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Family reunification of third-country nationals in Belgium: state of play of law and practice

Belgian contribution to the EMN Study

October 2025

The present was conducted by the National Contact Point (NCP) Belgium to the EMN within the framework of the EMN 2023-2025 Work Programme. The study follows a common study template with a predefined set of questions developed by the EMN. The Belgian responses to the study template can be found below.

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

National Contribution to the EMN study

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Country.

For more information on the background and rationale for the study, its aims, objectives and scope, the EU legal and policy context, as well as definitions of key terms used throughout, please consult the EMN study.¹

TOP-LINE FACTSHEET

The family reunification landscape has evolved heavily over the last few years. This was largely driven by case-law, both on the national and the EU-level, as well as by administrative adaptations. Particularly impactful was the Afrin case-law of the CJEU, on the basis of which family reunification applicants can send a request to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for them to submit the visa application in person. If authorised, they can submit their application remotely to the diplomatic or consular post via email.

Furthermore, in March 2024, the federal parliament **adopted a new law introducing a number of changes to family reunification**. These changes include the legal incorporation of CJEU case law on the time limits for submitting applications for family reunification for family members of beneficiaries of international protection, as well as the new residence permit on the basis of statelessness, which is now almost completely equated to persons with international protection in terms of family reunification (some of the rules for family reunification with beneficiaries of international protection apply, including the grace period, the 3-month period for applying for family reunification after a positive decision for an unaccompanied minor/a parent, the exemption from paying an administrative retribution for the application).

Finally, the new Government Agreement of 31 January 2025 provides for a significant change in the rules on family reunification, such as an increase in the amount of resources required to bring in a family member, reduction of the period where family members of refugees are exempted from material conditions, introduction of a two-year waiting period for family reunification with beneficiaries of subsidiary protection, integration and language tests for certain categories of person, etc. These changes have not been adopted, neither presented to the lawmakers yet.

When it comes to **challenges**, affording suitable accommodation was considered a challenge, especially because this condition must be met when the visa application is submitted. Furthermore, the amount requested as a sufficient resource is particularly high given inflation (while salaries do not always follow suit), income of the applicant-family member is not considered, and not all types of income are taken into

¹ The EMN Study can be found at the following link: <https://emnbelgium.be/publication/family-reunification-third-country-nationals-state-play-law-and-practice>.

consideration. Furthermore, some dependant family members that are part of the family unit (such as de facto adopted children, young adult children) do not have a right to family reunification and can only apply for a humanitarian visa application (uncertain outcome, long examination period, costly process).

It is also reported that the procedure is complex (deadlines, conditions, documents to be produced, etc.) and access to information is inadequate. For some regions, access to the diplomatic post remains problematic and online submission facilities are inadequate. Most diplomatic posts work with external service providers to submit visa applications. The operation of some of these service providers can be problematic (incorrect information, refusal to accept certain applications, etc.). In some countries, making an appointment with a service provider (to submit the visa application) can take many months (lack of available appointments) and is particularly difficult due to computer bugs. The costs of this procedure can be high. It is not uncommon for families to abandon the procedure for lack of sufficient means.

Procedural practice shows that the improvement of the Immigration Office's website is considered a **best practice** (does not only include the law, but also the administrative practice). The website is also largely translated to English.

SECTION 1: OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION

This section provides an up-to-date overview of the national situation with regard to family reunification of third-country nationals, including figures on the scale of family reunification, e.g. number of residence permits issued on grounds of family reunification, number of unaccompanied minors (UAMs) reunited with family, etc. The section sets out the context for the study by providing information on the approaches of EMN Member and Observer Countries to family reunification, as well as recent (since 2017) changes to law, policy and/ or practice.

1. Does your country distinguish between family formation and family reunification? Y/N. If yes, please explain the different rules applied on basis of the distinction between the two.

Yes, In the following cases, the law distinguishes between family formation and family reunification:

- The minimum age for spouses and legally registered partners is 21 years. This minimum age is reduced to 18 in certain cases when the marital bond or partnership already existed before the sponsor arrived in Belgium;
- The family members of a beneficiary of international protection or stateless person are exempted from material conditions insofar as the application is filed within one year after the granting of the international protection status or permission to reside on the basis of statelessness and the consanguinity, affinity or partnership already existed before the sponsor arrived in Belgium.

2. What are the changes to law and policy (since 2017) in the field of family reunification in your country (including in the context of complementary pathways programmes)?

According to the Belgian Council of State (Council of State, 13 March 2018, n° 240.997) the legal time limit to decide on a request for family reunification should be respected, even in case where there are doubts on the legality of the marriages. This judgement relates to third-country nationals applying for family reunification with another third-country national.

2019

In February 2019, the Council of State also ruled that benefits for persons with disabilities should be regarded as a resource for family reunification as well, in line with the intention of the legislator (Council of State, 12 February 2019, n. 243.676).

2022

Family members of persons who have a residence permit in Belgium can apply for family reunification. In 2022, the period of validity for an initial long-stay visa (D-type visa) obtained on these grounds was extended from six months to twelve months. Consequently, individuals whose application for family reunification has been accepted now have 12 months to reach Belgium and apply for a residence permit on the territory. After the initial 12-month period, the validity can be extended in exceptional cases if the visa holder is prevented from traveling to Belgium and if the conditions for family reunification are still met (thorough check).

Under the previous system, the visa was only valid for an initial six-month period, after which it could be extended to another six months if the visa holder was prevented from traveling to Belgium during the initial period. After the initial six-month period, the Immigration Office performed a minimum check. Beyond one year (six-month initial visa plus six-month extension), it was possible to extend the period of validity of the visa if the visa holder was prevented from traveling and if the conditions for family reunification were still fulfilled. In this case, the Immigration Office performed a more thorough check. The maximum validity period for the second extension was one year.

2023

In April 2023, in the context of the family reunification case Afrin (C-1/23)23 with a refugee-sponsor, the European Court of Justice (CJEU) gave its interpretation of Article 5(1) of the Family Reunification Directive, read in conjunction with Article 7 and Article 24(2) and (3) of the EU Charter of Fundamental Rights.

The case opposed Syrian family members of a sponsor who was awarded refugee status in Belgium, and the Belgian State. The Court ruled that the provisions of the Charter and the Directive must be interpreted as meaning that they preclude national legislation which requires, for the purpose of submitting an application for entry and residence with a view to family reunification, that the sponsor's family members, in particular those of a recognised refugee, appear in person at the diplomatic or consular post of a Member State competent in respect of the place of their temporary or permanent residence abroad, including in a situation where it is impossible or excessively difficult for them to travel to that post, without prejudice to the possibility for that Member State

to require that those members appear in person at a later stage of the application procedure for family reunification.

