




FAMILY REUNIFICATION

Practical information
**for recognized refugees and beneficiaries
of subsidiary protection:
FAMILY REUNIFICATION**



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FAMILY REUNIFICATION

WHO CAN APPLY FOR FAMILY REUNIFICATION? WHAT TO APPLY FOR?
HOW TO APPLY? WHERE TO FIND APPLICATION FORMS?
WHERE TO SEEK LEGAL AID?

1/ WHO CAN APPLY FOR FAMILY REUNIFICATION?



A family member of a foreign national who is already resident in the Czech Republic and has the status of a beneficiary of international protection, i.e. a recognized refugee or a beneficiary of subsidiary protection.

- ✓ A spouse or partner (in a registered partnership)
- ✓ A child up to 18 years of age or a dependent child up to 26 years of age (i.e. a student; a person who cannot work or study due to sickness or injury; a person with long-term incapacity for work on medical grounds), including adopted children and children in foster care/guardianship
- ✓ A child of a spouse or partner up to 18 years of age or a dependent child of a spouse or partner up to 26 years of age (i.e. a student; a person who cannot work or study due to sickness or injury; a person with long-term incapacity for work on medical grounds), including adopted children and children in foster care/guardianship
- ✓ A parent of a recognized refugee under 18 years of age (if the recognized refugee has no parents, another direct relative or guardian)
- ✓ A lone parent over 65 years of age (a single or divorced person, a widow or widower)
- ✓ A child or parent who is unable to provide for their own needs on medical grounds

2/ WHAT TO APPLY FOR?

LONG-TERM VISA (OVER 90 DAYS) FOR THE PURPOSE OF FAMILY REUNIFICATION¹

ADVANTAGES:

- Relatively short application processing period – 90 days (120 days in complicated cases).
- No need to provide proof of a regular income. Only an account statement is submitted, which must show the stipulated amount (see below), and only if the visa applicant is not the spouse, a minor child or a minor child of the spouse of a recognized refugee or a person who has been granted subsidiary protection.

DISADVANTAGES:

- There is no legal entitlement to a long-term visa, even when all the conditions stipulated by law are satisfied; in general children, seniors and spouses have a greater chance of receiving the visa.

¹ Section 30 of Act No. 326/1999 Coll., on Residence of Foreign Nationals in the Territory of the Czech Republic

LONG-TERM RESIDENCE PERMIT FOR THE PURPOSE OF FAMILY REUNIFICATION²

ADVANTAGES:

- There is a legal entitlement to a residence permit if all the conditions stipulated by law are satisfied.
- Straightforward application procedure within a time limit of three months after a decision on granting asylum comes into effect.

DISADVANTAGES:

- Long application processing period – 270 days
- If the family member does not file the application within a time limit of three months after a decision on granting asylum comes into effect, proof of a regular income must be provided.

² Section 42a of Act No. 326/1999 Coll., on Residence of Foreign Nationals in the Territory of the Czech Republic



3/ HOW TO APPLY?

APPLICATION FOR A LONG-TERM VISA FOR THE PURPOSE OF FAMILY REUNIFICATION

PREPARATIONS FOR APPLYING

Before applying, the family member must assemble the necessary documents (see below) – usually they cannot be older than 180 days.

Authentication:

If an original document (e.g. lease agreement, employment contract, birth certificate, marriage certificate) is not submitted, a copy must be authenticated by a notary, a municipal authority or a post office.

Translation:

Certified Czech translations of all documents must be provided.

APPLICATION DETAILS AND DOCUMENTS REQUIRED

- ✓ **A valid travel document** (if the family member does not have a valid travel document and cannot obtain one, a document can be issued for the purpose of reunification



by a Czech diplomatic mission, as instructed by the Ministry)

- ✓ **Two photographs**
- ✓ **Proof of accommodation in the Czech Republic:** written consent of the owner or landlord of an apartment or house, with his or her authenticated signature; lease agreement; excerpt from the Real Estate Cadaster establishing ownership of the apartment or house (if you own the real estate)
- ✓ **Proof of medical travel insurance** (if the visa is granted, proof of the payment of the set amount must be provided)
- ✓ **Proof of family ties:** birth certificate, marriage certificate, proof of guardianship or foster care, proof of poor health condition, etc. If family members of recognized refugees cannot provide documentation, family ties can be established in an alternative and reliable way³.
- ✓ **Confirmation of sufficient finances for residence:** bank account statement, valid internationally recognized payment card (proof is not required for the spouse, minor children and the minor children of the spouse of a recognized refugee or person who has been granted subsidiary protection).

