

Family Reunification Laws in Selected Jurisdictions

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Global Legal Research Directorate Staff

I. Introduction

This report surveys seventy-one foreign countries, plus the United States and the European Union, on the issue of whether their laws permit legal immigrants to bring family members into the country for purposes of residence.

For many of the jurisdictions covered, the information provided focuses exclusively on family reunification for permanent residents. However, for a number of jurisdictions, information is also provided on family reunification for citizens/nationals or temporary residents. The variance is due to the information available for the given jurisdiction and the manner in which the legal sources consulted for the jurisdiction are organized.

The persons who are considered family members or dependents for family migration or reunification purposes differ among the various jurisdictions. In conformity with the European Union Directive on Family Reunification, in many EU Member States family members eligible for reunification include spouses/unmarried partners; minor, unmarried children (including adopted children), such children who are in the custody of either spouse; and dependent adult children or dependent parents of either spouse. In Ethiopia, family members include not only the spouse and children but any other person dependent on the residence permit holder; in Ecuador, persons within the second-degree of kinship of a citizen or legal immigrant may apply for immigrant status. By contrast, Australia allows “contributory parents to migrate,” and also fiancés of citizens and permanent residents. In other countries, such as Panama, even minor children may apply for their foreign parent’s migration to the country. In the case of a polygamous sponsor, the laws of many European jurisdictions provide that only one wife may join the sponsor for purposes of family reunification in the receiving country.

In most jurisdictions, eligibility for family reunification is conditioned on such factors as the sponsor’s ability to provide financial support, adequate accommodations, and health insurance for the family member(s). In addition some jurisdictions, like Canada, require that the sponsor not have been convicted of serious offenses, not have previously been sponsored him/herself and become a permanent resident within the last five years, and not have declared bankruptcy. There is also typically a minimum age requirement of not less than eighteen years of age or in some cases twenty-one years of age applicable to a migrant spouse; in some countries there is a similar age requirement for the sponsor. Denmark requires that both the spouse/cohabitant as well as the sponsoring spouse be twenty-four years of age, a higher age requirement than for most jurisdictions. Some countries, such as the Netherlands, also require proof of the family connection (e.g., through notarized documents and DNA tests) and pre-integration tests administered in the country of origin. In addition, many countries may refuse an application for family reunification if the migrating family member has committed certain criminal offenses, presents a threat to public order or national security, or does not meet certain health standards.

Jurisdictions other than the United States do not appear to have a complex system of preference categories for family immigrants with numerical limits, although Australia has closed certain types of family visas (related to the extended family, e.g., parents and aged dependent relatives) to new applications and Samoa has a law imposing an annual quota on the number of permanent resident permits that will be issued. Other jurisdictions may also impose certain limits, but because it was not a focal point of this report, the data is not complete.

The discussion which follows begins with an overview of the US approach to family reunification for informational purposes and comparison with the foreign country surveys included in Part IV. A snapshot of the European Union Directive on the Right to Family Reunification is then provided in Part III as background for those country surveys involving EU Member States. The specific country entries are provided in alphabetical order in Part IV, followed by a selected list of international and comparative law materials on the subject in Part V.

II. United States Approach to Family Reunification

In the United States family-based immigration is dependent both on the immigration status of the sponsor and the familial relationship of the prospective immigrant to the sponsor. The immigration of “immediate relatives” of a United States citizen (USC) is not subject to any annual visa numerical limits.¹ Immediate relatives are defined as: (1) spouses and minor (under twenty-one years of age), unmarried children of a USC; (2) parents of USCs who are “at least 21 years of age”; and (3) widows, widowers, and children of deceased USCs.²

Those immigrating via the other family-based immigration processes are subject to the overall cap on family immigration, which currently allows up to 480,000 individuals per year.³ There are four “preference categories” for family-sponsored immigrants, each with their own numerical limitations: (1) unmarried sons and daughters of USCs; (2) spouses and adult, unmarried sons and daughters of legal permanent residents of the United States (LPRs); (3) married sons and daughters of USCs; and (4) brothers and sisters of adult USCs (over twenty-one years of age).⁴ In addition to the preference category limit, non-immediate relative family-sponsored immigrants are also subject to the general per-country limit, which states that the number of immigrant visas made available to a country in each fiscal year will not “exceed 7% (in the case

¹ 8 U.S.C. § 1151(b), <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1151&num=0&edition=prelim>.

² *Id.* §§ 1101(b) & 1151(b)(2), <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim> & <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1151&num=0&edition=prelim>.

³ *Id.* § 1151(c). To determine the number of non-immediate relative family-sponsored immigrants allowed each year, subtract from 480,000 the number of immediate relative immigrants from the year before (up to 254,000) and the number of individuals paroled into the United States for at least a year. The minimum number of family-sponsored immigrants each year is currently set at 226,000. *Id.*

⁴ *Id.* § 1153(a), <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1153&num=0&edition=prelim>.

of a single foreign state) or 2% (in the case of a dependent area) of the total number of such visas made available under such subsections in that fiscal year.”⁵

III. European Union Directive on Family Reunification

Council Directive 2003/86/EC on the Right to Family Reunification⁶ governs the conditions under which third-country nationals living legally in the European Union are permitted to bring in their families to a Member State in order to preserve family unity. The Directive applies to third-country national sponsors who (1) have a residence permit, valid for at least one year or more, issued by a Member State and “reasonable prospects” of obtaining the right of permanent residence;⁷ (2) have stayed lawfully in the Member State for a period not exceeding two or three years before applying for their family members to join them, depending on the capacity of the given EU Member State to receive the migrants;⁸ and (3) comply with the Member State’s procedural requirements, such as filing an application and providing documentary evidence of the family relationship. Either the sponsor or the family member may apply, but the applicant must also provide evidence of having health insurance and adequate accommodations.⁹ EU Members may also require third-country nationals to comply with integration measures, in accordance with national law.¹⁰

The Directive also applies to immigrants who have been granted refugee status. EU Members are allowed to confine the reunification right to refugees who had families prior to their entry into the given state.¹¹

EU Members had to provide in their national legislation that migrating family members must obtain a renewable first residence permit whose duration is to conform to the duration of the sponsor’s residence permit, but in any case the first residence permit should be of at least one year’s duration. In addition, EU Members have leeway to adopt or retain more favorable provisions than those cited above. The Directive does not affect more favorable provisions included in bilateral or multilateral treaties concluded between the EU or the EU and its Member States and third countries.¹²

The following family members are eligible for reunification with a third-country national relative resident in an EU Member State:

⁵ *Id.* § 1152(a)(2), <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1152&num=0&edition=prelim>.

⁶ Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification, 2003 O.J. (L 251) 12, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0086&from=EN>.

⁷ *Id.* art. 3, ¶ 1.

⁸ *Id.* art. 8.

⁹ *Id.* arts. 5, 6 & 7.

¹⁰ *Id.* art. 7, ¶ 2.

¹¹ *Id.* art. 9.

¹² *Id.* art. 3, ¶¶ 4 & 5.

- The sponsor's spouse, including an unmarried partner who is in a stable long-term relationship with the sponsor or in a registered partnership.¹³ The sponsor and his/her spouse must be of a minimum age (in accordance with national family law), which cannot exceed the age of twenty-one, in order to avoid forced marriages.¹⁴ In the case of a polygamous marriage, if the sponsor has a wife with him in the EU, the Member State where he resides may not authorize the entry of another wife.¹⁵
- Minor children, i.e., those under the given Member State's age of majority and unmarried, of a sponsor and his/her spouse, including adopted children.¹⁶
- Minor children and adopted children of the sponsor, or of the spouse, if the sponsor or spouse has custody and the children are dependent on him/her. EU Members may allow reunification of children when custody is shared.¹⁷

In addition, EU Members may authorize the entry and residence of first-degree relatives in the direct ascending line of the sponsor or of his or her spouse if the relatives are dependent and lack sufficient family support in the country of origin and of adult unmarried children of the sponsor or his/her spouse when those children are genuinely unable to provide for themselves due to ill health.¹⁸

The EU Members were required to transpose the Directive by October 3, 2005, and to report back to the Commission on any measures taken (legislative or administrative) in compliance with the Directive.

IV. Foreign Country Surveys

Argentina

Immigration through family reunification is recognized by Argentina's Law 25871 on Migration (Ley de Migraciones).¹⁹ Qualifying family members include spouses, parents, minor unmarried children, and adult disabled children.²⁰ Both nationals and permanent residents are entitled to

¹³ *Id.* art. 4, ¶ 3.

¹⁴ *Id.* art. 4, ¶ 5.

¹⁵ *Id.* art. 4, ¶ 4.

¹⁶ *Id.* art. 4 ¶ 1(b).

¹⁷ *Id.* art. 4, ¶ 1(c)–(d)

¹⁸ *Id.* art. 4, ¶ 2 (a)–(b).

¹⁹ Law 25871 on Migration [Ley de Migraciones] art. 10, Jan. 20, 2004, BOLETÍN OFICIAL [B.O.], <http://www.infoleg.gov.ar/infolegInternet/anexos/90000-94999/92016/texact.htm>.

²⁰ *Id.*

request immigration to Argentina for qualifying family members under a family reunification visa.²¹

Australia

Australian immigration law provides for family members of permanent residents and citizens to obtain visas to migrate to Australia. Family stream visas²² are currently available to partners (including married and de facto partners) and fiancés, dependent children, and “contributory” parents of citizens and permanent residents.²³ The contributory parent visa rules require that the applicant pay a higher application fee “as a contribution to the cost of their health and welfare in Australia.”²⁴ Applicants for family stream visas must be sponsored by an Australian citizen or permanent resident. Planning levels for this stream are set at 60,885 visas for the 2014–15 year, representing 32% of the total migration program planning level for the year.²⁵

The following family visas have recently been closed to new applications: parent visa, aged parent visa, aged dependent relative visa, remaining relative visa, and “carer” (caregiver) visa.²⁶ Persons that had applied for these visas before June 2, 2014, will still have their applications processed; however, the current wait time for parent and aged parent visas is up to thirteen years, sixteen for aged dependent relative and remaining relative visas, and four for a carer visa.²⁷

Austria

Austria allows for immigration of family members of Austrian citizens and of third-country nationals, i.e., foreigners who are neither European Economic Area nor Swiss citizens.²⁸

²¹ Decreto 616/2010 Reglamentación de la Ley de Migraciones No 25871 y sus modificatorias [Regulation of the Law on Migration 25871 as amended], May 3, 2010, B.O., arts. 22.a & 22.b, <http://www.infoleg.gob.ar/infolegInternet/anexos/165000-169999/167004/norma.htm>.

²² *Fact Sheet 29 – Overview of Family Stream Migration*, DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION (DIBP), https://www.immi.gov.au/media/fact-sheets/29overview_family.htm (last updated June 2, 2014); *Fact Sheet 37 – Processing Priorities for Family Stream Migration*, DIBP, <https://www.immi.gov.au/media/fact-sheets/37processing.htm> (last updated June 2, 2014). The specific fees and criteria for the different visa classes and subclasses are set out in schedules to the Migration Regulations 1994 (Cth), <http://www.comlaw.gov.au/Details/F2014C00932>. See sch 1 cls 1108, 1108A, 1124B, 1129, & 1130; sch 2 subclasses 100 (Partner), 101 (Child), & 864 (Contributory Aged Parent).

²³ *All Visa Options*, DIBP, <https://www.immi.gov.au/migrants/family/family-visas-all.htm> (last updated June 2, 2014). For definitions of the relevant family relationships, see Migration Act 1958 (Cth) ss 5CA–5G, <http://www.comlaw.gov.au/Details/C2014C00332>.

²⁴ *Fact Sheet 29 – Overview of Family Stream Migration*, *supra* note 22.

²⁵ *Id.*

²⁶ *Non-Contributory Parent and Other Family Visas Have Closed to New Applications*, DIBP, <https://www.immi.gov.au/Live/Pages/certain-family-visas-closure.aspx> (last updated June 2, 2014).

²⁷ *Id.*

²⁸ *Family Reunification*, MIGRATION.GOV.AT, <http://www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/family-reunification.html#content> (last visited July 17, 2014); Bundesgesetz über die Niederlassung und den Aufenthalt in Österreich (Niederlassungs- und Aufenthaltsgesetz – NAG) [Federal Act

According to the Settlement and Residence Act, family members are members of a nuclear family (spouses, registered partners, and unmarried minors, including illegitimate, adoptive, and stepchildren).²⁹ Spouses and registered partners must be at least twenty-one years of age when applying for a residence title (permission to stay longer than six months).³⁰ In the event of a polygamous marriage where the sponsor already has a spouse living with him in the federal territory, the issuance of a residence title for an additional spouse will not be authorized.³¹

Third-country national family members of Austrian citizens who immigrate to Austria will have the residence title of “Family Member” if they meet the requisite requirements for entry. However, Austrian nationals are also allowed to bring in other dependents, who will have the title “Settlement Permit – Dependent” if they meet the requirements and if the sponsor to whom they refer in their application has issued a declaration of liability for them.³² “Other dependents” include relatives of spouses or registered partners in the direct ascending line who receive actual maintenance, life partners where evidence is provided of a long-term relationship in their country of origin and the receipt of actual maintenance, and “other relatives under certain circumstances.”³³

Family members of holders of a “Red-White-Red Card” or an “EU Blue Card,” or family members of third-country nationals with a long-term residence permit in Austria, will obtain the residence title “Red-White-Red Card Plus” if they meet the general requirements for granting the title. Holders of this title are allowed free access to the Austrian labor market.³⁴ The requirements are: having adequate means of subsistence; health insurance; adequate accommodation; and for some third-country nationals, basic German language skills.³⁵

There are also bilateral treaties that apply to the preconditions for family reunification in Austria—for example, the Association Agreement between the European Economic Community and Turkey.³⁶ In addition, as an EU Member Country Austria was required to transpose EU

on Settlement and Residence in Austria (Settlement and Residence Act – NAG)], § 2(1) 6, RIS (Legal Information System of the Republic of Austria), <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004242>.

²⁹ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 2(1) 9. Point 9 also states that in the case of a polygamous marriage where a spouse lives with the sponsor in Austria, the other spouses are not deemed family members eligible to obtain residence permits.

³⁰ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 2(1) 9.

³¹ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 2(1) 9.

³² *Family Reunification*, *supra* note 28; Settlement and Residence Act § 47(3).

³³ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 47(3) 3.

³⁴ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 8(1) 2.

³⁵ *Family Reunification*, *supra* note 28; Settlement and Residence Act § 21a(1).