On the basis of this judgment, the Belgian diplomatic and consular posts received new instructions from the Immigration Office, which are now also incorporated in its website. According to the new procedure, applicants authorised to submit their application remotely can submit their file to the diplomatic or consular post via email. Applicants can send a request to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for him/her to submit the visa application in person. If authorised, they can submit their application remotely to the diplomatic or consular post via email.

The Council of State ruled that the 'reasonable time' within which the application for family reunification of a minor who came of age during his or her parent's asylum procedure had to be made was one year after recognition of refugee status (CE, no. 255.380, 23 December 2022). This ruling led to a change in practice on the part of the Aliens Office. Following a legislative change in March 2024, this one year was reduced to three months.

2024

In March 2024, the federal parliament **adopted a new law introducing a number of changes to family reunification**. Some of these changes relate more specifically to the family reunification covered by this study:

- Incorporation of CJEU case law on the time limits for submitting applications for family reunification for family members of beneficiaries of international protection (CJUE, 7 November 2018, K and B against Staatssecretaris van Veiligheid en Justitie, C-380/17; CJUE, 01 august 2022, Bundesrepublik Deutschland against XC C-279/20; CJUE, 12 april 2018, A and S against Staatssecretaris van Veiligheid en Justitie, C-550/16). These decisions had already been implemented by the authorities. For minors who come of age during their parent's asylum procedure, this transposition leads to stricter time limits than those applied in the past (3 months for submitting applications for family reunification for the minors instead of 12).
 - (a) C-380/17: In practice, the Immigration Office needs to take into consideration the particular circumstances that render the late submission of the initial application, objectively excusable. The judgment was in the framework of the 'grace period of 1 year' (more favorable conditions), but national case law, Belgian practice and now also the Belgian law, applies this as well in the framework of the time limits to submit the application when minors age out during the asylum procedure (C-550/16 and C-279/20)
 - (b) C-550/16: when unaccompanied minors turns 18 during their asylum procedure, the parents have 3 months to apply for FR, from the moment the unaccompanied minor obtains its refugee status or subsidiary protection status.
 - (c) C-279/20: for minors who come of age during their parents' asylum procedure, the child has 3 months to apply for family reunification, from the moment the parent obtains its refugee status or subsidiary protection status.

- Third-country nationals with a residence permit on the basis of statelessness are now almost completely equated to persons with international protection in terms of family reunification (some of the rules for family reunification with beneficiaries of international protection apply, including the grace period, the 3-month period for applying for family reunification after a positive decision for an unaccompanied minor/a parent, the exemption from paying an administrative retribution for the application);
- The preparatory legislative documents indicate that there is no obligation to cohabit between parent and child who comes of age during or shortly after asylum procedure or residence procedure on the grounds of statelessness (CJUE, 01 august 2022, C-273/20 and C/355/20, Bundesrepublik Deutschland against SW; CJUE, 01 august 2022, Bundesrepublik Deutschland against XC, C-279/20).

3. Are there planned changes to the law, policy or administrative practice on family reunification which have been announced recently (e.g. in the last two years) in your country (including in the context of complementary pathways programmes)? If so, please describe briefly the main changes planned.

Yes. The new government agreement, from 31 January 2025, provides for a significant tightening of the rules applicable to family reunification (increase in the amount of resources required to bring in a family member, reduction of the period where family members of refugees are exempted from material conditions, introduction of a two-year waiting period for family reunification with beneficiaries of subsidiary protection, integration and language tests for certain categories of person, etc.).

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

X, Y, Z v Belgische Staat, C-1/23 PPU (Afrin): changes to the Immigration Office practice

By way of derogation, persons entitled to family reunification who find it impossible or excessively difficult to submit their visa application in person may submit their application by remote communication to the Belgian diplomatic or consular post responsible for their place of residence. This mainly concerns applicants who are in a country or region affected by war or conflict and where Belgium does not issue visas. The applicant sends an e-mail to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for him/her to submit the visa application in person. The post evaluates whether it can accept a visa application introduced through a remote means of communication. In the event of a positive evaluation, the applicant can *send his/her file to the post by e-mail*. The personal appearance of the applicant at a later stage of the procedure remains compulsory for identity verification, biometric identification and, if necessary, an interview.

Whereas the Afrin-case law was only applicable to family members of beneficiaries of international protection, the Belgian administration has accepted applications from other groups who may benefit from family reunification. In 2024, the Immigration Office

received 3163 applications that were lodged from a distance. Most of these applications came from Afghanistan, Syria, Palestine, Somalia and Eritrea.

5. Has your country any family assistance programme (e.g. comparable or similar to the one implemented in Germany)?² Y/N. If yes, what are the objectives of these programmes (e.g. to improve access to information and simplify the application process, including through complementary pathways)?

No.

6. Are there any alternative avenues in your country for family members who do not qualify for family reunification under the Family Reunification Directive or national legislation on family reunification to receive valid residence permits (e.g. other complementary pathways such as humanitarian admission programmes or sponsorship pathways, granting refugee status to children born in the host country, granting residence on the basis of article 8 ECHR, etc.)? If so, can you please explain what these avenues are and to whom they apply?

Parents of an accompanied foreign minor

The parents (father and mother) of an accompanied foreign minor who has been admitted to stay in Belgium as a beneficiary of international protection status have a right to a residence status. This right must be recognised if the persons concerned can prove, by means of documents, that the conditions for this residency status have been met. The minor must stay in Belgium accompanied by one or both parents. This is a transposition of Article 23 of the Qualification Directive.

For more info, see: <https://dofi.ibz.be/en/themas/onderdanen-van-der-de-landen/gezinshereniging/beneficiary-international-protection-status#collapse4366>

Humanitarian visa (long stay)

Unlike family reunification, a humanitarian visa is not a right. It is a favour granted by the Belgian authorities to a family member that wants to join you in Belgium but does not fall within the definition of 'family' given by Article 10 of the Immigration Act.

Articles 9 and 13 do not list the conditions to obtain a humanitarian visa. The decision is left to the discretionary power of the Immigration Office. The Immigration Office examines on an individual basis whether the circumstances, which are adequately proven, justify an authorisation to reside in Belgium.

In addition to the authentic documents to be submitted at the Belgian diplomatic post for an application for family reunification, the family member has to provide evidence of all the elements that could justify the granting of a humanitarian visa.

The Immigration Act does not impose a time frame for the Immigration Office to take a decision.