³ For more information, contact a non-profit organization providing assistance and advice for foreign nationals. You can find a link to such organizations later in this document.



The amount depends on the duration of residence in months and the stipulated monthly amount; for children up to 18 years of age this amount is halved. It is calculated according to Table 1.

If requested: excerpt from the criminal record, medical report

WHERE TO APPLY

The Czech Republic's diplomatic mission in the country of which the family member is a citizen; in exceptional cases (health condition, a minor or elderly person, etc.) the diplomatic mission can be asked to process the application without personal participation. In this case the family member sends the application (with a request for an exception to be made) by mail to the Czech Republic's diplomatic mission in the country of which he or she is a citizen.

TIME LIMIT FOR PROCESSING AN APPLICATION

90 days (120 days in complicated cases)

IF AN APPLICATION IS REJECTED

A request for a new evaluation may be made in writing to the Ministry of the Interior of the Czech Republic within a time limit of 15 days following receipt of notification that a visa has not been granted.

APPLICATION FOR A LONG-TERM RESIDENCE PERMIT FOR THE PURPOSE OF FAMILY REUNIFICATION

PREPARATIONS FOR APPLYING

Before applying, the family member must assemble the necessary documents (see below) – usually they cannot be older than 180 days.

Authentication:

If an original document (e.g. lease agreement, employment contract, birth certificate, marriage certificate) is not submitted, a copy must be authenticated by a notary, a municipal authority or a post office.

Translation:

Certified Czech translations of all documents must be provided.

APPLICATION DETAILS AND DOCUMENTS REQUIRED

- ✓ **A valid travel document**
- ✓ **Two photographs**
- ✓ **Proof of accommodation in the Czech Republic:** writ-



ten consent of the owner or landlord of an apartment or house, with his or her authenticated signature; lease agreement; excerpt from the Real Estate Cadaster establishing ownership of the apartment or house (if you own the real estate)

- ✓ **Proof of medical travel insurance** (if the permit is granted, proof of the payment of the set amount must be provided)
- ✓ **Proof of family ties:** birth certificate, marriage certificate, proof of guardianship or foster care, proof of poor health condition, etc. If family members of recognized refugees cannot provide documentation, family ties can be established in an alternative and reliable way⁴.
- ✓ **Confirmation of sufficient finances for residence:**
 - income from employment (employment contract, payslips, confirmation of level of salary or wages)
 - business income (income tax returns, a document from a district social security administration on premiums paid, a document from the health insurance company on premiums paid)

⁴ For more information, contact a non-governmental organization providing assistance and advice for foreign nationals. You can find a link to such organizations later in this document.



income from the profits of a commercial enterprise the amount depends on the level of the living wage and housing expenses, and the family's total monthly income must be equal to or greater than this amount. It is calculated according to Table 2 and the level of normative housing expenses according to Table 3.

If requested: excerpt from the criminal record, medical report

DETAILS FOR APPLICATIONS BY RECOGNIZED REFUGEES' FAMILY MEMBERS FILED WITHIN THREE MONTHS AFTER ASYLUM IS GRANTED

- ✓ **A valid travel document**
- ✓ **Two photographs**
- ✓ **Proof of family ties** (if documentation cannot be provided, family ties can be established in an alternative and reliable way)

WHERE TO APPLY

The Czech Republic's diplomatic mission in the country of which the family member is a citizen; in exceptional cases (health condition, a minor or elderly person, etc.) the diplomatic mission can be asked to process the application without personal participation.