³⁶ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.³⁷

Belgium

Belgian law authorizes the spouse or civil partner of legal immigrants, as well as their minor, unmarried children, to reside with them in Belgium.³⁸ The original immigrant must have held an authorization to stay indefinitely in Belgium for at least twelve months. This twelve-month waiting period does not apply in cases where the original immigrant and his/her spouse were already married at the time he/she arrived in Belgium, or if they have a minor child together, or in cases where the immigrant is a recognized foreign refugee or beneficiary of subsidiary protection.³⁹ Belgium law authorizes the immigration to Belgium of civil partners as well as spouses.⁴⁰

Immigrants wishing to bring their family members to join them in Belgium must show that they have a sufficient and stable enough source of income to provide for them “so as to avoid [having them] become a burden for the public authorities.”⁴¹ This rule does not seem to apply if only the immigrant’s children are joining him/her in Belgium.⁴² Furthermore, the immigrant must be able to house his family, and must obtain health insurance to cover potential health risks to him/herself and to his/her relatives in Belgium.⁴³ These requirements, however, are not applicable to the relatives of refugees or individuals benefiting from subsidiary protection, as long as the relationship predates the original immigrant’s entry into Belgium, and as long as the request to have the relatives join the immigrant in Belgium was submitted within one year of the granting of refugee status or subsidiary protection.⁴⁴ The relatives of immigrants must also show that they do not have an illness that would be a threat to public health.⁴⁵

³⁷ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

³⁸ Loi du 15 décembre 1980 sur l’accès au territoire, le séjour, l’établissement et l’éloignement des étrangers [Law of December 15, 1980, on the Entry, the Stay, the Settlement, and the Deportation of Foreigners] *as amended*, art. 10, §1(4), MONITEUR BELGE (Belgian official gazette), Dec. 31, 1980, No. 1980121550, p. 14584, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1980121530&table_name=loi.

³⁹ *Id.*

⁴⁰ *Id.* art. 10, § 1(4)–(5).

⁴¹ *Id.* art. 10, § 2.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* Subsidiary protection is “[t]he 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 his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of 2004/83/EC, and to whom Article 17(1) and (2) of 2004/83/EC do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.” *Subsidiary Protection*, EUROPEAN DATABASE OF ASYLUM LAW, <http://www.asylumlawdatabase.eu/en/keywords/subsidiary-protection> (last visited July 21, 2014).

⁴⁵ *Id.*

There are also bilateral treaties that apply to the preconditions for family reunification in Belgium—for example, the Association Agreement between the European Economic Community and Turkey.⁴⁶ In addition, as an EU Member Country Belgium was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.⁴⁷

Bolivia

Bolivia's Law on Migration (Ley 370 de Migración)⁴⁸ provides that Bolivian nationals and residents may request immigrant status for parents, spouses, dependent children, and adult dependent children with disabilities, up to the first degree of blood or adoptive kinship.⁴⁹ Those seeking permanent residence under family reunification do not need to meet the minimum three years' residence requirement applicable to other types of visas.⁵⁰

Brazil

Brazilian law has provisions allowing for family migration provided certain conditions are met. In order to live in Brazil, an alien needs a permanent visa.⁵¹ The visa may be extended to a person's legal dependents, as defined below, provided that the requirements of article 7 of Law No. 6,815 are observed.⁵² Article 7 states that an alien under the age of eighteen, unaccompanied by his legal representative or without express authorization, cannot obtain a visa. The same rule applies to aliens considered harmful to the public order or national interest; aliens previously expelled from Brazil, except when the expulsion has been revoked; aliens sentenced or prosecuted abroad for crimes conducive to extradition under the domestic law; or aliens who do not meet the health standards established by the Ministry of Health.⁵³

According to Normative Resolution No. 36⁵⁴ issued by Brazil's National Council of Immigration (Conselho Nacional de Imigração)⁵⁵ on September 28, 1999, the Ministry of Foreign Affairs can

⁴⁶ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

⁴⁷ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

⁴⁸ Ley 370 de Migración [Law 370 on Migration], GACETA OFICIAL [G.O.], May 8, 2013, <http://www.migracion.gob.bo/web/upload/L370.pdf>.

⁴⁹ *Id.* arts. 4.22 & 12.8.

⁵⁰ *Id.* art. 31.II.

⁵¹ ESTATUTO DO ESTRANGEIRO [FOREIGNER'S STATUTE], Lei No. 6.815, de 19 de Agosto de 1980, art. 4(IV), https://www.planalto.gov.br/ccivil_03/leis/L6815compilado.htm.

⁵² *Id.* art. 4, § 1.

⁵³ *Id.* art. 7.

⁵⁴ Ministério do Trabalho e Emprego, Conselho Nacional de Imigração, Resolução Normativa No. 36 de 28 de Setembro de 1999, art. 1, http://portal.mte.gov.br/trab_estrang/resolucao-normativa-n-36-de-28-09-1999.htm.

grant a temporary or permanent visa on the grounds of family reunification to the legal dependents of a Brazilian citizen or temporary or permanent resident alien who is older than twenty-one years of age. For the purposes of Resolution No. 36, the following persons are considered legal dependents:

I - unmarried children, younger than 21 years, or older than 21 years, who cannot provide for themselves;

II - ascending family members provided that effective support is required;

III - brother, grandson or great-grandson, if orphan, unmarried and under 21 years of age, or any age if they cannot provide for themselves;

IV - the spouse of a Brazilian citizen; and

V - spouse of a temporary or permanent resident alien in Brazil.⁵⁶

The persons referred to in items (I) and (III) above are considered dependents until the calendar year in which they reach twenty-four years of age, provided they are enrolled in an undergraduate or graduate study program and that equal treatment is given to Brazilian citizens in their country of origin.⁵⁷

Bulgaria

Non-European Union foreign nationals and stateless individuals who have continuous or permanent residency in Bulgaria are entitled to receive Bulgarian entry visas and residence permits for the duration of their stay in Bulgaria for spouses and for unmarried children under the age of eighteen. The list of family members eligible for reunification with such residents is significantly shorter than that for foreign family members eligible to join a citizen of Bulgaria or a Bulgarian citizen/resident originally from another EU Member State.⁵⁸

There are also bilateral treaties that apply to the preconditions for family reunification in Bulgaria—for example, the Association Agreement between the European Economic Community and Turkey.⁵⁹ In addition, as an EU Member Country Bulgaria was required to

⁵⁵ According to article 142 of Decree No. 86,715 of December 10, 1981 (Decreto No. 86.715, de 10 de Dezembro de 1981), http://www.planalto.gov.br/ccivil_03/decreto/Antigos/D86715.htm, the National Council of Immigration is a government body subordinated to the Ministry of Labor, which is in charge of immigration matters. The Council is responsible, inter alia, for the orientation and coordination of the immigration activities; the elaboration of immigration policies; and the creation of immigrant selection rules. *Id.* art. 144.

⁵⁶ Resolução Normativa No. 36, art. 2.

⁵⁷ *Id.* art. 2 (Sole para.).

⁵⁸ 1998 Law on Foreigners in the Republic of Bulgaria, DERZHAVEN VESNIK (official gazette) 1998, No. 153, Item 23, Additional Provisions (1).

⁵⁹ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/>

transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.⁶⁰

Canada

Canadian citizens or permanent residents residing in Canada and who are at least eighteen years old may be eligible to “sponsor certain non-accompanying relatives”⁶¹ to migrate to Canada through a family sponsorship program.⁶² Qualifying relatives can include: a spouse (whether a conjugal or common-law partner), a dependent child (including adopted children), parents, grandparents, or other eligible relatives often referred to as the last surviving members of a family.⁶³

The above categories of potentially eligible candidates for family-sponsored migration are subject to certain exclusions, the most important of which is cases in which spouses have lived apart for at least one year and one of them has entered into a new common-law relationship at the time of application for reunification.⁶⁴ In addition, the sponsor cannot start a new application for a spouse or partner if she or he is still bound to a previous three-year sponsorship agreement.⁶⁵ Regarding common-law partners, a conjugal relationship involving at least one year of cohabitation is required in order for the partner to be eligible to migrate to Canada.⁶⁶ A dependent child must be less than twenty-two years old or be financially dependent because of full-time studies or disabilities in order to be eligible for sponsorship.⁶⁷ On August 1, 2014, however, this age requirement will be lowered to nineteen.⁶⁸

Would-be sponsors must also satisfy certain conditions in order to sponsor a family member. They must satisfy a minimum income requirement to ensure their ability to provide financial support for the person they intend to sponsor and cannot have a poor history of alimony payments or have received government financial assistance. In addition sponsorship is precluded

prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172 (summary and background).

⁶⁰ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

⁶¹ *Sponsor Your Relatives*, GOVERNMENT OF CANADA, <http://www.cic.gc.ca/english/immigrate/sponsor/relatives.asp> (last updated Apr. 15, 2014); Immigration and Refugee Protection Regulations (SOR/2002-227) (IRPR) § 130 (1), <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-52.html#h-72>.

⁶² Immigration and Refugee Protection Act, S.C. 2001, c. 27 (Can.), § 13(1), <http://laws.justice.gc.ca/eng/acts/i-2.5/page-5.html#h-10>.

⁶³ *Family Sponsorship*, GOVERNMENT OF CANADA, <http://www.cic.gc.ca/english/immigrate/sponsor/index.asp> (last updated Apr. 15, 2014). For a complete list of the exclusions, see IRPR, *supra* note 61, § 117.

⁶⁴ IRPR, *supra* note 61, § 117(9)(c).

⁶⁵ *Id.* § 117(9)(b).

⁶⁶ *Id.* § 2.

⁶⁷ *Id.*

⁶⁸ *Notice – Changes to the Definition of a Dependent Child*, CITIZENSHIP AND IMMIGRATION CANADA (June 23, 2014, effective Aug. 1, 2014), <http://www.cic.gc.ca/english/department/media/notices/2014-06-23.asp>.

for those who have been convicted of serious offenses, have been sponsored in the past and become a permanent resident less than five years ago (under a recent amendment to the law), have been in prison, or have declared bankruptcy.⁶⁹

Cayman Islands

Spouses of permanent residents and citizens can apply for a residency and employment rights certificate to live and work in the Cayman Islands.⁷⁰ In addition, once a permanent residence application is approved the applicant is entitled to “have reside with him any dependents” who were listed in his/her application and “approved by the Chief Immigration Officer or the Caymanian Status and Permanent Residency Board.”⁷¹

China

Under China’s permanent residence rules enacted in 2004, there are three categories of aliens who are eligible to apply for permanent residence in China. Their spouses and unmarried children under the age of eighteen are also eligible to apply for permanent residence at the same time.⁷²

In addition, the following family members of a Chinese citizen or permanent resident may apply for permanent residence: a spouse married to a Chinese citizen or permanent resident for at least five years who has at least five consecutive years of residency in China, is physically present in China for at least nine months each year, and has a stable source of livelihood and a dwelling in China;⁷³ unmarried children under the age of eighteen;⁷⁴ and direct relatives sixty years of age or older who have no direct relatives in any country other than China, have resided in China for at least five consecutive years, are physically present in China for at least nine months each year, and have a stable source of livelihood and a dwelling in China.⁷⁵

⁶⁹ IRPR, *supra* note 61, § 133.

⁷⁰ *Permanent Residency*, CAYMAN ISLANDS GOVERNMENT, http://www.gov.ky/portal/page?_pageid=1142_1592736&_dad=portal&_schema=PORTAL (last visited July 22, 2014); *Residency with Employment Rights*, IMMIGRATION CAYMAN ISLANDS, http://www.immigration.gov.ky/portal/page?_pageid=4121.7117843&_dad=portal&_schema=PORTAL (last updated Jan. 7, 2008).

⁷¹ *Permanent Residence*, IMMIGRATION CAYMAN ISLANDS, http://www.immigration.gov.ky/portal/page?_pageid=4121.7117867&_dad=portal&_schema=PORTAL (last updated Mar. 26, 2014).

⁷² Waiguoren Zai Zhongguo Yongjiu Juliu Shenpi Guanli Banfa [Measures for the Administration of the Examination and Approval of Foreigners’ Permanent Residence in China], Order No. 74 of the Ministry of Public Security and Ministry of Foreign Affairs, Aug. 25, 2004, art. 6, ¶ 1(4), http://www.gov.cn/gongbao/content/2005/content_64214.htm.

⁷³ *Id.* art. 6, ¶ 1(5).

⁷⁴ *Id.* art. 6, ¶ 1(6).

⁷⁵ *Id.* art. 6, ¶ 1(7).

“Direct relatives” include the citizen/permanent resident’s parents and his/her spouse’s parents, and the citizen/permanent resident’s grandparents, adult children who are eighteen years of age or above and their spouses, and adult grandchildren who are at least eighteen years old and their spouses.⁷⁶

Colombia

A Colombian national or resident may request permanent resident status for his/her spouse, permanent partner, parents, and children twenty-five years old or under who are economically dependent and those older than twenty-five who are disabled and economically dependent.⁷⁷

Costa Rica

Costa Rican law allows a permanent resident to bring into Costa Rica for immigration purposes his/her spouse, children, and parents.⁷⁸

The law also allows the following categories of temporary residents to bring into Costa Rica for purposes of temporary residency their spouses, minor children, and adult children with disabilities: religious ministers; executive officers, managers, and technical staff of companies established in the country; investors; scientists; athletes duly accredited by the National Council for Sport and Recreation; and foreign correspondents and staff of news agencies.⁷⁹

The law allows temporary alien residents who are annuitants or pensioners to bring into the country for temporary residency their spouses, children under twenty-five years of age, or older children with disabilities.⁸⁰

Côte d’Ivoire

Ivorian law authorizes legal immigrants to bring their spouse and children under the age of twenty-one to live with them in Côte d’Ivoire.⁸¹ There do not appear to be any additional conditions for the immigrant or his relatives to fulfill.

⁷⁶ *Id.* art. 27, ¶ 1(1).

⁷⁷ Decreto N^o 0834 por el cual se establecen disposiciones en materia migratoria de la República de Colombia [Decree No. 0834 Which Establishes Norms on Migration Matters of the Republic of Colombia], Apr. 24, 2013, arts. 8 & 9, DIARIO OFICIAL [D.O.], Apr. 25, 2013, http://www.cancilleria.gov.co/sites/default/files/tramites_servicios/visas/archivos/decreto_834_del_24_de_abril_de_20131.pdf.

⁷⁸ Ley General de Migración y Extranjería [General Law of Migration and Aliens], Ley 8764, arts. 68(2) & 78(1), LA GACETA, Sept. 1, 2009, <http://www.rree.go.cr/?sec=bienvenidos&cat=entrada%20y%20permanencia&cont=429> (click on “La Ley de Migración y Extranjería, Ley No. 8764”).

⁷⁹ *Id.* art. 79.

⁸⁰ *Id.* art. 82.

⁸¹ Loi No. 90-437 du 29 mai 1990 relative à l’entrée et au séjour des étrangers en Côte d’Ivoire [Law No. 90-437 of May 29, 1990, Regarding the Entry and Stay of Foreigners in Côte d’Ivoire] art. 5, JOURNAL OFFICIEL DE LA RÉPUBLIQUE DE CÔTE D’IVOIRE [OFFICIAL GAZETTE OF THE REPUBLIC OF CÔTE D’IVOIRE], Aug. 9, 1990, p. 262.