In practice, a humanitarian visa is only granted in exceptional cases (Except for minor siblings of unaccompanied minors who apply together with their parents, and would be left isolated in the country of origin).

² Family assistance programme, Global Compact on Refugees, [Family Assistance Programme | The Global Compact on Refugees | UNHCR](#), last accessed on 24 October 2024.

7. Please provide national statistics on:

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

Visa in the context of family reunification	2016	2017	2018	2019	2020	2021	2022	2023	2024
Applications	14.022	12.721	11.013	11.002	7.947	12.446	15.468	18.609	20.808
Positive decisions	10.430	9.738	9.400	9.141	7.614	10.199	10.920	12.977	14.682
Negative decisions	1.835	1.623	1.903	1.877	1.621	1.547	1.786	2.412	4.533

	2019	2020	2021	2022	2023
First residence permits issued in the framework of family reunification to third-country nationals	32.261	25.712	32.768	33.313	33.774
Number of permits in the framework of family reunification with beneficiaries of international protection (included in the above statistic)	6.016	4.359	5.589	5.676	6.187
Percentage of family reunification with beneficiaries of international protection compared to all residence permits issued in the framework of family reunification to third-country nationals	18,6%	17,0%	17,1%	17,0%	18,3%

SECTION 2: DEFINITION OF SPONSOR AND FAMILY MEMBER

This section aims to clarify who is eligible to be a sponsor for family reunification (Article 3 of the Family Reunification Directive). This section also aims to provide information on which family members are entitled to family reunification across EMN Member and Observer Countries. The definition of 'family member' is provided in Article 4 and Article 10 of the Family Reunification. EU Member States may also provide for more favourable provisions according to Article 3(4) of the Family Reunification Directive (and include therefore other family members).

8a. Who can be a sponsor³ to an application for family reunification in your country (e.g. unaccompanied minors, students, workers, including highly qualified etc.)?

Generally, any third-country national with a limited or unlimited residence permit can be a sponsor:

- An adult third-country national who has international protection status;
- A minor third-country national with international protection status;
- Third-country nationals medically regularised under Article 9ter Immigration Act;
- Third-country workers, including highly qualified;
- ICT (limited, especially in short term mobility);
- Researchers on the basis of long-term mobility;
- Students, including mobility students (who come to Belgium in the context of an education in another country);
- Third-country national with a residence permit on the basis of exceptional circumstances (9bis Immigration Act)
- Third-country national staying during search year after studies or research;
- Third-country national, staying on the basis of long-term residence permit in another MS.

However, the rules that apply vary according to the category under which a third-country national falls.

8b. Does the national law of your country allow beneficiaries of protection⁴, or holders of similar protection statuses, to apply for family reunification? Y/ N

YES.

8c. What is the maximum age for a child to benefit from family reunification and what is the reference point in your country to determine whether a child is a 'minor' for the purpose of family reunification?⁵

The applicant must be less than 18 years old at the time the application is submitted. For the child of a third-country national who has been admitted to stay in Belgium as a beneficiary of international protection, the child's age at the time the application for international protection is lodged is taken into account.

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

⁴ Currently, beneficiaries of subsidiary protection are not covered by the Family Reunification Directive.

⁵ According to Article 4(6) of the Family Reunification Directive, EU Member States may request that the applications concerning family reunification of minor children have to be submitted before the age of 15.

If the child reaches the age of 18 before or shortly after the parent has been granted international protection, the application for family reunification can be submitted up to 3 months after the decision granting international protection status. When assessing this 3-month deadline, account is taken of any special circumstances which make late submission of the application objectively excusable. [Article 10, §1, 4° of the Immigration Act, amended by the Law of 10 March 2024 - Entered into force on 1 September 2024]

9. Does your country extend the definition of family members who can apply for family reunification beyond nuclear/ core members⁶? Y/N. If yes, which of the following groups beyond the core family are included:

⁶ In the context of the Family Reunification Directive, as specified in its Article 4, members of the nuclear family are the spouse and the minor children.

Category of family members	Eligible for family reunification in your country? Y/N	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
Parents	Y	The parents of unaccompanied foreign minors benefiting from international protection.
Adult children	Y	The adult disabled child of a third-country national who has been admitted to stay in Belgium. Proof: attestation must show that the child cannot meet his own needs because of his disability.
Non-married partners	Y	Legal partner with a registered partnership. The relationship between the applicant and the sponsor must be stable and lasting. + Upon specific conditions, non-married partners can submit a visa in view of marriage or legal partnership in Belgium (family formation)
Same-sex partners who are registered	Y	Same-sex partners who have a legally registered partnership, under the same conditions as other partners who have a legally registered partnership. Upon specific conditions, unmarried partners can submit a visa in view of marriage or legal partnership in Belgium
Dependent persons, i.e. persons receiving legal, financial, emotional or material support by the sponsor or by his/ her spouse/ partner (other than those mentioned above)	Y	The unmarried disabled child, who is older than 18 years old (Art. 10§1, first Alinea, 6° Immigration Act).
Other family members	N	

SECTION 3: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

This section reports on the requirements for exercising the right to family reunification (referred to in Article 6-8 of Family Reunification Directive).

10. Does your country apply the following requirements⁷ for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases):

- Accommodation suitable for the size of the family, as well as meeting health and safety standards? Y/ N. If yes, please describe how this requirement is regulated and checked in practice.

[Article 10, §2, second paragraph, or 10bis, §1, first paragraph, second indent, or 10bis, §2, first paragraph, second indent, of the Immigration Act]

The sponsor must prove that she/he has adequate housing to house the family member(s) applying to join him. This housing must meet the conditions imposed on a building rented out as a main residence, as provided for in Article 2 of Book III, Title VIII, Chapter II, Section 2 of the Civil Code.

How can proof be provided that the sponsor has adequate housing?

- *The sponsor is a third-country national residing legally in Belgium*

Proof may be provided by a copy of the notarial title deeds of the property that serves as the sponsor's main residence, or by a copy of the registered rent contract for the property that serves as his/her main residence.

If the sponsor owns the home that serves as his/her main residence, bank certificates relating to the mortgage loan are also accepted as proof of housing, provided that the sponsor's name is stated on these certificates and the address of the property matches the address of residence listed in the National Register.

A certificate relating to the payment of property tax (cadastral income) is also accepted, provided that the address of the property matches the address of residence listed in the National Register.