If the applicant is staying in the Czech Republic with a visa for a stay of over 90 days or a residence permit for another reason, the application can be filed with the Ministry of the Interior of the Czech Republic.

TIME LIMIT FOR PROCESSING AN APPLICATION

270 days (if it cannot be decided without delay)

IF AN APPLICATION IS REJECTED

An appeal can be lodged with the Ministry of the Interior of the Czech Republic within a time limit of 15 days following the receipt of notification that a residence permit has not been granted. The Ministry will either grant the appeal or will forward it to the Appeal Commission on Residence of Foreign Nationals, which is the appeal authority for matters concerning the residence of foreign nationals on which the Ministry of the Interior decided in the first instance.



4/ WHERE TO FIND APPLICATION FORMS?

All forms are available on the website of the Ministry of the Interior of the Czech Republic:

<http://www.mvcr.cz/clanek/formulare-zadosti.aspx>

5/ WHERE TO SEEK LEGAL AID?

For more detailed information and further assistance, contact a non-governmental organization providing assistance and advice for foreign nationals free of charge. You can find lists of such organizations here:

<http://www.cizinci.cz/index.php/organizace>

<http://www.mvcr.cz/clanek/kontakty-na-organizace-ktere-vam-poskytnou-bezplatnou-pomoc-ci-poradenstvi.aspx>

6/ IMPORTANT LEGISLATION

Council Directive 2003/86/EC on the Right to Family Reunification – sets out Community rules on family reunification. Available from:

<http://eur-lex.europa.eu/legal-content/CS/TXT/HTML/?uri=CELEX:32003L0086&qid=1405665882838&from=EN>

Act No. 326/1999 Coll., on Residence of Foreign Nationals in the Territory of the Czech Republic – sets out the rules for applying for residence permits for the purpose of family reunification. Available from:

<http://www.zakonyprolidi.cz/cs/1999-326>

Act No. 500/2004 Coll., Code of Administrative Procedure – sets out the fundamental rules for administrative procedures. Available from:

<http://www.zakonyprolidi.cz/cs/2004-500>

7/ ANNEXES

Table 1

Duration of residence	Calculation	Amount required
? months	$33\ 000 + ? \times 4\ 400$	
3 months	$33\ 000 + 3 \times 4\ 400$	46 200
4 months	$33\ 000 + 4 \times 4\ 400$	50 600
5 months	$33\ 000 + 5 \times 4\ 400$	55 000
6 months	$33\ 000 + 6 \times 4\ 400$	59 400
7 months	$33\ 000 + 7 \times 4\ 400$	63 800
8 months	$33\ 000 + 8 \times 4\ 400$	68 200
9 months	$33\ 000 + 9 \times 4\ 400$	72 600
10 months	$33\ 000 + 10 \times 4\ 400$	77 000
11 months	$33\ 000 + 11 \times 4\ 400$	81 400
12 months	$33\ 000 + 12 \times 4\ 400$	85 800



Table 2

Living wage for individual family members	
Family members	Amount (CZK)
First person assessed	3 140
Each additional person assessed:	
Persons over 15 years of age (does not apply to students)	2 830
Students/dependent children aged 15–26 years	2 450
Children aged 6–15 years	2 140
Children under 6 years of age	1 740

Table 3

Normative housing expenses	
Number of persons in a household	Amount (CZK)
1	7 711
2	11 081
3	15 096
4 or more	18 899

Example:

A family with two adults and two children (aged 12 and 4 years)

Calculating the total living wage:

3 140 (one adult)	}	CZK 9 850
2 830 (second adult)		
2 140 (12-year-old child)		
1 740 (4-year-old child)		

Calculating the normative housing expenses:

The normative housing expenses are usually ascertained from documents on the level of the family's rent and services (e.g. a lease agreement). If the family does not provide proof of the level of rent and services, the normative expenses listed in Table 3 are used.

In total the four-member family must prove that its monthly income is greater than CZK 29,019.

Total living wage
normative housing expenses

CZK 10 120
CZK 18 899

monthly
income
required

CZK 29 019

NOTES:

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