Cuba

Cuban citizens who permanently reside in Cuba may apply to bring their foreign parents, children, and spouses (as long as the marriage was celebrated in conformity with Cuban law) to reside in Cuba, provided that the family relationship is duly demonstrated.⁸²

Foreigners who legally reside in Cuba may also apply to bring family members into the country for purposes of immigration, provided that applicable requirements are met.⁸³

Czech Republic

Reunification of family members depends on the legal status of an immigrant who resides in the Czech Republic and acts as a sponsor for immigrating family members.⁸⁴ Third-country nationals who possess a long-term residence permit or a permanent residence permit and have been in the Czech Republic for at least fifteen months are allowed to invite their spouses, minor children, dependent adult children, minors placed in the care of another immigrant residing in the Czech Republic, and any solitary parent who is older than sixty-five years (or without regard to age if the said parent cannot care for him/herself due to health reasons) to join them for residence in the Czech Republic.⁸⁵ Residence permits for family members can be issued for a period of one to five years, depending on the legal status of the sponsor, and can be renewed.⁸⁶ Family members have the right to be employed after obtaining a work permit, and to pursue self-employed economic activity.⁸⁷

There are also bilateral treaties that apply to the preconditions for family reunification in the Czech Republic—for example, the Association Agreement between the European Economic Community and Turkey.⁸⁸ In addition, as an EU Member Country the Czech Republic was

⁸² Edición Actualizada del Decreto N^o 26, Reglamento de la Ley de Migración [Amended Edition of Decree No. 26, Regulation of the Migration Act] art. 90, GACETA OFICIAL [G.O.], Oct. 16, 2012, p. 1382, *available at* http://www.cubadebate.cu/wp-content/uploads/2012/10/ley-migratoria_cuba_2012.pdf.

⁸³ *Id.* arts. 114, 115, 117, 118, & 119, G.O. pp. 1384–85.

⁸⁴ EUROPEAN PARLIAMENT, IOM, LAWS FOR LEGAL IMMIGRATION IN THE 27 EU MEMBER STATES, International Migration Law No. 16, at 203, http://publications.iom.int/bookstore/free/IML_16.pdf.

⁸⁵ *Id.*; Act 326/1999 Coll of 30 November 1999, on the Residence of Foreigners in the Czech Republic and Amending Certain Acts arts. 42 & 42A, *unofficial English translation available at* <http://www.czechlegislation.com/en/326-1999-sb> (as of Jan. 1, 2014).

⁸⁶ Act 326/1999 Coll, art. 44.

⁸⁷ EUROPEAN PARLIAMENT, *supra* note 84.

⁸⁸ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.⁸⁹

Denmark

Family migration to Denmark is permitted under chapter 1, section 9, of the Udlændingeloven (Alien Act).⁹⁰ There are special rules under the Alien Act for migration to Denmark of family members of legal residents who are citizens of Nordic countries.

Danish⁹¹ and Nordic citizens,⁹² legal permanent residents who have resided in Denmark for more than three years,⁹³ and residents who are refugees⁹⁴ can petition for certain family members to be brought legally to Denmark. Qualifying family members include spouses or cohabitants (if both parties are at least twenty-four years of age)⁹⁵ and unmarried children less than fifteen years of age who are not cohabitating with a partner of their own.⁹⁶ “Spouses” include both heterosexual and homosexual partners, as the Danish Marriage Act recognizes both as spouses;⁹⁷ cohabitants (*fast samlivsforhold*) is a legally defined term whereby two adult persons, irrespective of gender, live together in a sexual relationship (i.e., as if they were married).⁹⁸

Those who submit a petition for a spouse to reside in Denmark must provide evidence of sufficient financial assets to provide for the spouse.⁹⁹

Ecuador

The Law on Foreigners (Ley 2004-026 de Extranjería)¹⁰⁰ of Ecuador provides that a spouse or persons related through kinship by blood or affinity within the second degree of an Ecuadoran

⁸⁹ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

⁹⁰ Lovbekendtgørelse [LBK] No. 863 of June 25, 2013 (UDLÆNDINGELOVEN), <https://www.retsinformation.dk/Forms/R0710.aspx?id=144310&exp=1>.

⁹¹ *Id.* 1:9 1a, 1:9 2a.

⁹² *Id.* 1:9 1b, 1:9 2b.

⁹³ *Id.* 1:9 1d, 1:9 2d.

⁹⁴ *Id.* 1:9 1c, 1:9 2c.

⁹⁵ *Id.* 1:9 1.

⁹⁶ *Id.* 1:9 2.

⁹⁷ LBK No. 1052 of November 12, 2012 (ÆGTESKABSLOVEN), art. 1, <https://www.retsinformation.dk/Forms/R0710.aspx?id=140525>

⁹⁸ *Samlivsforhold*, DEN STORE DANSK, http://www.denstoredanske.dk/Samfund,_jura_og_politik/Jura/Familieret/samlivsforhold.

⁹⁹ UDLÆNDINGELOVEN 1:9 st 2-4.

¹⁰⁰ Ley 2004-026 de Extranjería [Law on Foreigners], Nov. 4, 2004, <https://www.oas.org/dil/Migrants/Ecuador/Ley%20N%C2%B0%202004-023%20del%204%20de%20noviembre%20de%202004,%20Ley%20de%20Extranjer%C3%ADa.pdf>.

citizen or legal immigrant may seek immigrant status.¹⁰¹ The beneficiaries of this immigration status are allowed to work and carry out any type of economic or for-profit legal activity.¹⁰²

El Salvador

The law of El Salvador allows a permanent resident foreigner to bring into the country his/her spouse and any children who are under twenty-one years of age.¹⁰³

Equatorial Guinea

Equatorial Guinea's law provides that foreigners who legally reside in Equatorial Guinea have the right to bring their spouses and minor or incapacitated children into the country for purposes of immigration, provided that applicable requirements are met.¹⁰⁴

Estonia

The Estonian Aliens Act of 1993¹⁰⁵ allows the admission of third-country nationals for the purpose of “settling down with a spouse” or “settling down with a close relative” if the spouse or close relative who petitions for the admission of the immigrant is a permanent resident in Estonia or has resided in Estonia for at least two years.¹⁰⁶ This right does not apply to those who are present in Estonia for the purpose of studying.¹⁰⁷ Under some circumstances, when the professional activities of an alien are deemed to be of special public interest to Estonia, the two-year minimum residence requirement for reunification with family members can be shortened.¹⁰⁸

In order to petition for the immigration to Estonia of a spouse or close relative, an immigrant legally present in Estonia must prove that he or she has permanent and legal income that would enable him/her to maintain a family in Estonia, pay for their health insurance coverage, and provide a registered place of residence for them.¹⁰⁹ “Close relatives” include minor children,

¹⁰¹ *Id.* art. 9.VI.

¹⁰² *Id.* art. 10.

¹⁰³ Ley de Migración [Law on Migration], Decreto 2772, arts. 35, 36, & 38, DIARIO OFICIAL, Dec. 23, 1958, <http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-de-migracion> (click on “Descargar”).

¹⁰⁴ Ley Orgánica Núm. 3/2010, de fecha 30 de Mayo, Reguladora del Derecho de Extranjería en Guinea Ecuatorial [Law 3/2010, Which Regulates the Right of Foreigners in Equatorial Guinea] arts. 4, 12, 13, & 14, BOLETÍN OFICIAL DEL ESTADO [OFFICIAL GAZETTE], Nov. 18, 2010, available on the website of the Centro de Estudios Guineoecuatorianos (CESGE) (Equatoguinean Studies Center), at http://cesge.org/index.php?option=com_phoca_download&view=category&id=9&Itemid=75.

¹⁰⁵ Aliens Act (July 12, 1993), RIIGI TEATAJA (official publication) 1999, No. 44, Item 637, available at www.refworld.org/docid/4728a3ea2.html.

¹⁰⁶ *Id.* § 12.

¹⁰⁷ *Id.* § 12.1(1).

¹⁰⁸ *Id.* § 12.4(1).

¹⁰⁹ *Id.* § 12-1(2).

legally incapacitated adult children, parents or grandparents in need of care, or persons under guardianship of an alien residing in Estonia.¹¹⁰

There are also bilateral treaties that apply to the preconditions for family reunification in Estonia—for example, the Association Agreement between the European Economic Community and Turkey.¹¹¹ In addition, as an EU Member Country Estonia was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.¹¹²

Ethiopia

Ethiopian law permits certain relatives of a holder of a permanent residency permit to immigrate to Ethiopia. When a foreigner is issued a permanent residence permit, the law requires that the person's minor children, if any, be recorded on the same permit.¹¹³ In addition, the law requires that family members of a holder of a permanent residence permit be issued an immigration visa to enter Ethiopia and a permanent residence permit upon entry.¹¹⁴ Those individuals eligible to immigrate as family members include a spouse, child, or “any other person who is dependent on” the holder of the residence permit.¹¹⁵

The law mandates that a person issued a permanent resident permit also be issued a work or an investment permit in accordance with the applicable laws.¹¹⁶

Fiji

Dependents (spouse and children) of temporary permit holders may be granted a “co-extensive permit” to enter and reside in Fiji with the principal applicant. The application for such a permit may be lodged separately or with the principal application.¹¹⁷ Applicants for permanent

¹¹⁰ *Id.* § 12-3.

¹¹¹ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepare/CreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

¹¹² For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

¹¹³ Immigration Proclamation No. 354/2003, § 15, FEDERAL NEGARIT GAZETA OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA (July 3, 2004), available on the Ethiopian Embassy in the United Kingdom website, at <http://www.ethioembassy.org.uk/community/Proc%20No.%20354-2003%20Immigration.pdf>.

¹¹⁴ Immigration Council of Ministers Regulations No. 114/2004, §§ 17 & 28, FEDERAL NEGARIT GAZETA OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA (Oct. 20, 2004), <http://www.ethioembassy.org.uk/community/R eg%20No.%20114-2004%20Immigration%20Council%20of%20Ministers.pdf>.

¹¹⁵ *Id.* § 2.

¹¹⁶ *Id.* § 28.

¹¹⁷ *Permits*, DEPARTMENT OF IMMIGRATION, <http://www.immigration.gov.fj/index.php/departments-and-sections> (last visited July 18, 2014).

residence permits may include their spouse and children aged under twenty-one years with their application.¹¹⁸

Finland

Family immigration into Finland is regulated under chapter four of the Alien Act.¹¹⁹ Finnish citizens and permanent residents can petition for their family members to become residents of Finland.¹²⁰ Eligible family members include heterosexual spouses,¹²¹ homosexual partners,¹²² cohabitants irrespective of gender,¹²³ and minor children (less than eighteen years of age).¹²⁴ For a cohabitant to qualify for residency in Finland, the couple must have resided together for two years.¹²⁵ However, if the couple has children together there is no time requirement of cohabitation to qualify for migration to Finland.¹²⁶

Generally, there is a requirement that the petitioner supply proof of ability to provide financial support for the party whose migration to Finland is being sought.¹²⁷ However, there are some exceptions to the financial support requirement. The exception applies to Finnish and Nordic citizens and their families, as well as to child petitioners and refugees.¹²⁸

There are also bilateral treaties that apply to the preconditions for family reunification in Finland—for example, the Association Agreement between the European Economic Community and Turkey.¹²⁹ In addition, as an EU Member Country Finland was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.¹³⁰

¹¹⁸ *Id.*

¹¹⁹ ALIEN ACT, No. 301 of April 30, 2004 (ULKOMAALAIKILAKI), <http://www.finlex.fi/sv/laki/ajantasa/2004/20040301?search%5Btype%5D=pika&search%5Bpika%5D=Utl%C3%A4mningsslag>.

¹²⁰ *Id.* 47 § paras. 1, 3.

¹²¹ *Id.* 37 § para. 1.

¹²² *Id.*

¹²³ *Id.* 37 § para. 2.

¹²⁴ *Id.* 37 § para. 1.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.* 39 §.

¹²⁸ *Id.* 50, 50a §§.

¹²⁹ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

¹³⁰ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

France

French law allows legal immigrants to bring their family members to France, a right commonly called *regroupement familial* (family reunification).¹³¹ Under article L411-1 of the Code de l'entrée et du séjour des étrangers et du droit d'asile (Code of Foreigners' Entry and Stay and of the Right of Asylum), a foreign national who has legally resided in France for at least eighteen months, and who is authorized to stay for at least a year, may be joined by his/her spouse and by their minor children.¹³²

The right of family reunification may be refused (1) if the applicant cannot show that he/she has sufficient resources to support his/her family; (2) if he/she does not have adequate housing; or (3) if the applicant does not conform to the fundamental principles which, in line with French law, underpin family life in France.¹³³ Furthermore, an immigrant's relative may be refused entry into France if the presence of that relative in France would present a threat to public order, or if that relative has an illness listed in international sanitary regulations.¹³⁴ If the original immigrant is a polygamous man, family reunification only applies to the first wife to join him in France.¹³⁵

Any relative coming to France under family reunification who is over sixteen and under sixty-five years of age must first be evaluated for his/her knowledge of the French language and of the values of the Republic. If his/her knowledge is deemed insufficient, he/she must go through an educational course of no more than two months, organized by French authorities in the relative's country of residence, after which he/she will be re-evaluated.¹³⁶

There are also bilateral treaties that apply to the preconditions for family reunification in France—for example, the Association Agreement between the European Economic Community and Turkey.¹³⁷ In addition, as an EU Member Country France was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.¹³⁸

¹³¹ *Le regroupement familial* [Family Re-Grouping], MINISTÈRE DE L'INTERIEUR (Feb. 5, 2014), <http://www.immigration.interieur.gouv.fr/Immigration/L-immigration-familiale/Le-regroupement-familial>.

¹³² CODE DE L'ENTRÉE ET DU SÉJOUR DES ÉTRANGERS ET DU DROIT D'ASILE [CODE OF FOREIGNERS' ENTRY AND STAY AND OF THE RIGHT OF ASYLUM] art. L411-1, http://www.legifrance.gouv.fr/affichCode.do?jsessionid=338995B8B66E26F17919485D4AF45103.tpdjo08v_2?idSectionTA=LEGISCTA000006147766&cidTexte=LEGITEXT000006070158&dateTexte=20140718.

¹³³ *Id.* art. L411-5.

¹³⁴ *Id.* art. L411-6.

¹³⁵ *Id.* art. L411-7.

¹³⁶ *Id.* art. L411-8.