Exceptions:

In the following situations (for TCNs), the sponsor does not have to prove adequate housing:

- The sponsor enjoys international protection granted by Belgium (or residence on basis of statelessness), provided that the blood or affinity link already existed before their arrival in Belgium and that family reunification is applied for within the year (12 months) after the decision to grant international protection/decision to grant residence on basis of statelessness;

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

- The sponsor is an unaccompanied minor that enjoys international protection granted by Belgium (or residence on basis of statelessness). Never obligation to prove adequate housing.
- The sponsor is a highly skilled worker (H card), provided that the family unit is already formed in another state of the European Union;
- The applicant submits an EU long-term resident - residence permit or a residence permit issued by the state that granted long-term resident status to the sponsor, as well as proof that the applicant resides in this state as a family member of the sponsor.

Checked by the Immigration office in the context of the family reunification application.

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

YES.

[Article 10, §2, second paragraph, article 10bis, §1, first paragraph, article 10bis. §2, second paragraph, 3° of the Immigration Act]

The sponsor must prove that they have health insurance that covers all risks in Belgium for themselves and their family members. This proof can be provided:

1. either by submitting a certificate from the health insurance company with which they are affiliated;
2. or by taking out travel medical insurance covering the risks in Belgium worth €30,000 (minimum coverage) for 3 months (minimum duration).

The travel medical insurance is mandatory in the following situations (for TCN sponsors):

- The sponsor is affiliated with a health insurance fund, but the health insurance fund does not confirm that the family member will be affiliated upon their arrival in Belgium;
- The applicant is related to the sponsor by a legally registered partnership;
- The applicant is a child, over the age of 25;
- The applicant is a blood relative in the ascending line of a citizen of the European Union;
- The applicant is travelling to Belgium to marry or make a declaration of legal cohabitation there.

Exceptions:

In the following situations (for TCN sponsors), proof that the sponsor has health insurance covering the risks in Belgium does not have to be presented:

- The sponsor enjoys international protection granted by Belgium (or residence on basis of statelessness), provided that the blood or affinity link already existed before their arrival in Belgium and that family reunification is applied for within one year (12 months) after the decision to grant international protection/decision to grant residence on basis of statelessness.

- The sponsor is an unaccompanied minor that enjoys international protection granted by Belgium (or residence on basis of statelessness). Never obligation to prove sickness insurance.

Checked by the Immigration office in the context of the family reunification application.

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

(Article 10, §§ 2 and 5, Article 10bis, §1 and article 40ter, first paragraph of the Immigration Act]

Since February 1, 2025, the sponsor must have **at least €2.131,28 net/month**.

This amount is equal to 120% of the amount referred to in Article 14, §1, 3°, of the Act of 26 May 2002 on the right to social integration (<https://www.mi-is.be/nl/equivalent-leefloon>).

The sponsor's income must be stable and regular. They must therefore submit documents that cover a suitably long reference period.

Not all income is eligible.

In certain cases, the income of other family members may be considered (CJEU, X v Belgische Staat, C-302/18, 3 October 2019).

Having income below the reference amount does not automatically lead to a rejection of the application for family reunification.

Income taken into account:

If the sponsor is **a salaried employee**, he/she may present an employment contract, pay slips, the most recent tax assessment notice from the FPS Finance or the certificate from the FPS Finance showing the future tax to be paid, excerpts from a bank account, a pension slip, proof that she/he is earning rental income, or any other document showing that she/he has stable, regular and sufficient income.

If the sponsor is **self-employed**: he/she must present the following documents:

- a copy of his/her most recent assessment notice of personal income tax, or, if he has not yet received it, the copy of the last declaration sent to the FPS Finance and the detailed simulation of this declaration; and
- proof that she/he is still engaged in a self-employed activity.

As a long period of time may elapse between the sending of the most recent assessment notice by the FPS Finance and the submission of the request for family reunification, the sponsor is recommended to additionally submit all documents that may play a role in the calculation of the tax, as well as all documents that allow to assess his current means of subsistence, e.g:

- evidential accounting documents (balance sheets, bank accounts, invoice books, etc.);
- proof of receipt of rental income ;
- a document showing the amount of social contributions paid, or proof that the sponsor is exempt from them.

This list of supporting documents is not exhaustive.

The amount taken into account in the assessment of means of subsistence is net income i.e. the amount available after payment of taxes and social contributions. If the amount of net income is lower than the required legal amount (120% of the living wage), the sponsor must forward the documents described above and all documents that enable the Immigration Department to assess his/her own needs and those of his/her family.

The sponsor who is a **company manager** must submit the following documents:

- a copy of his most recent assessment notice of personal income tax, or, if he has not yet received it, the copy of the last declaration sent to the FPS Finance and the detailed simulation of this declaration;
- a document indicating the amount of social security contributions paid; and
- a copy of his tax fiche 281.20, with proof that the document submitted to the Immigration Office is identical to the document sent to the FPS Finance (e.g. a stamp of the FPS Finance, a summary statement 325.20, with proof of sending).

As a long period of time may elapse between the sending of the most recent assessment notice by the FPS Finance and the submission of the request for family reunification, the sponsor is recommended to additionally submit all documents that may play a role in the calculation of the tax, as well as all documents that allow to assess the current means of subsistence, e.g:

- tax balance sheets (which will only be taken into account if accompanied by supporting documents)
- pay slips in the capacity of company director;
- personal bank account extracts;
- proof of receipt of rental income.

This list of supporting documents is not exhaustive.

Unemployment benefits may be considered if the sponsor proves that he is actively seeking employment or is not required to.

Income from interim employment earned following a period of unemployment may be considered. This income is also considered if this interim work has been continuously performed for at least one year and generates an income equal to the reference amount.

Disability benefits (income replacement allowance, integration allowance and disability allowance) are considered.

Ineligible income:

The following income is ineligible:

- certain income from supplementary schemes, such as the living wage and supplementary child benefit;
- financial social assistance;
- child allowance;
- tide-over allowance;
- transitional allowance;
- income from an employment contract signed pursuant to Article 60, § 7, of the Organic Law on Public Centres for Social Welfare of 08/07/1976. This agreement must allow the person who signs it to work for a period of time, after which he

can obtain full social security benefits. Incidentally, the employment agreement provides that the agreement will end automatically when the person has worked long enough to obtain full social security benefits. Such an activity is therefore not a source of stable and regular means of subsistence within the meaning of the Act of 15/12/1980;

- the formal obligation commitment made for the benefit of a student (Annex 32). Consequently, the student who wishes to be accompanied or joined by his spouse and his minor children must prove that he has means of subsistence at least equal to the reference amount.

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

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

Since February 1, 2025, the sponsor must have **at least €2.131,28 net/month**.

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

NO.

- The reference period over which this requirement is considered.

The sponsor's income must be stable and regular. They must therefore submit documents that cover a suitably long reference period.

