no further legislative changes are currently planned in the area of family reunification, there are ongoing informal discussions that could lead to potential administrative improvements in the future.

Estonia does not have a specific family assistance program, although since 2017, the Police and Border Guard Board (PBGB) has provided free migration advisory services in Estonian, Russian, and English. These services are aimed at helping foreign nationals navigate the complexities of residence and family reunification processes. Estonia also offers an adaptation programme *Settle in Estonia* which is a free study programme developed by the Estonian state to help recently arrived foreigners to adapt to local life faster and integrate into Estonian society. Participation in the programme is optional, except for persons granted international protection in Estonia. Family members of international protection beneficiaries have to achieve an A2 level of proficiency in the Estonian language within two years and a B1 level within five years. Other integration programs, such as cultural orientation, are encouraged, although participation is not mandatory.

Sponsors for family reunification in Estonia can include Estonian citizens or foreigners with valid residence permits. Close family members, such as spouses, registered partners, children, parents, grandparents, and legal guardians or wards are eligible to act as sponsors. However, temporary residence permit holders can only sponsor their children. Beneficiaries of subsidiary protection are eligible for family reunification in Estonia under the same rules that apply to refugees.

If a child under the age of 18 applies for international protection in Estonia, they are considered a minor and are entitled to family reunification. Furthermore, a child who applies for international protection before turning 18 is entitled to family reunification even after they reach adulthood. Children born in Estonia automatically receive residence permits if at least one parent holds a valid residence permit.

However, there are limits to who can reunite under Estonian family reunification rules. Applicants for family reunification are required to have a registered place of residence and actual dwelling and compliant health insurance coverage, except for beneficiaries of international protection. The sponsor must demonstrate a stable and regular income, which is linked to Estonia's subsistence level. If these requirements are not met, applications may be rejected, though applicants can file an appeal in such cases. For refugees, there is a six-month grace period for family reunification without these requirements, and unaccompanied minors (UAMs) may reunite with extended family members if it serves their best interests. Furthermore, EU Blue Card holders, researchers, and intra-corporate transferees enjoy more favorable conditions for family reunification.

Regarding the submission and examination of family reunification applications, Estonia provides several reliable resources for applicants to find detailed information. These include the website of the Estonian Police and Border Guard Board, the eesti.ee portal, and Estonian embassies. The process for submitting an application varies depending on the applicant's circumstances.

To support the application process, applicants must provide documentary evidence to confirm both their identity and family relationship. The required documents include passports, national identity cards, marriage certificates, birth certificates, or adoption papers, depending on the family relationship. In cases where documentary evidence is unavailable, alternative methods, such as DNA testing or interviews, may be used. However, Estonia has not often needed to resort to such measures. Applicants are required to pay a state fee for their residence permit application.

Family members in Estonia enjoy the same rights as sponsors in terms of education, employment, and vocational training. Family members can access healthcare, social benefits, and housing, with eligibility for public health insurance based on employment, study status, or other criteria.

Between 2017 and 2024, the number of family reunification applications varied from year to year, with a low of only 2 applications in 2020 and a high of 19 in 2022. While most applications were approved, there were a few rejections, particularly in recent years. In terms of sponsorship, the majority of sponsors were male individuals who held refugee or subsidiary protection status. In the overall context, it can be said that the scope of family reunification in Estonia is relatively minimal.