¹³⁷ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

¹³⁸ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

Germany

German law allows German citizens and third-country foreign nationals possessing a German residency permit to bring family members to Germany for purposes of family reunification. Spouses, registered same-sex partners, minor children, and parents of minor children are considered family members. Spouses and registered partners must be at least eighteen years of age when applying for a residence title.¹³⁹ In cases of hardship, even other family members, e.g., the parents of an adult child,¹⁴⁰ can be granted such a title.¹⁴¹

However, there are preconditions that have to be met both by the sponsor and the family member in order for family reunification to be granted. These preconditions depend on the nationality of the sponsor (German citizens, third-country nationals) and the relation between the sponsor and his family member(s). Preconditions are generally lower for Germans. The sponsor generally has to be able to secure the family's livelihood.¹⁴² For family members joining a German citizen, exceptions from this general rule can be granted.¹⁴³ Third-country foreign nationals also have to provide sufficient living space.¹⁴⁴ For some third-country nationals, basic language skills are required.¹⁴⁵

There are also bilateral treaties that apply to the preconditions for family reunification in Germany—for example, the Association Agreement between the European Economic Community and Turkey.¹⁴⁶ In addition, as an EU Member Country Germany was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.¹⁴⁷

¹³⁹ Aufenthaltsgesetz [Residence Act] *as amended*, § 30(1) 1, BUNDESGESETZBLATT I at 162, http://www.gesetze-im-internet.de/aufenthg_2004/index.html#BJNR195010004BJNE003903310.

¹⁴⁰ Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz vom 26. Oktober 2009 [General Administrative Regulation on the Residence Act of October 26, 2009], art. 36.2.1.3, <http://www.verwaltungsvorschriften-im-internet.de/pdf/BMI-MI3-20091026-SF-A001.pdf>.

¹⁴¹ Aufenthaltsgesetz § 27(3).

¹⁴² *Id.*

¹⁴³ See DORIS LÜKEN-KLABEN & FRIEDRICH HECKMANN, THE IMPACTS OF RESTRICTIONS AND ENTITLEMENTS ON THE INTEGRATION OF FAMILY MIGRANTS: NATIONAL REPORT GERMANY 13 (Oct. 2013), http://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/IMPACIM/IMPACIM_Country_Report_Germany_FINAL_2013.pdf.

¹⁴⁴ Aufenthaltsgesetz § 29(1) 2.

¹⁴⁵ *Id.* § 30(1) 2.

¹⁴⁶ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

¹⁴⁷ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

Ghana

Ghana allows the issuance of residence permits to the dependents of a resident. A person may be issued one of three types of residence permits: a regular residence permit, which is issued for a maximum of two four-year terms; an indefinite residence permit, which among other conditions requires that the person have resided in Ghana for an aggregate of at least five out of seven years preceding the application;¹⁴⁸ and the right of abode residence permit.¹⁴⁹ The right of abode permit allows for an indefinite stay in Ghana and is available to Ghanaians who relinquish Ghanaian citizenship because they hold passports of countries that prohibit dual citizenship and to “persons of African descent in diaspora”¹⁵⁰ who would like to settle in Ghana.¹⁵¹

A dependent (a spouse or a child under the age of eighteen) of a person holding any of the above three types of residence permits (the principal holder) may be granted a residence permit.¹⁵² However, two key conditions apply. First, the duration period of the residence permit issued to the dependent cannot exceed that of the principal holder’s residence permit.¹⁵³ For instance, a dependent of the principal holder of a regular residence permit cannot be issued an indefinite residence permit. Second, the dependent, once issued a residence permit, cannot “undertake or follow any occupation for reward.”¹⁵⁴

Greece

Presidential Decree 131/2006,¹⁵⁵ which transposes into Greek law the European Union Directive 2003/86/EC on the Right to Family Reunification, applies to third-country nationals who possess a residence permit valid for at least one year that has been issued by Greek authorities, and makes the holder eligible for acquiring permanent residence in Greece. The following criteria must be met in order for a third-country national resident to apply for family reunification: legal residency in Greece for at least two years; proof of a family relationship; possession of suitable accommodations; access to an annual stable income to cover personal and family needs, with the

¹⁴⁸ Immigration Act, 2000 (Act 573), §§ 13–15, 5 LAWS OF GHANA (rev. ed. 2004), available on the Ghana Immigration Service website, at <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/ACT%20573.pdf>.

¹⁴⁹ *Id.* § 17; Immigration Regulations, 2001 (LI 1691), § 13, <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/LI%201691.pdf>.

¹⁵⁰ “A person whose immediate forebears have resided outside the African Continent for at least three generations but whose origin, either by documentary proof or by ethnic characteristics is African.” Immigration Act § 56.

¹⁵¹ *Id.* § 17; *Right of Abode*, GHANA IMMIGRATION SERVICE, http://www.ghanaimmigration.org/right_abode.htm (last visited July 18, 2014).

¹⁵² Immigration Regulations, 2001 (LI1691), § 9, <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/LI%201691.pdf>; *Dependant Residence Permit*, GHANA IMMIGRATION SERVICE, http://www.ghanaimmigration.org/migrate_spouse.htm (last visited July 18, 2014); *Right of Abode*, *supra* note 151.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Presidential Decree 131/2006, EPHEMERIS TES KYVERNESEOS TES HELLENIKES DEMOKRATIAS [GAZETTE OF THE HELLENIC REPUBLIC], Part A, No. 143 (2006).

income not based on social welfare and not lower than the minimum wage of unskilled workers increased by 20% for the spouse and 15% for each child; and complete health insurance coverage, covering hospital, medical, and pharmaceutical care.¹⁵⁶

The family members permitted to enter Greece under the family reunification law include a spouse who is at least eighteen years of age (in the case of polygamous marriages, the sponsor may have only one wife living with him in Greece); unmarried children, including adopted children, under the age of eighteen; and unmarried children or adopted children below the age of eighteen of the sponsor or of his/her spouse from a previous marriage, as long as one spouse has custody.¹⁵⁷

There are also bilateral treaties that apply to the preconditions for family reunification in Greece—for example, the Association Agreement between the European Economic Community and Turkey.¹⁵⁸ In addition, as an EU Member Country Greece was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.¹⁵⁹

Guatemala

Guatemalan law allows a foreign temporary resident in the category of pensioner or annuitant (*pensionado o rentista*) to apply for temporary residence on behalf of his/her spouse, unmarried children under eighteen years of age, and adult incapacitated children. The applicant may also apply for residence on behalf of his/her children between eighteen and twenty-five years of age if the sponsor immigrant is able to prove that these adult children are pursuing a university career and are his/her economic dependents. In addition, the applicant may apply for residence for minors under his/her guardianship or the guardianship of his/her spouse.¹⁶⁰

The applicant must meet the requirements of additional income for each dependent, which is determined in accordance with the provisions of the Regulation of the Migration Law.¹⁶¹ The applicant and his/her dependent family members may eventually obtain permanent residency after complying with additional legal requirements.¹⁶²

¹⁵⁶ *Id.* art. 5.

¹⁵⁷ *Id.* art. 4, ¶¶ 1 & 2.

¹⁵⁸ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepare/CreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

¹⁵⁹ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

¹⁶⁰ Ley de Migración [Migration Law], Decreto No. 95-98, art. 28, DIARIO DE CENTRO AMÉRICA, Dec. 23, 1998, available at <http://old.congreso.gob.gt/archivos/decretos/1998/gtdcx95-1998.pdf>.

¹⁶¹ *Id.*

¹⁶² *Id.* arts. 21 & 22.

Honduras

Honduran law allows a resident foreigner with the status of annuitant (*rentista*), pensioner (*pensionado*), or investor to bring into Honduras his/her spouse, minor children, dependent adult children, and parents.¹⁶³ The sponsor and his/her relatives may apply to acquire the status of immigrant residents after having been in the country for a period of not less than five consecutive years.¹⁶⁴

The law also allows the following persons to bring into Honduras their spouse, minor children, dependent adult children, and parents: persons with a “special permanence permit” (*permiso especial de permanecia*), such as refugees, stateless persons, and political asylees; migrant workers; foreign social workers, religious ministers, and foreigners performing voluntary humanitarian services and charitable services for the country; foreign temporary workers hired by an individual or a company or by an international organization or a government institution; and scientists, athletes, entrepreneurs, and CEOs of national and foreign corporations authorized to operate in the country.¹⁶⁵ People who directly depend on a refugee are deemed refugees, too.¹⁶⁶ Every refugee has the right to family reunification.¹⁶⁷

Hong Kong Special Administrative Region, China

In general, the spouse of a permanent resident of the Hong Kong Special Administrative Region, China (HKSAR) cannot obtain the right of abode in Hong Kong by virtue of marriage.¹⁶⁸ The HKSAR’s Immigration Ordinance, as amended after its enactment in 1997, divides permanent residents into Chinese citizens and non-Chinese citizens, and provides conditions for their children to be eligible for HKSAR permanent residence, as follows:

- Children born to Chinese citizens: Two categories of Chinese citizens are permanent residents of HKSAR, i.e., those born in Hong Kong and those not born in Hong Kong but who have ordinarily resided in Hong Kong for a continuous period of not less than seven years.¹⁶⁹ A child of Chinese nationality born outside Hong Kong to a parent who, at the time of the child’s birth, was a Chinese citizen falling under one of the above two categories is an HKSAR permanent resident.

¹⁶³ Ley de Migración y Extranjería [Migration and Aliens Law], Decreto No. 208-2003, art. 21 (4), LA GACETA, Mar. 3, 2004, available at <http://www.tsc.gob.hn/leyes/Ley%20de%20Migración%20y%20Extranjeria.pdf>.

¹⁶⁴ *Id.* arts. 21(7) & 37.

¹⁶⁵ *Id.* art. 39.

¹⁶⁶ *Id.* art. 42(4).

¹⁶⁷ *Id.* art. 47.

¹⁶⁸ *Frequently Asked Questions*, GOVHK, <http://www.gov.hk/en/residents/immigration/idcard/roa/faqroa.htm/#/q13> (last reviewed Oct. 2011).

¹⁶⁹ Immigration Ordinance, (1997), Cap. 115, Schedule 1, § 2, BILINGUAL LAWS INFORMATION SYSTEM, [http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/ED717360D64A043E482575EE003DBF1A/\\$FILE/CAP_115_e_gb.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/ED717360D64A043E482575EE003DBF1A/$FILE/CAP_115_e_gb.pdf).

- Children born to non-Chinese citizens: Persons without Chinese nationality are Hong Kong permanent residents if they have entered Hong Kong with valid travel documents, have ordinarily resided in Hong Kong for a continuous period of not less than seven years, and have taken Hong Kong as their place of permanent residence.¹⁷⁰ A child under twenty-one years of age born in Hong Kong to such a parent is an HKSAR permanent resident if at the time of the child's birth or at any later time before the child attains twenty-one years of age one of his parents has the right of abode in Hong Kong only.¹⁷¹

Iceland

Family migration is permitted under the Icelandic Act on Foreigners.¹⁷² Iceland has special immigration rules for citizens of Nordic countries.¹⁷³

Icelandic and Nordic citizens and permanent residents and certain temporary residents (those who have received resident permits for employment for which a specialized skill is required¹⁷⁴ on grounds of athletic talent,¹⁷⁵ pursuit of a doctoral degree,¹⁷⁶ or humanitarian principles¹⁷⁷) may bring their family members to Iceland.¹⁷⁸ Residents who have been given asylum may also bring family members to Iceland.¹⁷⁹

Qualifying family members include the resident petitioner's spouse (heterosexual or homosexual) or cohabitant (heterosexual or homosexual), unmarried children of either the petitioner or the spouse/cohabitant for whom the petition is being filed where the children are under the age of eighteen and not cohabitating with a partner, and elderly and financially dependent parents who are more than sixty-six years of age.¹⁸⁰ Acceptance of a petition is,

¹⁷⁰ Immigration Ordinance sched. 1, § 2.

¹⁷¹ *Id.*

¹⁷² Act on Foreigners No. 96/2002, May 15, 2002, available at <http://www.legislationline.org/search> (enter "Act on Foreigners" as keyword and select Iceland as country). See also, IMMIGRATION COUNCIL, MULTICULTURAL AND INFORMATION CENTRE, IMPORTANT INFORMATION FOR NON-EEA & EFTA CITIZENS MOVING TO ICELAND, http://www.mcc.is/media/frettir/Fyrstu-skrefin-prufa/FS/non_EEA&EFTA_IS_EN_web.pdf (last visited July 18, 2014).

¹⁷³ Act on Foreigners art. 8a. Nordic citizens may stay in Iceland without a residence permit.

¹⁷⁴ *Id.* art. 12.

¹⁷⁵ *Id.* art. 12b.

¹⁷⁶ *Id.* art. 12e.

¹⁷⁷ *Id.* art. 12f.

¹⁷⁸ *Id.* art. 13.

¹⁷⁹ *Id.* art. 46.

¹⁸⁰ *Id.* arts. 13 & 46.

however, conditioned on the family member submitting to certain additional requirements such as a medical exam.¹⁸¹

Once issued, a family-based residency permit is initially only valid for one year, but may be extended. It may result in permanent residence if the sponsoring family member has the right to such a permit for him/herself.¹⁸²

India

In India, only holders of an OCI (Overseas Citizen of India) Card¹⁸³ or a PIO (Persons of Indian Origin) Card¹⁸⁴ are able to become permanent residents. There does not appear to be a family sponsorship program, but spouses of citizens and PIOs can apply for PIO status to become permanent residents. Foreign-born children of two PIO parents are eligible for an OCI Card, provided that one of the parents is eligible to become an OCI. The spouse of an OCI can apply for an OCI Card only if the spouse is eligible to obtain one in their own capacity.¹⁸⁵ Foreign minor children born of parents who are both Indian citizens are not eligible for an OCI Card; at least one of the child's parents must be a foreign citizen in order for him/her to be eligible for the card.¹⁸⁶ It appears that such minors can only apply for a PIO Card, becoming eligible upon reaching the age of eighteen to apply for the OCI Card.¹⁸⁷

¹⁸¹ *Id.* art. 11.

¹⁸² *Id.* arts. 13–14.

¹⁸³ *Overseas Citizenship of India Scheme*, MINISTRY OF OVERSEAS INDIAN AFFAIRS, <http://moia.gov.in/services.aspx?id1=35&id=m3&idp=35&mainid=23> (last visited July 23, 2014). According to the Ministry of Overseas Indian Affairs, “[a] registered Overseas Citizen of India is granted multiple entry, multi purpose, life-long visa for visiting India, he/she is exempted from registration with Foreign Regional Registration Officer or Foreign Registration Officer for any length of stay in India, and is entitled to general ‘parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields except in matters relating to the acquisition of agricultural or plantation properties.’ ” The OCI Card does not grant full citizenship rights. *Id.*

¹⁸⁴ For more information on Persons of Indian Origin (PIO) and the residency card scheme for them, see *Frequently Asked Questions About the Persons of Indian Origin (PIO) Card Scheme*, MINISTRY OF HOME AFFAIRS, <http://mha1.nic.in/pdfs/ForeigD-FAQs-PIO-Crd.pdf> (last visited July 23, 2014). According to the FAQs, a person is a PIO if “(i) the person at any time held an Indian passport; or (ii) the person or either of his/her parents or grand parents or great grand parents was born in, and was permanently resident in India, provided further that neither was at any time a citizen of any of the aforesaid excluded countries; or (iii) the person is the spouse of a citizen of India or a person of Indian origin covered under (i) or (ii) above.” Presently, the specified countries in this regard are Pakistan, Bangladesh, Sri Lanka, Bhutan, Afghanistan, China and Nepal. Citizens of these countries are not eligible to get PIO cards. *Id.*

¹⁸⁵ *Overseas Citizens of India (OCI) Scheme*, CONSULATE GENERAL OF INDIA ST. PETERSBURG, <http://www.indianconsulate.ru/OCI> (last visited July 22, 2014).