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

See general answer to stable, regular and adequate recourses.

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

In the following situations, the sponsor **does not have to prove stable, regular and adequate means of subsistence:**

- The sponsor enjoys international protection granted by Belgium (or residence on the basis of statelessness), provided that the blood or affinity link already existed before their arrival in Belgium and that family reunification is applied for within the year (12 months) after the decision of the CGRS to grant international protection.
- The sponsor has been authorised unrestricted residence in Belgium for at least 12 months and the applicant is his/her child, his/her spouse's child (or assimilated partner) or a common child, provided that this child comes to live with him/her before reaching 18 years of age, is unmarried and is the only one coming to join the sponsor.

- The sponsor is an unaccompanied minor that enjoys international protection granted by Belgium (or residence on basis of statelessness). Then, there is never an obligation to prove stable and regular financial resources

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

Having income below the reference amount does not automatically lead to a rejection of the application for family reunification. The Immigration Office examines the general situation of the sponsor and determines the income that he must have available to provide for his own and his family's needs, without becoming a burden on the government.

This means that the Immigration Office may consider that the condition is met if the sponsor proves with documents that, with income lower than the reference amount, she/he can meet his/her needs and those of his/her family.

Two types of documents must be submitted with the application for family reunification:

- documents proving that the sponsor has stable and regular means of subsistence and also the amount thereof; and
- all documents that allow the Immigration Office to form a correct picture of the sponsor's financial situation, his needs and the needs of his family (for example, the amount of rent if he is a tenant, the amount of alimony he receives or pays, rental amounts he earns if he rents out property, certain reductions granted on the basis of his personal situation, any premiums, a certificate issued by his bank or the national bank showing that there are no arrears in mortgage loans or consumer credit, etc.).

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

At the stage of the examination of the substance of the case.

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

In the following situations, the income of the other family members is considered:

- The sponsor obtained long-term resident status in another State of the European Union before being authorised to stay in Belgium for more than 90 days, and the family unit was already (re-)formed in this other State of the Union;
- The sponsor has a European Blue Card (H card) and the family unit was already (re-)formed in another state of the European Union.
- According to the case law of the Court of Justice (CJEU, X v Belgische Staat, C-302/18, 3 October 2019), other resources may also be taken into consideration, such as those of the applicant family member or any other person in the household, as it is not the origin of the resources that must be verified but their stable, regular and sufficient nature.

11a. Does the national law of your country require family members specifically applying for family reunification to comply with any integration measures before and/or after admission⁸? Y/ N

NO.

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

12. Does your country set a waiting period⁹ before a sponsor's family members can reunite with him/ her? Y/ N. If yes, how long is the waiting period? Can an application be submitted before the period has expired?

YES.

For family reunification with spouse / assimilated partner / legal partner :

If the sponsor is admitted or authorised to stay in Belgium for an unlimited period of time, or is authorised to settle there, he can only be joined after 12 months. For the calculation of this waiting period, the period during which the sponsor has resided in Belgium for a limited period of time is taken into account.

There is no waiting period in the following situations: (a) The marriage or partnership existed before the sponsor's arrival in Belgium, (b) the partners have a mutual child, and (c) The sponsor is authorised to stay in Belgium as a beneficiary of international protection/has a residence in Belgium on basis of statelessness.

The waiting period is not imposed on the sponsor residing in Belgium for a limited duration (A or H card).

The new governmental agreement indicates that new waiting periods may be introduced during the next legislature, in the context of family reunification with beneficiaries of subsidiary protection.

13. Are there any requirements contained in national law to incorporate the consideration of the reasonable prospect of obtaining permanent residence as laid down in Article 3(1), or otherwise? What are the parameters taken into account to assess such prospects?

NO.

⁸ Article 7(2) of the Family Reunification Directive established that EU Member States may require third-country nationals to comply with integration measures, in accordance with national law.

⁹ Article 8 of the Family Reunification Directive established that EU Member States may require the sponsor to have stayed lawfully on the territory for a period not exceeding two years (or three years by derogation in specific circumstances) before having his or her family members join him or her.

14. If the above conditions are not (completely) fulfilled (accommodation, resources, insurance, integration and/or waiting period), how does your country guarantee that individual circumstances and the best interests of the child are taken into account (e.g. nature and solidity of the person's family relationship)?¹⁰

Applicants can always apply for a humanitarian visa. Nonetheless, the granting of a humanitarian visa is a discretionary competence.

15. In addition to any information you have already provided above, does your country apply the following provisions concerning the more favourable family reunification rules for refugees:¹¹

- Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply?¹² If yes, is this grace period of (minimum) three months extended and if so, for how long?¹³

Yes. The grace period is extended for 12 months. When assessing this 12-month deadline, any special circumstances which make late submission of the application objectively excusable, are taken into account.

- Restriction to relationships established before entry into the country?¹⁴ Y/N. If yes, please specify:

Yes, to benefit from the grace period, the relationship has to precede the family member's entry into Belgium.

- Application of a wider definition of family members (going beyond parents) when it comes to UAMs?¹⁵ Y/N. If yes, please specify:

No, the other family members of a UAM do not have a right to family reunification. However, they can submit a reasoned application for a humanitarian visa application, which will be examined based on his/her own merits.

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

This is taken into account on a case-by-case basis depending on the situation. It is not uncommon for a visa to be granted to the whole family (parents, brothers and sisters who live with the parents applying for family reunification, so as not to leave them alone abroad).

¹⁰ This is laid down in Article 5(5) and Article 17 of the Family Reunification Directive and in the case law of the CJEU.

¹¹ Article 9-12 in Chapter V of the Family Reunification Directive set out more favourable conditions for family reunification of refugees.

¹² Article 7(1) of the Family Reunification Directive.

¹³ Ibid.

¹⁴ Article 9(2) of the Family Reunification Directive.

¹⁵ Article 10(3)(b) of the Family Reunification Directive.

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

YES.

17. Are the requirements for family reunification in your country more favourable for the family reunification of EU Blue Card holders, researchers and intra-corporate transferees?¹⁶ Y/N If yes, please provide details on how these requirements are more favourable for each category.

YES.

Similar to other long-term family **reunification applications from family members of single permit holders, the family members of researchers, intra-corporate transferees and Blue Card single permit holders** that have obtained a single permit in Belgium can benefit in general from more flexible rules and quicker processing times if their application is submitted simultaneously or within six months after the visa application of the sponsor:

- Proof of financial resources: single permit/future employment contract is often sufficient;
- Proof of housing: can be provided by a hotel reservation, temporary housing or housing provided by the employer;
- Proof of health insurance: can be provided by the employer's insurance, if this covers the family members as well;
- Processing times of the application: the diplomatic or consular post can autonomously grant a family reunification visa when all documents are presented, without sending the file to the Immigration Office first for approval. This drastically reduces the processing times from max. 9 months to 1-2 weeks.