¹⁸⁶ *Overseas Citizens of India (OCI)*, INDIAN EMBASSY IN IRELAND, <http://www.indianembassy.ie/consular-services/overseas-citizenship-india-oci> (last visited July 22, 2014).

¹⁸⁷ *Id.*

Indonesia

Indonesia allows family migration for purposes of permanent residency for a foreigner who is married to an Indonesian citizen, the children of such marriage, and the child or spouse of a holder of a permanent stay permit.¹⁸⁸ The residency permit is valid for five years and may be renewed for an indefinite period.¹⁸⁹

Israel

Family members may obtain immigration permits to stay in Israel if they personally qualify as *Olim*¹⁹⁰ under the Law of Return, 5710-1950.¹⁹¹ Accordingly, any child or grandchild of a Jew, the spouse of a Jew, or the spouse of a child or grandchild of a Jew has a right to immigrate unless he/she willingly converted from Judaism to another religion.¹⁹²

Foreign migrants who do not qualify as *Olim* generally do not have a right to bring family members into the country for purposes of immigration. Special procedures, however, apply to spouses of Israeli citizens in accordance with a directive issued by the Ministry of Interior on October 7, 2013. The directive, “Procedure for Handling Grant of Status to a Foreign Spouse Who Is Married to an Israeli Citizen,” sets forth application procedures for the acquisition of immigration status for the foreign spouses of Israeli citizens and their minor children born in a prior marriage.¹⁹³

Italy

Italian law allows third-country nationals legally residing in Italy to request reunification with the following family members by means of their migration to Italy: a spouse who is at least eighteen years of age and who is not legally separated from the petitioner; unmarried minor children, including children of the spouse or those born out of wedlock, under the condition that the other parent has given his or her consent; adult dependent children who for objective reasons cannot provide for their essential needs because of a health condition involving total disability;

¹⁸⁸ Law No. 6 of 2011 Concerning Immigration art. 54, available at http://www.imigrasi.go.id/phoca_downloadpap/Undang-Undang/uu%20nomor%206%20tahun%202011%20-%20%20english%20version.pdf; see also *Izin Tinggal Tetap (Permit for Long Term Stay): Umum*, DIRECTORATE GENERAL OF IMMIGRATION, <http://www.imigrasi.go.id/index.php/en/public-services/permit-for-long-term-stay#umum> (in Indonesian; last visited July 18, 2014).

¹⁸⁹ Law No. 6 of 2011 Concerning Immigration art. 59. See also *Izin Tinggal Tetap: Masa Berlaku*, DIRECTORATE GENERAL OF IMMIGRATION, <http://www.imigrasi.go.id/index.php/en/public-services/permit-for-long-term-stay#masa-berlaku> (Indonesian) (last visited July 18, 2014).

¹⁹⁰ *Aliya* means immigration of Jews, and *oleh* (plural *Olim*) means a Jew immigrating to Israel.

¹⁹¹ Law of Return, 5710-1950, as amended, 4 LAWS OF THE STATE OF ISRAEL 114 (5710-1949/50).

¹⁹² *Id.* § 4, as amended. Up-to-date text is available in the NEVO LEGAL DATABASE, <http://www.nevo.co.il> (in Hebrew; by subscription).

¹⁹³ Directive No. 5.2.0008, Procedure for Handling Grant of Status to a Foreign Spouse Who Is Married to an Israeli Citizen (updated Oct. 7, 2013), www.piba.gov.il/Regulations/5.2.0008.pdf.

and, on grounds of documented, serious health problems, dependent parents who do not have other children in their country of origin or provenance, or parents older than sixty-five years of age whose other children are unable to support them.¹⁹⁴

Foreigners who may bring family members to Italy under the provisions of the family reunification legislation include (a) foreigners holding a residence card or residence permit for more than one year issued for employment under contract, nonseasonal self-employment, asylum, study, religious reasons, or family reasons, provided that legal requirements related to availability of housing and income are fulfilled; (b) foreigners who have themselves entered Italy on a family reunification entry visa;¹⁹⁵ (c) foreigners who are legal residents of Italy in another capacity for at least one year and who have married an Italian citizen or a citizen of a European Union Member State;¹⁹⁶ (d) foreigners whose refugee status has been legally recognized;¹⁹⁷ and (e) foreign parents of Italian minors residing in Italy, except when the requesting parent has been deprived of his/her parental authority according to Italian law.¹⁹⁸

Persons excluded from family reunification benefits include foreigners expelled from Italian territory;¹⁹⁹ foreigners subject to removal proceedings;²⁰⁰ foreigners who are subject to removal or nonadmission on the basis of international treaties in force in Italy, on the basis of serious grounds related to public policy, for national security reasons, or for the protection of international relations.²⁰¹

There are also bilateral treaties that apply to the preconditions for family reunification in Italy—for example, the Association Agreement between the European Economic Community and Turkey.²⁰² In addition, as an EU Member Country Italy was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.²⁰³

¹⁹⁴ Decreto legislativo 25 luglio 1998, No. 286, Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero [Legislative Decree No. 286 of July 5, 1998, Consolidated Text of the Provisions Concerning the Field of Immigration and Rules on the Conditions of Foreigners], G.U. No. 191, Aug. 18, 1998, art. 29(1), available at <http://www.altalex.com/index.php?idnot=836>.

¹⁹⁵ *Id.* art. 30(1)(a).

¹⁹⁶ *Id.* art. 30(1)(b).

¹⁹⁷ *Id.* art. 29-bis(1) (referring to art. 29(3)). The requirements of housing availability and an adequate source of income do not apply in the case of refugees.

¹⁹⁸ *Id.* art. 30(1)(d).

¹⁹⁹ *Id.* art. 4(6). This provision does not apply if the person has obtained special authorization indicating that the period of prohibition of entry has expired.

²⁰⁰ *Id.*

²⁰¹ *Id.* art. 5(6).

²⁰² Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

²⁰³ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

Jamaica

The Jamaican Aliens Act does not expressly provide that a legal immigrant may bring his family members into Jamaica for purposes of family migration. Among the conditions for immigrants' eligibility for admission to the country, however, is the condition that the immigrant "is in a position to support himself and his dependents."²⁰⁴

The Caribbean Community (Free Movement of Skilled Persons) Act, 1997 explicitly authorizes the entry into Jamaica of dependents of skilled persons who are nationals of the Caribbean Community member states.²⁰⁵ The Act defines a dependent in relation to a national as his/her spouse or his/her unmarried child, adopted child, or stepchild under the age of eighteen years of age.²⁰⁶

Japan

The foreign spouses of Japanese nationals, persons born as the children of Japanese nationals and their foreign spouses, and foreign children adopted by Japanese nationals pursuant to the special adoption procedures of the Civil Code²⁰⁷ are eligible to reside in Japan.²⁰⁸ The spouses of persons who have the status of "Permanent Resident" or "Special Permanent Resident" and persons born as children of a permanent or special permanent resident in Japan who have been residing in Japan can also obtain residence in Japan.²⁰⁹ These family members of Japanese nationals or of permanent or special permanent residents can stay in Japan for a specified period that is determined when they obtain their residence status. The maximum length of stay is five years,²¹⁰ but the period of stay can be renewed.²¹¹ The family members may apply for permanent resident status if other requirements are met.

²⁰⁴ Aliens Act, 1946, *as amended*, § 6(a), <http://moj.gov.jm/sites/default/files/laws/The%20Aliens%20Act.pdf>.

²⁰⁵ Caribbean Community (Free Movement of Skilled Persons) Act, 1997, *as amended*, §§ 3–4, <http://moj.gov.jm/sites/default/files/laws/CCFMSP%20Act.pdf>.

²⁰⁶ *Id.* § 2(1).

²⁰⁷ MINPŌ [CIVIL CODE], Act No. 89 of 1896, *last amended by* Act No. 94 of 2013, art. 817-2.

²⁰⁸ Immigration Control and Refugee Recognition Act, Cabinet Order No. 319 of October 4, 1951, *amended by* Act No. 27 of 2012, art. 2-2 ¶ 1 & Attached Table 2.

²⁰⁹ *Id.*

²¹⁰ *Id.* art. 2-2, ¶ 3; *see also* Immigration Control and Refugee Recognition Act Enforcement Ordinance, Ministry of Justice (MOJ) Ordinance No. 54 of 1981, *amended by* MOJ Ordinance No. 21 of 2014, art. 3 & Attached Table 2.

²¹¹ Immigration Control and Refugee Recognition Act art. 21.

Lebanon

Article 12 of the Law Regulating the Presence of Foreigners in Lebanon²¹² allows the government to grant foreigners authorized to work in Lebanon temporary residency permits for one or three years. The General Directorate of General Security may grant the family members of such foreigners a one-year residency permit if they sign a notarized promise not to work or, if they are minors, provide a notarized certificate of financial support from the head of the family.²¹³

Luxembourg

Luxembourgian law allows relatives of a legal immigrant to join him/her in Luxembourg. This rule applies to the immigrant's spouse or civil partner, his/her unmarried children under the age of eighteen, children over the age of eighteen who are dependent due to health reasons, and direct ascendants (parents or grandparents) who are dependent on him/her and who do not have the necessary familial support in their home country.²¹⁴ The original immigrant must be authorized to stay in Luxembourg for at least a year, must have well-founded prospects for obtaining a long-term residence permit, and must have been in Luxembourg for at least twelve months before being able to bring his/her relatives to the country.²¹⁵ The original immigrant must also show that he/she can provide for those relatives without the need for public welfare, that he/she has adequate housing for the relatives, and that he/she has health insurance for him/herself and for the relatives.²¹⁶ A relative may be refused entry into Luxembourg if he/she represents a threat to public order, public security, or public health.²¹⁷ A polygamous immigrant may not be joined by more than one spouse.²¹⁸

There are also bilateral treaties that apply to the preconditions for family reunification in Luxembourg—for example, the Association Agreement between the European Economic Community and Turkey.²¹⁹ In addition, as an EU Member Country Luxembourg was required to

²¹² Law Regulating the Presence of Foreigners in Lebanon (1962), *as amended* Feb. 14, 2000, available on the website of the Ministry of Justice, at <http://ahdath.justice.gov.lb/law-nearby-Foreigners.htm#t3> (in Arabic).

²¹³ *Residency in Lebanon*, GENERAL DIRECTORATE OF GENERAL SECURITY, http://www.general-security.gov.lb/residency_in_leb/sub1.aspx (in Arabic; last visited July 23, 2014).

²¹⁴ Loi du 29 août 2008 portant sur la libre circulation des personnes et de l'immigration [Law of August 29, 2008, Regarding Free Movement and Immigration] arts. 69–70, *as amended*, <http://eli.legilux.public.lu/eli/etat/leg/loi/2008/08/29/n1>.

²¹⁵ *Id.* art. 69.

²¹⁶ *Id.*

²¹⁷ *Id.* art. 70.

²¹⁸ *Id.*

²¹⁹ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.²²⁰

Malaysia

Persons who apply for a Malaysian Entry Permit (permanent residency) may include their spouse and children in their application.²²¹ In addition, foreign spouses of Malaysian citizens and children under six years of age may be sponsored for an Entry Permit²²² if they have been issued a Long Term Visit Pass²²³ and have stayed in the country continuously for a period of five years.²²⁴

Mauritius

Mauritius permits certain family members of the holder of a permanent residence permit to immigrate to the country. Permanent residence permits may be issued for a renewable ten-year term to married spouses (but not to common-law partners, who are only eligible for residence permits renewable annually), dependent children under the age of eighteen, and older dependent children enrolled in full-time education in Mauritius.²²⁵

Mexico

Mexico's Law of Migration provides that permanent residents and Mexican citizens are allowed to bring into the country for purposes of immigration their spouses; children (including the children of their spouses or common-law spouses), provided that the children are minors and unmarried or that the children are under their custody, guardianship, or legal representation; common-law spouses; and parents.²²⁶ They may also apply to have their siblings immigrate to

²²⁰ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

²²¹ Immigration Act 1959/63 (as amended up to Jan. 1, 2006), § 12, <http://www.agc.gov.my/Akta/Vol.%204/Act%20155.pdf>; Immigration Regulations 1963, art. 4, in IMMIGRATION ACT 1959/63 (ACT 155) & REGULATIONS AND ORDERS & PASSPORTS ACT 1966 (ACT 150) (AS AT 5TH AUGUST 2004), (International Law Book Series, 2004).

²²² Immigration Regulations 1963, art. 4. See also *FAQs About Visa, Pass and Permit*, IMMIGRATION DEPARTMENT OF MALAYSIA, <http://www.imi.gov.my/index.php/en/information/faq/25-awam/soalan-lazim/368-faqs-visa-pass-and-permit> (last updated Mar. 7, 2012).

²²³ *Long Term Social Visit Pass*, IMMIGRATION DEPARTMENT OF MALAYSIA, <http://www.imi.gov.my/index.php/en/main-services/pass/7-perkhidmatan-utama/264-long-term-social-visit-pass> (last updated Jan. 31, 2012).

²²⁴ *Entry Permit*, IMMIGRATION DEPARTMENT OF MALAYSIA, <http://www.imi.gov.my/index.php/en/main-services/entry-permit> (last updated July 4, 2014).

²²⁵ Immigration Act, Act 13 of 1970, §§ 2 & 6, 4 REVISED LAWS OF MAURITIUS (rev. ed. 2012), available on the Mauritius Attorney General's Office website, at <http://attorneygeneral.gov.mu/English/Documents/A-Z%20Acts/I/Page%201/IMMIGRATION1.pdf>; *Guidelines for Application for Permanent Residence Permit*, PRIME MINISTER'S OFFICE (HOME AFFAIRS DIVISION), http://www.investmauritius.com/media/32779/Guidelines_PR.pdf (last visited July 21, 2014).

²²⁶ Ley de Migración [Law of Migration], as amended through June 2013, DIARIO OFICIAL DE LA FEDERACIÓN [D.O.], May 25, 2011, arts. 55 & 56, available on the website of Mexico's House of Representatives, <http://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf>.

Mexico, provided that the siblings are minors and unmarried “or are under [the sponsoring resident/citizen’s] legal representation.”²²⁷

With the exception of siblings, foreigners who reside in Mexico temporarily may bring the following above-mentioned family members into the country for temporary residency during their stay, provided that the applicable requirements are met.²²⁸

Moldova

Immigrants who are legally resident in the territory of the Republic of Moldova may request, on grounds of family reunification, an entry visa and permission to stay in Moldova for their family members.²²⁹ Qualifying family members include spouses, parents who are dependent on the resident for support, unmarried minor children, and persons over whom such immigrants exercise rights of custody and guardianship.