Researchers with hosting agreement: family members of researcher single permit holders will receive a decision within 90 days following their application. However, if they submit their application simultaneously with the main applicant, their applications will also be treated simultaneously.

Additionally, non-EEA family members of researchers that already benefit from family reunification in another EU member state – where the researcher holds a researcher permit – are allowed to join the researcher in Belgium via more flexible conditions when exercising their short-term mobility rights.

1. No formal residence or visa application required: spouses, legal partners, minor (step-)children and adult handicapped (step-)children can join the researcher upon simple notification from the research institution to the Immigration Office. If the Immigration office does not object to the mobility within 30 days upon receipt of the notification, the residence rights are granted. However, they do not need to wait for the response to already start the mobility rights.

¹⁶ Article 17 and Article 22 of the revised Blue Card Directive; Article 26, Article 27(3) and Article 30 of the Students and Researchers Directive; Article 19 of the Intra-Corporate Transferees Directive.

2. Documentary requirements are less strict:

- Valid passport
- Proof financial means of researcher (this can be proven by their income as researcher)
- Proof of criminal record (if over 18 years old)
- Residence permit based on family reunification in the other EU member state (valid for the entire period of mobility)
- Proof that the researcher-sponsor will also be residing in Belgium for his research project

3. Lower income requirements:

- The minimum salary threshold for researchers is in Belgium equal to the GGMMI (guaranteed average minimum monthly income), which is 2.070,48 EUR gross/month.
- This therefore means a deviation from the income requirement in regular family reunification cases, where a monthly income of 2.089,55 EUR net/month is (generally) required.

Intra-corporate transferees: Family members of EU ICT single permit holders will receive a decision within 90 days following their application. However, if the family members submit their application simultaneously with the main applicant, the applications will also be treated simultaneously.

EU Blue Card: Family members of EU Blue Card holders will receive a decision within four months following their application.

18a. Please indicate any challenges experienced by

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

The main challenges faced by sponsors and family members concern compliance with material conditions, in particular housing and sufficient resources.

As far as housing is concerned, many sponsors have difficulty finding suitable accommodation at a moderate rent. These difficulties are exacerbated by the lack of support services to help families find accommodation. In addition, this condition must be met when the visa application is submitted, forcing sponsors to pay high rents for many months while family members have not arrived yet on Belgian soil.

As far as the sufficient resources is concerned, the amount requested by the authorities is particularly high given inflation (while salaries do not always follow suit), income of the applicant-family member is not taken into account, and not all types of income are taken into consideration

Furthermore, some dependant family members that are part of the family unit (such as de facto adopted children, young adult children) do not have a right to family reunification and can only apply for a humanitarian visa application (uncertain outcome, long examination period, costly process). This in turn can hinder the effective exercise

of the right to family reunification for the family members having a right to family reunification, not being able to leave those dependant family members behind.

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

N/A.

18b. Have there been any good practices put in place to overcome the above-mentioned challenges or to facilitate the family reunification procedure, including innovative practices, work with the diaspora or facilitation of the access to information? Y/N. Please indicate according to whom this is a good practice (e.g. through studies/ evaluations/expert opinions).

Procedural practice shows that the improvement of the Immigration Office's website is considered a best practice (does not only include the law, but also the administrative practice). The website is also largely translated to English.

SECTION 4: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION

This section reports on the process for submitting and examining an application for family reunification in the host country or abroad covered by Chapter III of the Family Reunification Directive, including the procedures for verifying the fulfilment of the requirements/ measures listed in Section 2 above

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

The **Immigration Office** has a website with much information available (FR, NL and mostly EN): <https://dofi.ibz.be/en/themes/third-country-nationals/family-reunification>

Each **diplomatic post** has a website containing information on the procedure (FR, NL and EN). However, the information is not exhaustive and varies from one diplomatic post to another. Finally, specific information (eg about fees) is not always intuitively findable: <https://diplomatie.belgium.be/en/embassies-and-consulates>

The **external service providers** with which the diplomatic posts collaborate in the visa procedure also have a website for each country. However, the information on these sites is not always accurate or exhaustive.

UNHCR Belgium has information available for family reunification with recognised beneficiaries of international protection (NL, FR and EN): [https://help.unhcr.org/belgium/en/family-reunification/#:~:text=Family%20reunification%20is%20only%20possible,subsidiary%20protection\)%20or%20Belgian%20nationality](https://help.unhcr.org/belgium/en/family-reunification/#:~:text=Family%20reunification%20is%20only%20possible,subsidiary%20protection)%20or%20Belgian%20nationality)

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

20a. Who can lodge the application for family reunification in your country: the sponsor or his or her family members?¹⁷

The family member.

20b. If the sponsor must submit an application for family reunification, where and how can this application be submitted (e.g. in person, online, etc.)? Please also indicate whether a different procedure applies to sponsor who are unaccompanied children (e.g. submission via legal representative).

N/A

20c. If the sponsor's family members must submit an application for family reunification, where can this application be submitted (e.g. consulate of the country abroad, possibility to submit the application in the host country, online submission, etc.)?

In principle, the application for family reunification is made by submitting an application for a long-stay visa to the relevant diplomatic post. The family member must appear in person at the diplomatic post. In most countries, the post works with an external service provider. In this case, the visa application must be submitted to this service provider ((VFS Global, TLS Contact,...).

In a limited number of cases, the family member can submit his or her application directly in Belgium (i) or via an online submission (ii).

(i) The number of situations in which the application for family reunification in Belgium can be filed is limited.

The application for family reunification can be submitted in Belgium in the following situations:

1. The person applying for family reunification is already authorised to stay in Belgium for a limited period of time (more than 3 months) and the conditions for family reunification are met.
2. The person applying for family reunification is exempt from the visa requirement for a short stay in the Schengen area and the conditions for family reunification are met (practice).
3. The person applying for family reunification has received a visa to marry or cohabit legally in Belgium and they got married before the visa expired.
4. Exceptional circumstances prevent the person applying for family reunification from applying abroad (visa application). More specifically, this is the case when exceptional circumstances prevent the applicant from submitting their application to the Belgian diplomatic or consular post competent for the place where they

¹⁷ Article 5 of the Family Reunification Directive specifies that EU Member States determine whether, in order to exercise the right to family reunification, an application for entry and residence must be submitted to the competent authorities by the sponsor or his or her family members.

reside abroad, in accordance with Article 12bis§1, paragraph 1 of the Immigration Act.

[Article 12bis, §1, second paragraph of the Immigration Act]

(ii) Online submission

By way of derogation, persons entitled to family reunification who find it impossible or excessively difficult to submit their visa application in person may submit their application by remote communication to the Belgian diplomatic or consular post responsible for their place of residence. This mainly concerns applicants who are in a country or region affected by war or conflict and where Belgium does not issue visas. The applicant sends an e-mail to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for him/her to submit the visa application in person. The post evaluates whether it can accept a visa application introduced through a remote means of communication. In the event of a positive evaluation, the applicant can send his/her file to the post by e-mail. The personal appearance of the applicant at a later stage of the procedure remains compulsory for identity verification, biometric identification and, if necessary, an interview.

20d. What documentary evidence is required from the applicant to confirm i) his or her identity and ii) the family relationship? Please describe separately for each category of family members. Please also indicate if apostille, legalisation or other practices related to the validation of the documents are requested and their associated cost.

More specifically, for identity purposes (all family members) the state may require:

- Valid passport or travel document (minimum validity of 12 months)
- Family members of beneficiaries of refugee status/subsidiary protection/statelessness status can – if impossible to obtain a valid travel document – request a laissez-passer. The competent Belgian diplomatic post will examine on a case-by-case basis whether it's impossible or extremely difficult to obtain a travel document. Applicants should submit evidence at the time of the application.

For family relationship:

- Spouse: marriage certificate. If done by proxy: power of attorney is required.
- Assimilated partnership: certificate of partnership (only applicable for partnerships in Germany, Denmark, Finland, Iceland, Norway, Sweden or the UK). If done by proxy: power of attorney is required.
- Registered partnership: official act of registered partnership. If done by proxy: power of attorney is required.
- Children: birth certificate

Legalisation is required for all foreign documents, unless exempted. Cost of legalisation is 25 EUR per document (in local currency) at the diplomatic cost, but legalisation costs for origin countries may differ.

Sworn translation is required for all documents that are not in Dutch, French, English or German. The translation must also be certified by the diplomatic post.

20e. What alternative evidence or methods of investigation are employed by the competent authorities in your country in the absence of documentation (DNA testing, interviews, or alternative means to prove identity and/or family relationships, etc.)?

Proof of family relationship (cascade system)

Family members who are **unable to establish their parental relationship or relationship to a relative or in-law by means of official documents** may present other valid proof of this relationship. If it is not possible to submit other valid proof, the central authority responsible for examining visa applications (Directorate-General Immigration Office - Federal Public Service Interior) may set up an interview or undertake any investigation necessary, and may, if necessary, propose an additional analysis (DNA-test).

The use of a **DNA test** to establish a family relationship **is not compulsory** (the test is carried out on a voluntary basis), but the choice is neither left to the applicant. The central authority responsible for examining visa applications only proposes this measure as a last resort (Directorate-General Immigration Office - Federal Public Service Interior).

An interview or a DNA test require an in-person presence at the diplomatic post.

This **cascade system is mandatory** for the authorities when concerning **family members of beneficiaries of refugee status/subsidiary protection/stateless status** that are unable to present official documents. In other cases, this is optional.

The Belgian state may also ask for other documents such as birth certificates and certificate of non-impediment to marriage.

Please indicate whether any of these elements require in-person presence in the country of departure and how do you operate or what kind of cooperation agreements with other EU Member States or partners you have when you do not have an embassy in the country of departure.

For DNA test applicants should always go to the post where application was submitted. The same applies for interviews.

20f. Is the applicant (be it either the sponsor or the family member) required to pay a fee to apply for family reunification? If yes, what is the level of this fee and are there exceptions to the payment of this fee? Please also indicate whether there are any additional costs linked to the procedure which must be borne by the applicant, such as DNA testing, participation in tests or exam, legalisation of documents, exit and travel costs (including visa), etc.

The family reunification visa procedure involves significant costs, which can be summarised as follows:

- Travel costs to the diplomatic post, in some cases this includes the cost of a visa to enter that country.
- Consular fees, which cover the costs of the diplomatic post (€180 per person).
- Service provider fees (vary from country to country, with a maximum of €40 per person)
- Fees to cover the costs of the Immigration Office (€236). Family members of beneficiaries of international protection and minors are exempt from these fees.

- Fees for legalization (€25), certified copies (€20) and certification of documents by the diplomatic post (€20). These fees are payable per document. In addition to these costs, there are costs relating to the country of origin (collection of documents, legalization, translation by a sworn translator, etc.).
- The cost to obtain a travel document.
- The cost of obtaining a medical certificate (varies from country to country - between €50 and €300 approx.)
- The cost for DNA test (242€ per family member).
- Travel costs to Belgium. For some countries, this may involve obtaining an exit visa.

20g. Does your national law provide for a rejection of an application for entry and residence, the withdrawal or non-renewal of the residence permit of family members on grounds of public policy, public security or public health?¹⁸
Y/ N

If yes, what is the procedure in place to verify whether or not the family member(s) constitute a **threat to public policy, public security or public health?**

Yes. The applicant must provide:

- a medical certificate proving that they are not affected by any of the diseases listed in the annex to the Immigration Act, which may pose a danger to public health.
- an extract from the criminal record or an equivalent document.

20h. How are the best interests of the child taken into account during the examination of the application?¹⁹ Please indicate how is the assessment performed and what kind of coordination mechanisms you have put in place with the relevant authorities in the departure countries.

Case-by-case examination, with the possibility of granting a humanitarian visa in exceptional circumstances.

21. Taking the different steps above into account, what is the duration of the procedure deciding on an application for family reunification in your country – both according to law and in practice:

- Legal time limit for deciding upon an application? Please also indicate what is the period under which an appeal of the decision can be lodged.

9 months, possibly extended by twice 3 months for family members of third-country nationals. 6 months for family members of Belgian nationals.

An appeal may be lodged with the Council for Alien Law Litigation, within 30 days of notification of the refusal decision.

¹⁸ Article 6 of the Family Reunification Directive establishes that EU Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.

¹⁹ Article 5(5) of the Family Reunification Directive establishes that when examining an application, the EU Member States shall have due regard to the best interests of minor children.

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

Average processing time (from the time the visa application is submitted) is currently:

7 months for family members of third-country nationals

8 months for family members of refugees

4.5 months for family members of Belgians.

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

Creation of a 'workspace' for the family reunification department, including a practical guide, case law and important rulings as well as documentation relating to different countries. In addition, the Immigration Office is investing in making their employees more polyvalent.