The right to petition for family reunification is given to those who are eligible for a long-term stay in Moldova, which is a period longer than one year.²³⁰ Those who are in Moldova for the purpose of studying or to receive protection as human trafficking victims are not eligible to petition for immigration of their family members. In order to petition for the immigration of qualified family members, an immigrant must prove that he/she has a place of residence where the arriving relatives will stay and has sufficient means to provide for their support.²³¹ After being resident in Moldova for more than three years, immigrants may change their status to become permanent residents.²³²

Namibia

Namibia allows certain family members of permanent residents to immigrate. A permanent residence permit may be issued to “the spouse, dependent child, or a destitute aged or infirm parent” of a permanent resident.²³³ However, the permanent resident must be able and willing to maintain the immigrant.²³⁴

²²⁷ *Id.*

²²⁸ *Id.* art. 52-VII.

²²⁹ Law No. 20 of July 16, 2010, on Legal Regime for Foreigners in the Republic of Moldova art. 19, MONITORUL OFICIAL (official publication) 2010, No. 179-181, Item 610, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=2&id=336056> (in Russian).

²³⁰ *Id.* art. 38.

²³¹ *Id.*

²³² *Id.* art. 44.

²³³ Immigration Control Act 7 of 1993, § 26, GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA, No. 690 (Aug. 19, 1993).

²³⁴ *Id.*

Netherlands

The Netherlands allows legal immigration on family reunification grounds under article 15 of the Aliens Act 2000, which permits family members of Dutch and foreign nationals lawfully resident in the Netherlands to immigrate there.²³⁵ The nuclear family is the basis for the definition of “family member” in the Netherlands; family members include the spouse, registered partner, or unregistered partner aged twenty-one years and older, in a stable and exclusive relationship with the resident spouse, and minor biological or legal children under the age of eighteen for whom the spouses have custody.²³⁶ Proof of the family relationship must be provided through submission of notarized documents²³⁷ and genetic testing, permissible under the European Union Directive on Family Reunification,²³⁸ is used in the Netherlands to prove family ties when applicants cannot provide the necessary documentation.²³⁹

For foreign nationals, lawful residence in the Netherlands is based on possession of a residence permit for a fixed period (a maximum of five consecutive years) or for an indefinite period. According to Dutch immigration policy, family migrants from European Union and European Economic Area countries are distinguished from migrants from other countries, chiefly by having to secure a long-term entrance visa and pass a “pre-integration test” at the Dutch embassy in their country of origin, although the long-term visa requirement does not apply to citizen of certain states, such as Australia, Japan, Switzerland, and Turkey.²⁴⁰

Long-term residence permits may be granted to family members (as defined above) who meet conditions specified in the Aliens Decree 2000.²⁴¹ Among the conditions are that the family

²³⁵ Vreemdelingenwet 2000 [Aliens Act 2000] (Nov. 23, 2000, as last amended effective Mar. 9, 2013), art. 15, http://wetten.overheid.nl/BWBR0011823/geldigheidsdatum_26-03-2013.

²³⁶ BETTY DE HART, TINEKE STRIK & HENRIKE PANKRATZ, FAMILY REUNIFICATION: A BARRIER OR FACILITATOR OF INTEGRATION?: (DRAFT) COUNTRY REPORT OF THE NETHERLANDS 7–8 (Jan. 21, 2012) [but refers to information later than Jan. 2012], <http://familyreunification.eu/wp-content/uploads/2013/02/INTI-Dutch-report-final.pdf>; Vreemdelingenbesluit 2000 [Aliens Decree 2000] (Nov. 23, 2000, as last amended effective Jan. 1, 2013), arts. 1.1(r) & 3.14, http://wetten.overheid.nl/BWBR0011825/geldigheidsdatum_28-03-2013; Besluit van 24 mei 2013 tot wijziging van het Vreemdelingenbesluit 2000 (gezinsmigratie ongehuwde partners) [Decree of May 24, 2013, on the Amendment of the Aliens Decree 2000 (Family Migration Unmarried Partners)] arts. 1 A & 1 E, with reference to arts. 1.1(r) & 3.14 of the Aliens Decree 2000, <https://zoek.officielebekendmakingen.nl/stb-2013-184.html> (reinstating unmarried partners as family members under the Aliens Decree, a category that had been removed under an Oct. 2012 Decree).

²³⁷ Vreemdelingenwet 2000, art. 16.

²³⁸ For a discussion of the Directive, see EU survey, Part III, *supra*.

²³⁹ Vreemdelingenwet 2000, art. 17.

²⁴⁰ DE HART ET AL. *supra* note 236, at 9; Han Entzinger, Caroline Ivanescu, Peter Scholten, & Semin Suvarierol, *The Impacts of Restrictions and Entitlements on the Integration of Family Migrants: National Report Netherlands* (Oct. 2013), at 7–8, http://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/IMPACIM/IMPACIM_Country_Report_Netherlands_FINAL_October_2013.pdf; Vreemdelingenwet 2000, arts. 8(a)–(e) & (l), 14(3) & 15.

²⁴¹ Vreemdelingenbesluit 2000 [Aliens Decree 2000] (Nov. 23, 2000, as last amended effective Jan. 1, 2013), art. 3.13, http://wetten.overheid.nl/BWBR0011825/geldigheidsdatum_28-03-2013.

migrants be at least twenty-one years of age; that the migrant and his/her spouse be registered at the same address; and that the spouse in the Netherlands “be willing and able to act as the family migrant’s *sponsor* (or *referent*),” and “assume full responsibility, including financial responsibility, for the newcomer during first five years of settlement in the country.”²⁴² If the sponsor is connected by marriage or partnership with more than one person concurrently, the residence permit will be granted only to the spouse, civil partner, or partner with him/her at the time of application, and to that person’s minor children.²⁴³ The sponsor’s residence permit must have been issued for a non-temporary objective and he/she must generally have had legal residence in the Netherlands for at least a year before being eligible to apply for family reunification; temporary grounds of residence will typically not confer the right to family reunification.²⁴⁴ However, highly skilled migrants can immediately act as sponsors for their family members.²⁴⁵

New Zealand

An applicant may include his/her spouse or partner and dependent children under twenty-five years of age in an application for a residence class visa.²⁴⁶ New Zealand citizens and permanent residents can also sponsor spouses or partners, dependent children, and parents to migrate to the country.²⁴⁷ A parent retirement visa is available to persons with sufficient investment funds and/or assets.²⁴⁸ A certain number of sponsored places each year are also available under the refugee family support category.²⁴⁹ The sibling and adult child residence visa category was closed in 2012.²⁵⁰

²⁴² Entzinger et al., *supra* note 240, at 8.

²⁴³ Vreemdelingenbesluit 2000, art. 3.16, & Besluit van 24 mei 2013 tot wijziging van het Vreemdelingenbesluit 2000 (gezinsmigratie ongehuwde partners), art. 1 F.

²⁴⁴ DE HART ET AL., *supra* note 236, at 10 (citing Aliens Decree 2000 art. 3.15(1)(b)).

²⁴⁵ Entzinger et al., *supra* note 240, at 8–9.

²⁴⁶ Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 20, <http://legislation.govt.nz/regulation/public/2010/0241/latest/DLM3148101.html>.

²⁴⁷ *Family Categories*, IMMIGRATION NEW ZEALAND, <http://www.immigration.govt.nz/migrant/stream/live/familycategories.htm> (last updated May 15, 2012). See generally Immigration Act 2009, ss 48 & 55, <http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html>. For specific rules related to residence visa family categories, see Immigration New Zealand Operational Manual: Residence § 18-1 (June 30, 2014), <http://www.immigration.govt.nz/NR/rdonlyres/DE3CE116-100F-4855-A3C8-38413511E3CC/0/Residence.pdf>.

²⁴⁸ *Parent Retirement Category*, IMMIGRATION NEW ZEALAND, <http://www.immigration.govt.nz/migrant/stream/live/parentretirementcategory/parentretirementcategoryrequirements.htm> (last updated Apr. 7, 2014).

²⁴⁹ *Refugee Family Support Category*, IMMIGRATION NEW ZEALAND, <http://www.immigration.govt.nz/migrant/stream/live/refugeefamilysupport/> (last updated Jan. 10, 2014).

²⁵⁰ *Sibling and Adult Child Category Closure*, IMMIGRATION NEW ZEALAND, <http://www.immigration.govt.nz/migrant/stream/live/brothersisteradultchild/> (last updated Dec. 5, 2012).

Nicaragua

Nicaraguan law allows a foreign permanent resident to bring into Nicaragua his/her spouse, children, and parents.²⁵¹ The sponsor immigrant must present documentation to the Directorate General of Migration and Aliens Issues (*Dirección General de Migración y Extranjería*) demonstrating solvency and engagement in employment or a profession that in the opinion of the Directorate ensures that the immigrant and his/her family will have a suitable standard of living (*vivir decorosamente*) in the country.²⁵²

Norway

Family immigration is permitted under the provisions of chapter 6 of Norway's Alien Act.²⁵³ Spouses of Norwegian citizens, permanent residents, and residents who are eligible to later become permanent residents, are eligible for immigration to Norway,²⁵⁴ provided both spouses are over eighteen years of age.²⁵⁵ The children of such spouses are also eligible to migrate to Norway. Norway does not recognize polygamy, however; therefore a person who is married to several partners can only bring one of them to Norway to reside.²⁵⁶ "Spouse" includes both heterosexual and homosexual partners, as the Norwegian Marriage Act recognizes both types of partners as spouses.²⁵⁷

Cohabitants can be brought to Norway provided that each member of the cohabiting couple is at least eighteen years of age and that the parties have lived together for two years, have children together, or are expecting children and plan to continue to live together in Norway.²⁵⁸ Cohabitation (*sambo*) is a legally defined term whereby two adult persons, irrespective of gender, live together in a sexual relationship (i.e., as if they were married).²⁵⁹

²⁵¹ Ley General de Migración y Extranjería [General Law of Migration and Aliens], Ley No. 761, art. 30, LA GACETA, Mar. 31, 2011, <http://legislacion.asamblea.gob.ni/Normaweb.nsf/4c9d05860ddef1c50625725e0051e506/5c50ce4ad5bcb20406257905006c3242?OpenDocument>.

²⁵² Reglamento de la Ley General de Migración y Extranjería [Regulation of the General Law of Migration and Aliens], Decreto No. 31-2012, art. 77, LA GACETA, Sept. 27 & 28, and Oct. 1, 2012), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aaca87dac762406257265005d21f7/43cada2669b3ab6306257ab8006195be?OpenDocument>.

²⁵³ Act No. 35 of May 15, 2008, LOV OM UTLENDINGERS ADGANG TIL RIKET OG DERES OPPHOLD HER (UTLENDINGSLOVEN) [ALIEN ACT], Ch. 6, http://lovdata.no/dokument/NL/lov/2008-05-15-35/KAPITTEL_6#KAPITTEL_6.

²⁵⁴ *Id.* 40 §.

²⁵⁵ *Id.* 40 § 2.

²⁵⁶ *Id.* 40 § para. 7.

²⁵⁷ 1 § Act No. 47 of July 4, 1991, LOV OM EKTESKAP (EKTESKAPSLØVEN [MARRIAGE ACT]), <http://lovdata.no/dokument/NL/lov/1991-07-04-47>.

²⁵⁸ 41 § UTLENDINGSLOVEN.

²⁵⁹ Act No. 45 of July 4, 1991, LOV OM RETT TIL FELLES BOLIG OG INNBO NÅR HUSSTANDSFELLESKAP OPPHØRER (HUSSTANDSFELLESKAPSLØVEN [COHABITATION ACT]), <http://lovdata.no/dokument/NL/lov/1991-07-04-45/>.

Unmarried children under the age of eighteen who do not cohabit with a partner are eligible for family-based migration to Norway,²⁶⁰ as are parents and siblings of unmarried children under the age of eighteen who do not cohabit with a partner.²⁶¹ However, the right is limited in that residency will not be given if it results in the parent living in the same household as the child's other parent and that parent's spouse or cohabitant partner.²⁶² Thus, Norwegian law specifically limits the right of polygamous parents to live with their children. A person over eighteen may also petition for immigration rights for his/her aging parents (over the age of sixty).²⁶³

Persons who have been granted legal residence in Norway on grounds of asylum or refugee status must meet additional requirements in order to successfully petition to bring family members into the country for a permanent stay.²⁶⁴ For example, the person must have had a job or been studying in Norway for four years.²⁶⁵

Panama

Foreigners who are married to Panamanian citizens where the spouses have a monogamous, stable, continuous relationship; foreigners who have Panamanian children; and the dependent foreign relatives (including minor children under eighteen years of age, disabled relatives, and dependent parents) of two-year provisional residents, permanent residents, or citizens living in Panama are eligible to apply for residence in Panama, provided that the applicable requirements are met.²⁶⁶ Children over the age of eighteen up to age twenty-five can fall under the category of dependents if they are pursuing a regular course of study and are economically dependent on the Panamanian sponsor.²⁶⁷ Applicants for residency based on the residency of their Panamanian children must have one or more Panamanian offspring who are at least five years of age.²⁶⁸

²⁶⁰ *Id.* 42 §.

²⁶¹ *Id.* 3 §.

²⁶² *Id.* 45 § 2.

²⁶³ *Id.* 46 §.

²⁶⁴ *Id.* 40 §.

²⁶⁵ *Id.*

²⁶⁶ Decreto Ejecutivo 320 de 2008 que Reglamenta el Decreto Ley No. 3 de 22 De Febrero de 2008, que Crea el Servicio Nacional de Migración y Dicta Otras Disposiciones [Executive Decree 320, Regulating Law 3 of February 22 from 2008, Which Creates Panama's National Immigration Service], arts. 220 & 224, GACETA OFICIAL [G.O.] 26104, Aug. 13, 2008, http://www.asamblea.gob.pa/APPS/LEGISPAN/PDF_NORMAS/2000/2008/2008_560_1865.PDF. See also Decreto Ejecutivo No. 583 de 9 de agosto de 2012 - Subcategoría de Residente Permanente por Reagrupación Familiar Extranjero con Hijos Panameños [Executive Decree 583, Aug. 9, 2012, Which Creates the Subcategory of Permanent Resident Due to Family Reunification of a Foreigner with Panamanian Children], <http://www.migracion.gob.pa/images/DECRETOS%20Y%20RESOLUCIONES%20SEGMEN%20TADAS/Decretos%202012/Todos%20los%20Decretos%20de%202012/Decreto%20Ejecutivo%20N%C2%BA%20583%20de%209%20de%20agosto%20de%202012.pdf>.

²⁶⁷ Decreto Ejecutivo N^o 320, art. 224.

²⁶⁸ Decreto Ejecutivo N^o 583, art. 2.

After two years of temporary provisional residence, the foreign parent may apply for permanent residence provided that he/she meets the requisite conditions.²⁶⁹

Papua New Guinea

According to the Papua New Guinea Immigration and Citizenship Service Authority, persons who apply for a Resident (Long Term) Entry Permit must include dependents in their initial application. Dependents include a spouse and children under eighteen years of age. A spouse of a Papua New Guinea citizen may also obtain a permanent resident class visa.²⁷⁰

Paraguay

According to Paraguay's Law on Migration (Ley 978/96 de Migraciones),²⁷¹ the spouse, minor children, and parents of Paraguayan nationals may qualify for immigrant status.²⁷² The law does not mention the family members of permanent residents.

Peru

According to Peru's Decree 703/1991 Approving the Law on Foreigners (Ley de Extranjería),²⁷³ the immigration status of an individual extends to his or her family members, to include the spouse, children younger than eighteen years old, single daughters, parents, and other dependents.²⁷⁴ Peruvian nationals and residents may also petition for the immigration to Peru of these qualifying family members.²⁷⁵

Portugal

The holder of a valid Portuguese residence permit is entitled to reunification with family members outside the national territory with whom the resident had lived in another country and who are his/her dependents or cohabitants, regardless of whether the family relationship started before or after the resident's entry in Portugal.²⁷⁶ The right to reunification with family members

²⁶⁹ *Id.* art. 4.

²⁷⁰ *Permanent Residence Classes*, PAPUA NEW GUINEA IMMIGRATION & CITIZENSHIP SERVICE AUTHORITY, <http://www.immigration.gov.pg/permanent-residence.html> (last visited July 18, 2014).

²⁷¹ Ley 978/96 de Migraciones [Law on Migration], June 27, 1996, <http://www.aduana.gov.py/uploads/archivos/LEY%20N%20978%20Migraciones.pdf>.

²⁷² *Id.* art. 14.4.

²⁷³ Decreto Legislativo N^o 703, Ley de Extranjería [Legislative Decree No. 703, Law on Foreigners], Nov. 14, 1991, http://www.mintra.gob.pe/migrante/pdf/ley_extranjeria_decreto_legislativo_703.pdf, as amended by Decreto Legislativo N^o 1043 [Legislative Decree 1043], June 25, 2008, available at <http://www.ambafrance-pe.org/IMG/DL-1043.pdf>.

²⁷⁴ *Id.* art. 4.

²⁷⁵ *Id.* art. 11.u.

²⁷⁶ Lei No. 23/2007, de 04 de Julho, as amended by Lei No. 29/2012, de 09 de Agosto, art. 98(1), http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=920&tabela=leis.

who have legally entered Portugal and are dependent on or cohabit with the holder of a valid residence permit is also recognized.²⁷⁷ A refugee recognized under the law governing asylum has the right to family reunification with his/her family members inside the country or abroad, without prejudice to the legal provisions recognizing refugee status for family members.²⁷⁸

Article 99 of Law No. 23 of July 4, 2007 defines family member for reunification purposes as a spouse; minor children; adopted children; adult children who are dependent on the couple, or on one spouse, who are unmarried and are studying in a school in Portugal; ascendants in the first degree of the resident or his/her spouse, provided that they are the resident's responsibility; younger siblings, provided that they are supervised by the resident in accordance with a decision of the competent authority of the country of origin, if that decision is recognized by Portugal.²⁷⁹

There are also bilateral treaties that apply to the preconditions for family reunification in Portugal—for example, the Association Agreement between the European Economic Community and Turkey.²⁸⁰ In addition, as an EU Member Country Portugal was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.²⁸¹

Russia

Russian law reserves the right of a legal immigrant to bring his/her family members to Russia to those individuals who have received a permit to stay in Russia because of their “unique skills required for highly qualified professional employment in Russia.”²⁸² Spouses, minor children, and legally incapacitated children of any age are recognized as family members and are eligible to immigrate to Russia to join their family members who are legally working in the Russian Federation.²⁸³

Saint Kitts and Nevis

According to the Saint Kitts and Nevis Immigration Act 10 of 2002, as amended,²⁸⁴ a person who is permitted entry may be granted permission to become a resident if he/she is a minor

²⁷⁷ *Id.* art. 98(2).

²⁷⁸ *Id.* art. 98(3).

²⁷⁹ *Id.* art. 99(a)–(f).

²⁸⁰ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

²⁸¹ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

²⁸² Federal Law No. 114-FZ of August 15, 1996, on Procedure for Exit From and Entry Into the Russian Federation art. 25, ROSSIISKAIA GAZETA (official publication), No. 159, Aug. 22, 1996, available at http://www.consultant.ru/document/cons_doc_LAW_161977/ (in Russian).

²⁸³ *Id.*

²⁸⁴ Immigration Act 10 of 2002, LAWS OF SAINT CHRISTOPHER AND NEVIS, Cap. 6.02 (rev. Dec. 31, 2009).

under eighteen years of age whose father or mother is a permanent resident or a citizen of Saint Christopher and Nevis, where the father or mother resides there and is willing and able to provide for the minor's care and maintenance.²⁸⁵ The Act further states, "permission to become annual residents . . . [may also be granted to] minor children of, (a) permanent residents; or (b) persons who become citizens"²⁸⁶ under conditions enumerated in the Constitution. Temporary residence may also be granted to the spouses and minor children of work permit holders.²⁸⁷

Saint Lucia

According to the Immigration Act No. 20 of 2001,²⁸⁸ the dependents of all legal immigrants are permitted to enter Saint Lucia.²⁸⁹ The Act defines a dependent as the immigrant's spouse, unmarried child, stepchild or adopted child under eighteen years of age, or "any other relative . . . who is wholly dependent on such person for his subsistence."²⁹⁰

Samoa

Samoa law imposes an annual quota on the number of Permanent Residence Permits that may be issued. A spouse and dependent children may be included in the principal applicant's application for a Permanent Residence Permit.²⁹¹

Singapore

The spouse and unmarried children (below twenty-one years old) of a Singapore citizen or permanent resident are eligible to apply for permanent residence.²⁹² Elderly parents of Singapore citizens are also eligible to apply for permanent residence.²⁹³

South Africa

South Africa permits the permanent immigration of certain family members of permanent residents. A person who has been the spouse of a permanent resident or a citizen for at least five

²⁸⁵ *Id.* § 5(2)(c).

²⁸⁶ *Id.* § 6(3).

²⁸⁷ *Id.* § 6(4).

²⁸⁸ Immigration Act No. 20 of 2001, SAINT LUCIA ACTS AND STATUTORY INSTRUMENTS FOR THE YEAR 2001.

²⁸⁹ *Id.* § 5(p).

²⁹⁰ *Id.* § 2.

²⁹¹ See Government of Samoa, Application for Permanent Residence: Information Sheet, <http://www.samoa.immigration.gov.ws/Portals/219/Application%20Forms/Permits/mpmc105.pdf> (last visited July 18, 2014).

²⁹² *Apply for Permanent Residence*, Immigration and Checkpoints Authority of Singapore, <http://www.ica.gov.sg/page.aspx?pageid=151> (last updated July 3, 2014).

²⁹³ *Id.*

years may be issued a permanent residence permit.²⁹⁴ This type of permit is applicable to individuals who are married or under a permanent heterosexual or homosexual relationship; it is initially issued for two years provisionally and only becomes permanent if the underlying relationship lasts at least two years after the issuance of the permit.²⁹⁵ A permanent residence permit may also be issued to children under the age of twenty-one of permanent residents or citizens and to parents of permanent residents or citizens (either biological or adoptive).²⁹⁶ When the applicant is a child or parent of a permanent resident or a citizen, the permanent resident or citizen is required to demonstrate his ability and willingness to maintain the applicant.²⁹⁷

South Korea

The spouses of Korean nationals can obtain “marriage to a Korean national” residency (F-6) status. The spouses of Korean nationals and persons with permanent residence in Korea can obtain “residence” (F-2) status. These spouses can stay in the country for up to three years. In addition, the family members of persons who legally reside in Korea and minor children of Korean nationals who have fostering rights of the children and reside in Korea can obtain “visiting and staying with relatives” (F-1) status and reside in Korea for up to two years. The terms of these residency statuses can be extended.²⁹⁸ The family members may apply for permanent resident status if other requirements are met.

Swaziland

Swaziland permits certain relatives of permanent residents to immigrate to the country. The applicable law provides that the appropriate authority may issue a residence permit to the wife or underage children (under the age of eighteen) of a person whose application for a residence permit has been approved or who is a permanent and lawful resident of Swaziland.²⁹⁹ A

²⁹⁴ Immigration Act 13 of 2002, § 26, 15 BUTTERWORTHS STATUTES OF THE REPUBLIC OF SOUTH AFRICA (updated through 2012), available on the University of Pretoria website, at <http://www.lawsofsouthafrica.up.ac.za/index.php/browse/citizens-and-foreigners/immigration-act-13-of-2002/act/13-of-2002-immigration-act-26-may-2014-to-date-pdf/download>.

²⁹⁵ *Id.* §§ 1 & 26.

²⁹⁶ *Id.* §§ 26 & 27.

²⁹⁷ Immigration Regulations, 2014, § 23, GOVERNMENT GAZETTE, No. 37697 (May 22, 2014), <http://www.lawsofsouthafrica.up.ac.za/index.php/browse/citizens-and-foreigners/immigration-act-13-of-2002/regulations-and-notices/13-of-2002-immigration-act-regs-gnr-413-26-may-2014-to-date-pdf/download>.

²⁹⁸ Immigration Control Act, Act No. 1289, Mar. 5, 1963, *amended by* Act No. 10282, May 14, 2010, arts. 10 & 25; Enforcement Decree of the Immigration Control Act, Presidential Decree No. 2372, Jan. 12, 1966, *amended by* Presidential Decree No. 22483, Nov. 15, 2010, arts. 12 & 31; *and* Enforcement Ordinance of the Immigration Control Act, MOJ Ordinance No. 367, Apr. 1, 1993, *amended by* No. 799, Oct. 10, 2013, art. 18-2 & Attached Table 1.

²⁹⁹ Citizenship and Immigration Act 32 of 1964, § 22, STATUTES OF SWAZILAND (1976), available on the United Nations High Commissioner for Refugees (UNHCR) portal, REFworld, at <http://www.refworld.org/country,LEGAL,NATLEGBOD,LEGISLATION,SWZ,456d621e2,3ae6b50b3,0.html>.

residence permit may also be issued to the parents or grandparents of a permanent resident if the permanent resident is willing and able to provide for their maintenance.³⁰⁰

Sweden

Sweden allows family migration but has special (more favorable) rules for citizens of Nordic and European Union Member State countries.³⁰¹

Citizens of non-EU Member States who reside (i.e., have legal residency but need not be permanent residents) in Sweden may bring family members to Sweden. Family members who can be brought to the country are current spouses or cohabitants (*sambos*),³⁰² future spouses³⁰³ or cohabitants, biological children under the age of eighteen,³⁰⁴ and children of a spouse or cohabitant under the age of eighteen.³⁰⁵ “Spouse” includes both heterosexual and homosexual partners, as the Swedish Marriage Code recognizes both types of partners as spouses.³⁰⁶ *Sambo* is a legally defined term whereby two adult persons, irrespective of gender, live together in a sexual relationship (i.e., as if they were married). The relationship is regulated under the Sambolagen (Cohabitation Act).³⁰⁷

Children under the age of eighteen may bring their parents to Sweden provided the parents live with the child and are the child’s legal guardians.³⁰⁸ Under special circumstances, where there is a relationship of financial dependency between a permanent resident and another family member (not otherwise covered above), permanent residents may bring that family member to Sweden provided the permanent resident can provide proof that he/she is able to provide financial support for the family member.

Swedish citizens, refugees, permanent residents who have been permanent residents for four years, and refugees need not show that they have sufficient means to provide for an immediate relative whom they seek to bring to Sweden for residency.³⁰⁹ In general, however, a resident must show that he or she has sufficient means to provide for the relative whose migration to Sweden is being sought.³¹⁰ Children who petition for their parents are exempt from the financial

³⁰⁰ *Id.*

³⁰¹ Ch. 3a, UTLÄNNINGSLAGEN [ALIEN ACT], <http://www.notisum.se/rnp/sls/lag/20050716.htm>.

³⁰² UTLÄNNINGSLAGEN Ch. 5:3 § 1.

³⁰³ *Id.* Ch. 5:3a §.

³⁰⁴ *Id.* Ch. 5:3 § 2 a.

³⁰⁵ *Id.* Ch. 5:3 § 2 b.

³⁰⁶ ÄKTENSKAPSBALK [ÄKTB] [MARRIAGE CODE], <http://www.notisum.se/rnp/sls/lag/19870230.htm>.

³⁰⁷ SAMBOLAG (SFS 2003:376) [ACT ON COHABITATION], <http://www.notisum.se/rnp/sls/lag/20030376.HTM>.

³⁰⁸ Ch. 3a § 3 UTLÄNNINGSLAGEN.

³⁰⁹ *Id.* Ch. 5:3c § 1-6.

³¹⁰ *Id.* Ch. 5:3b §.

requirement.³¹¹ Exemptions may also be granted for special reasons.³¹² A migrant becomes eligible for permanent legal residence in Sweden after five years of continuous legal residence. As soon as a person becomes a legal permanent resident, and having fulfilled the five-year continuous residence requirement, he or she may also apply for citizenship.³¹³

There are also bilateral treaties that apply to the preconditions for family reunification in Sweden—for example, the Association Agreement between the European Economic Community and Turkey.³¹⁴ In addition, as an EU Member Country Sweden was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.³¹⁵

Switzerland

The spouse and the unmarried minor children of a legal immigrant are entitled to join him/her in Switzerland.³¹⁶ The requirements are that the relative(s) in question live with the initial immigrant, that they have access to “decent” housing, and that they would not depend on public welfare.³¹⁷ Furthermore, the request for such family reunification (*regroupement familial* or *familiennachzug*) must be submitted within five years of the initial immigrant’s arrival in Switzerland or of the establishment of the relationship; this window is shortened to just one year when the relative in question is a child over twelve years of age.³¹⁸

Although Switzerland is not a member of the European Union, it nevertheless gives slightly preferential treatment to immigrants from EU Member States. Immigrants from the EU can bring children and grandchildren under the age of twenty-one to live with them in Switzerland, as long as they can provide for them.³¹⁹ Parents and grandparents may also stay in Switzerland with the original immigrant as long as their living expenses are covered.³²⁰ Those who are moving to Switzerland for purposes of education or training, however, may only bring their

³¹¹ *Id.* Ch. 5:3d §.

³¹² *Id.* Ch. 5:3e §.

³¹³ 1 § LAG OM MEDBORGARSKAP [ACT ON CITIZENSHIP] (SFS 2001:82) <http://www.notisum.se/rnp/sls/lag/20010082.HTM>.

³¹⁴ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

³¹⁵ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

³¹⁶ Loi fédérale du 16 décembre 2005 sur les étrangers [LEtr] [Federal Law of December 16, 2005, on Foreigners] art. 43, <http://www.admin.ch/opc/fr/classified-compilation/20020232/index.html#a43>.

³¹⁷ *Id.* arts. 44–45.

³¹⁸ *Id.* art. 47.

³¹⁹ *Family Reunification for EU/EFTA Citizens Living in Switzerland*, CH.ch (website of the Swiss Confederation), <https://www.ch.ch/en/family-reunification-eu-efta/> (last visited July 21, 2014).

³²⁰ *Id.*

spouse and dependent children.³²¹ Immigrants from the EU must also show that they have access to adequate housing and that they have sufficient financial resources to support themselves in Switzerland.³²²

Taiwan

Under Taiwan's Immigration Act, spouses and minor children of qualified applicants for permanent residence are eligible to apply for permanent residence in Taiwan.³²³ The spouse must have been married to the applicant for three or more years, or they must already have had a child or children during the marriage.³²⁴

In addition, children under twenty years of age born outside of Taiwan whose parent resides in Taiwan, is a citizen, and has been registered in the Taiwanese household registration system, are eligible to apply for permanent residence in Taiwan.³²⁵

Trinidad and Tobago

Trinidad and Tobago's Immigration Act No. 41 of 1969 provides that a residence permit may be granted to "a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, residing in Trinidad and Tobago, if such citizen or resident is willing and able to provide care and maintenance for that person" and to the spouse of a Trinidad and Tobago citizen or resident.³²⁶ It also confers resident status on the child of a citizen or resident, "provided that such child is a minor or is dependent on and living with his parents."³²⁷ The Act further states that in determining an applicant's suitability for the grant of resident status, the Minister responsible for immigration "shall be satisfied, inter alia, that the applicant—(a) had entered the country legally; (b) is not in a prohibited class; and (c) is of good character as evidenced by a police certificate of good character."³²⁸

³²¹ *Id.*

³²² *Id.*

³²³ Ruchu Guo ji Yimin Fa [Immigration Act], *as amended* Nov. 23, 2011, art. 10, LAWS AND REGULATIONS DATABASE OF THE REPUBLIC OF CHINA, <http://law.moj.gov.tw/Law/LawSearchResult.aspx?p=A&k1=%E7%A7%BB%E6%B0%91%E6%B3%95&t=E1F1A1&TPage=1> (in Chinese), <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=D0080132> (in English).

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ Immigration Act No. 41 of 1969, § 6(1), LAWS OF TRINIDAD AND TOBAGO Ch. 18:01, http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/18.01.pdf.

³²⁷ *Id.* § 5(1)(e).

³²⁸ *Id.* § 6.

Turkey

Turkey's Law on Foreigners and International Protection (Yabancılar ve Uluslararası Koruma Kanunu), which was adopted in April 2013,³²⁹ provides for a “family residence permit” issued to foreigners who wish to reside in Turkey with their family members.³³⁰ Family members under the Law include the spouse, minor children, and dependent adult children of the applicant.³³¹

The permit, whose maximum duration is two years at a time, may be issued to the foreign spouse, the foreign children of the sponsor or the foreign minor children of the spouse, and the dependent foreign children of the sponsor or of the spouse.³³² A “sponsor” (*destekleyici*, “supporter”) is a Turkish citizen or a foreigner who holds a residence permit.³³³ The period of duration of the family resident permit may not exceed that of the sponsor's residence permit, and the foreign migrant's stay in Turkey is dependent on the sponsor's legal status; thus, if the sponsor's residence permit is annulled, the family members' family residence permits will also generally be annulled.³³⁴ However, the right to an autonomous (short-term) residence permit is granted to family members who have resided for three years in Turkey. It applies to persons who have reached the age of eighteen after having resided in Turkey for a minimum of three years on a family residence permit, and also to foreign spouses of Turkish citizens who have become divorced and meet the three-year residency condition.³³⁵ The three-year requirement is waived, however, in cases where the foreign spouse is a victim of domestic violence or if the sponsoring spouse dies.³³⁶ In cases of polygamous marriage, only one of the spouses will be issued a family residence permit, but the permits may be granted to the sponsor's children from other spouses.³³⁷ The consent of the mother or the father who lives abroad and who shares custody of the child must be sought in the case of issuance of family residence permits to children.³³⁸

³²⁹ Yabancılar ve Uluslararası Koruma Kanunu [Law on Foreigners and International Protection] (Apr. 4, 2013), RESMÎ GAZETE [OFFICIAL GAZETTE], No. 28615 (Apr. 11, 2013), <http://www.resmigazete.gov.tr/eskiler/2013/04/20130411-2.htm> (in Turkish), unofficial English translation available at http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

³³⁰ *Id.* art. 34.

³³¹ *Id.* art. 3(1)(a).

³³² *Id.* art. 34(1)(a)–(c).

³³³ *Id.* art. 3(1)(f); Meral Açıkgöz & Hakkı Onur Ariner, *Turkey's New Law on Foreigners and International Protection: An Introduction* 15–16 (Turkish Migration Studies Group at Oxford, Centre on Migration, Policy and Society, Briefing Paper 2, Jan. 2014), https://www.compas.ox.ac.uk/fileadmin/files/Publications/Briefings/TurkMiS/Brief_2_Ariner_Acikgoz_2014.pdf. See also Esra Dardağan Kibar, *An Overview and Discussion of the New Turkish Law on Foreigners and International Protection*, XVIII(3) PERCEPTIONS 109–28 (Autumn 2013), available at <http://sam.gov.tr/wp-content/uploads/2014/02/Esra-Dardağan-Kibar.pdf>.

³³⁴ Law on Foreigners and International Protection art. 34(1); Açıkgöz & Ariner, *supra* note 333, at 16.

³³⁵ Law on Foreigners and International Protection art. 34(5) & (6).

³³⁶ *Id.* art. 34(6) & (7).

³³⁷ Law on Foreigners and International Protection art. 34(2).

³³⁸ *Id.* art. 34(3).

To apply for a family residence permit, the sponsor must, among other attributes, have a monthly income that is not less than the minimum wage and that in total corresponds to “not less than one third of the minimum wage per each family member;” appropriate accommodations and medical insurance that covers all family members; proof of not having been convicted of any crime against the family during the five years prior to the application; at least one year’s residence in Turkey on a residence permit; and a registered address.³³⁹ The migrant family members must meet such conditions as being over eighteen years of age (this applies to both spouses), not having entered into the marriage solely in order to obtain a family residence permit, and not falling within the category of foreigners who will be refused entry.³⁴⁰

United Kingdom

The United Kingdom provides for family migration, allowing for the migration of fiancés, spouses, proposed civil partners and civil partners; unmarried or same-sex partners; dependent children and adult and elderly dependent relatives of British citizens and lawful UK residents and those present in the UK under the points-based migration system.³⁴¹ There are financial requirements that the British citizen or UK resident must meet in order to ensure that his/her family migrant does not require recourse to public funds. These financial requirements were recently challenged in the courts, but upheld by the Court of Appeal.³⁴² There are extensive rules regarding the migration of fiancés, spouses, proposed civil partners, and their dependent children.³⁴³

There are also strict requirements on the migration of adult and elderly dependent relatives. The relatives must be financially dependent upon the British citizen or UK resident. Parents or grandparents must be over the age of sixty-five. If under the age of sixty-five, the grandparent or parent must live alone and there must be exceptional compassionate circumstances that justify the migration.³⁴⁴ There is also provision to allow the entry of sons, daughters, brothers, sisters, aunts, and uncles over the age of eighteen if they live alone outside the UK, are financially supported by the British citizen or UK resident, and exceptional compassionate circumstances exist.³⁴⁵ There are a number of other requirements that must be met before these family members receive leave to enter and remain. These include that they will be supported financially without recourse to public funds in the housing accommodation the sponsor owns or exclusively

³³⁹ *Id.* art. 35(1)(a)–(d).

³⁴⁰ *Id.* art. 35(3)(c)–(d).

³⁴¹ Immigration Act 1971, c. 77, <http://www.legislation.gov.uk/ukpga/1971/77/contents>; Immigration Rules, Part 8, “Family Members,” https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301566/20140406_Immigration_Rules_-_Part_8_MASTER.pdf.

³⁴² *MM et al. v. Secretary of State for the Home Department*, [2014] EWCA Civ. 985, <http://www.bailii.org/ew/cases/EWCA/Civ/2014/985.html>.

³⁴³ Immigration Rules, Part 8, *supra* note 341, ¶¶ 277–316.

³⁴⁴ *Id.* ¶ 317.

³⁴⁵ *Id.*

occupies; have no other relatives in the country of origin that they can turn to for financial support; and do not fall under any of the other rules that would cause grounds for refusal.³⁴⁶

There are also bilateral treaties that apply to the preconditions for family reunification in the United Kingdom—for example, the Association Agreement between the European Economic Community and Turkey.³⁴⁷ In addition, as an EU Member Country the United Kingdom was required to transpose EU Directive 2003/86/EC on the Right to Family Reunification into national law by October 3, 2005.³⁴⁸

Vanuatu

A new permanent residence visa class added in 2013 allows members of a visa holder's family to also be granted permanent residence in Vanuatu. Such visas are granted for a period of ten years.³⁴⁹

Vietnam

A foreigner who is the spouse, child, or parent of a Vietnamese citizen residing permanently in Vietnam may become a permanent resident in Vietnam.³⁵⁰ No information concerning the family members of immigrants was located.

Zambia

Zambia permits certain relatives of a citizen, established resident,³⁵¹ or holder of a residence permit to immigrate to the country. A spouse (a husband or wife married under the Zambian Marriage Act, Zambian customary law, or the marriage laws of a foreign country) of a citizen or

³⁴⁶ *Id.* For the grounds of refusal applicable to individuals seeking entry into the UK, see Immigration Rules, Part 9, “Grounds for Refusal,” https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302674/2014_0410_Immigration_Rules_-_Part_9_MASTER.pdf.

³⁴⁷ Council Decision of 23 December 1963, on Conclusion of the Agreement Creating an Association Between the European Economic Community and Turkey, 1964 O.J. (L 217) 3685, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=172> (summary and background).

³⁴⁸ For a discussion of Directive 2003/86/EC, see the European Union survey in Part III of this report, *supra*.

³⁴⁹ Immigration (Amendment) Act No. 15 of 2013, s 7, <https://gov.vu/images/Regulations/immigration%20amendment%20act%20no.%2015%20of%202013.pdf>. See also Immigration Visa Regulation (Amendment) Order No. 169 of 2013, cl 3, <https://gov.vu/images/Regulations/Immigration/order%20no.%20169%20of%202013.pdf>.

³⁵⁰ Ordinance on Entry, Exit and Residence of Foreigners in Vietnam, No. 24/2000/PL-UBTVQH10 (Apr. 28, 2000), art. 13.

³⁵¹ An “established resident” is a person who, among other qualifications, has been an ordinary and lawful resident of Zambia for four years. The Immigration and Deportation Act, 2010, No. 18 of 2010, § 2, available on the United Nations High Commissioner for Refugees (UNHCR) portal, REFworld, at <http://www.refworld.org/docid/3ae6b4d64.html>.

an established resident may be issued a spouse permit.³⁵² Such persons are not permitted to engage in any employment unless issued a separate employment permit.³⁵³

The following individuals also qualify for a residence permit under Zambian law: the spouse of a citizen who has held a spouse permit for at least five years; the child of a citizen; the child or dependent under the age of twenty-one of an established resident or holder of a residence permit; and any forebear, parent, child, or grandchild of a citizen or holder of a residence permit who is dependent on that person, as long as the citizen or resident is capable of providing maintenance and agrees to do so.³⁵⁴

Zimbabwe

Zimbabwe allows certain relatives of residents to immigrate to the country. A spouse or a minor child of a Zimbabwean resident may be issued a residence permit.³⁵⁵ A residence permit may also be issued to the mother, father, grandparent, or other dependent of a resident if the resident is able and willing to maintain that person.³⁵⁶

V. International and Comparative Law Sources

For some international and comparative legal aspects of the family reunification issue, one might consult the following sources, among others:

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Goldner, Iris. *Family Reunification of European Community Nationals*. 1 CROATIAN Y.B. EUR. L. & POL'Y 163–202 (2005). Available in HeinOnline subscription database.

Heinemann, Torsten & Ursula Naue. *Immigration and Family Reunification: The International Legal Framework* (Nov. 2010). Available at <http://www.immigene.eu/information/immigration-and-family-reunification-the-international-legal-framework/>.

Huddleston, Thomas. *Briefing 2: Family Reunion Policies in Central Europe* (May 17, 2013). Available at <http://migrationtothecentre.migrationonline.cz/en/briefing-2-family-reunion-policies-in-central-europe>.

³⁵² *Id.* §§ 2 & 23.

³⁵³ *Id.* § 23.

³⁵⁴ *Id.* § 20.

³⁵⁵ Immigration Regulations, § 16, S.I. 195/1998, <http://www.zimimmigration.gov.zw/index.php/home/immigration-regulations>.

³⁵⁶ *Id.*

- INTERNATIONAL ORGANIZATION FOR MIGRATION. INTERNATIONAL MIGRATION LAW NO. 16: LAWS FOR LEGAL IMMIGRATION IN THE 27 EU MEMBER STATES (2009). 640 pp. Available at http://publications.iom.int/bookstore/free/IML_16.pdf. (Includes a number of tables for purposes of comparison across jurisdictions.)
- Martin, Susan. *The Legal and Normative Framework of International Migration*, Global Commission on International Migration (Sept. 2005). Available at https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP9.pdf.
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- Oliver, Caroline. *The Impact of Restrictions and Entitlements on the Integration of Family Migrants*, Centre on Migration, Policy and Society, University of Oxford (Oct. 2013). https://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/IMPACIM/IMPACIM_Comparative_Report_FINAL.pdf. (Comparative study of Germany, Netherlands, Spain, and the United Kingdom.)
- Orgad, Liav. *Illiberal Liberalism: Cultural Restrictions on Family Migration and Access to Citizenship in Europe*. 58:1 AM. J. COMP. L. 53–106 (Winter 2010). Available in HeinOnline subscription database.
- . *Love and War: Family Migration in Time of National Emergency*. 23:1 GEORGETOWN IMMIG. L. J. 85–128 (Fall 2008). Available in HeinOnline subscription database.
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- THE OTHERS IN EUROPE. Saskia Bonjour, Andrea Rea & Dirk Jacobs eds. Brussels, Institut d'Études Europeennes: Editions de l'Université de Bruxelles, 2011. 203 pp. Call No. JV7590.O84 2011.
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- Romic, Mirna. *Obtaining Long-Term Resident Status in the European Union*. 6 CROATIAN Y.B. EUR. L. & POL'Y 153–66 (2010). Available in HeinOnline subscription database.

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STRIK, TINEKE, BETTY DE HART, & ELLEN NISSEN. FAMILY REUNIFICATION: A BARRIER OR FACILITATOR OF INTEGRATION? A COMPARATIVE STUDY. European Commission, DG HOME AFFAIRS – Unit B1: Immigration and Integration, Mar. 2013. Available at <http://familyreunification.eu/wp-content/uploads/2013/03/FamilyReunification-web.pdf>. (Comparative study on family reunification policies in six EU Member States: Austria, Germany, Ireland, the Netherlands, Portugal and the United Kingdom.)