22. Is a visa required for family members to enter the territory of your country or is the residence permit delivered abroad?²⁰

With certain exceptions (see 20c), family members must obtain a family reunification visa to enter the country. Once in the country, family members must register at the local administration and may obtain a residence permit.

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

STEP 1: create a user account

This account must be created on <https://visaonweb.diplomatie.be/> (This hyperlink opens a new window) by the foreign national applying for family reunification or by the sponsor or by a third party assisting them with their application.

STEP 2: fill in an application form

The user fills in a visa application form online. He or she will indicate clearly the purpose of the visa application and, if necessary, add a comment.

The user sends the completed and validated form. Then he or she will receive a copy of the form at the email address provided on his or her account.

If family reunification involves several members of the same family, one account can be used to fill in and send several application forms.

STEP 3: make an appointment to submit the visa application

The user makes an appointment via the website of the external service provider with which the diplomatic or consular post works.

STEP 4: submit the visa application

²⁰ Article 13 of the Family Reunification Directive requires EU Member States to facilitate the entry of family members by authorising their entry and providing assistance in obtaining the necessary visas once their application for family reunification is accepted.

On the day of the appointment, the applicant must go in person to the Visa Application Centre (VAC) selected when making the appointment.

By way of derogation, persons entitled to family reunification who find it **impossible or excessively difficult to submit their visa application in person** may submit their application by remote communication to the Belgian diplomatic or consular post responsible for their place of residence. [CJEU - Judgment of 18 April 2023 in case C-1/23 PPU]

This mainly concerns applicants who are in a country or region affected by war or conflict and where Belgium does not issue visas.

The following procedure must be followed:

1. The applicant (or his/her representative) sends an e-mail to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for him/her to submit the visa application in person.

2. The post evaluates whether it can accept a visa application introduced through a remote means of communication.

In the event of a positive evaluation, the post sends the applicant a visa application form and instructions on how to pay the visa fee.

In the event of a negative evaluation, the post will inform the applicant by e-mail. The applicant must then follow the usual procedure (see above).

3. Applicant authorized to submit his/her application through a remote means of communication can send his/her file to the post by e-mail. This file must include the following documents:

- the visa application form received by e-mail, completed, signed and printed out;
- a valid travel document;
- proof of payment of the fee, unless exempted;
- documents proving that the conditions for family reunification have been met.

If the original documents issued abroad have not been presented for legalization prior to submission of the visa application, the applicant must enclose a good-quality, color copy of both sides of these documents with the application.

4. If payment has been made, the visa application is registered and forwarded to the Aliens Office for further processing.

ATTENTION: The personal appearance of the applicant at a later stage of the procedure remains compulsory for identity verification, biometric identification and, if necessary, an interview.

Original documents must still be presented at a later stage of the procedure to verify their form and authenticity, at the latest when the visa is issued if the conditions for family reunification are met.

The presentation of a travel document in which a visa can be affixed at a later stage in the procedure remains obligatory, at the latest when the visa is issued.

The visa will not be issued to an applicant who has not appeared in person at least once during the procedure or who has not presented the original supporting documents.

On the day of the appointment, the applicant must submit the following documents:

- the appointment confirmation;
- the visa application form received by e-mail, completed, signed and printed out;
- a valid personal travel document;
- proof of payment of the fee, unless exempted;
- proof of payment of the visa handling fee, unless exempted;
- proof of payment of the service fee determined by the VAC;
- documents proving that the conditions for family reunification have been met.

Applicants whose files are not complete may decide to submit their visa application later on. In this case, they will be given their file and will make a new appointment online once they have completed their file.

By way of derogation, the visa application of family members of a foreign national whose refugee status has been recognised by Belgium or who has been granted subsidiary protection, is taken into consideration as soon as the following documents have been submitted:

- the visa application form received by e-mail, completed, signed and printed out;
- a personal travel document in which a visa can be affixed or, if the applicant is unable to present this document, another proof of identity (or several other proofs of identity) to which the competent Belgian diplomatic or consular post gives weight (cf. travel document) ;
- proof that the sponsor is a foreign national whose refugee status has been recognised by Belgium or who has been granted subsidiary protection.

The applicant must also pay the **handling fee** and the **service fee** determined by the VAC. The VAC will take **a photo and fingerprints** of the applicant.

STEP 5: sending of the visa application

The VAC sends the visa application and the file to the relevant diplomatic or consular post.

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

Diplomatic posts are not bound by legal deadlines for forwarding visa applications to the Immigration Office. However, they are instructed to do so within one month, given the legal processing deadlines indicated in the answer to Q21.

Time limits

- 9 months, possibly extended by twice 3 months for family members of third-country nationals
- 6 months for family members of Belgian nationals.

An appeal may be lodged with the Council for Alien Law Litigation, within 30 days of notification of the refusal decision.

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

See answer to Q21.

22d. Have any specific measures been taken by your country to shorten processing times for the visa and to facilitate the visa procedure? Please also indicate if there are any limitations to the number of visas that can be issued in a given period of time.

Most diplomatic posts work with external service providers responsible for receiving visa applications.

There is also a project to digitise the entire visa procedure. A pilot project is currently underway in seven countries (China, Turkey, Russia, Iran, Tunisia, Morocco and Cameroon). The full roll-out will take place in early 2025. This will involve separating the place of introduction from the place of processing. In practical terms, the entire file will be scanned by the service provider, after which the Immigration Office and the diplomatic post have access to the file.

23. Does your national law provide for a rejection of an application for entry and residence, or the withdrawal or non-renewal of the residence permit of family members:

During the first 5 years of their stay in Belgium, family members will have to prove that the requirements for family reunification are still met. If the Immigration Office considers that the family members no longer fulfil the conditions, it may decide to terminate the residence of the family members and withdraw the residence permit. This may happen, for instance, if the family members (art. 11 § 2 of the Law of 15 December 1980):

- no longer meet one of the conditions set for the granting of the visa;
- no longer effectively live a married or family life;
- in the event of a registered partnership, married or entered into a lasting relationship with another person;
- concluded the marriage, partnership or adoption solely for the purpose of enabling entry into or residence in Belgium.

The residence permit can also be withdrawn if the sponsor or family member have used false or misleading information (or falsified documents) during the family reunification process, or committed fraud or have used other illegal means that have contributed to the acquisition of his residence permit (art. 74/20, §2, par.1 et 74/21, par.2 of the Law of 15 December 1980).

In some cases, the residence permit as a beneficiary of international protection can be revoked. In this case, the residence of the family members may also be terminated (art. 11, §3, par. 4 of the Law of 15 December 1980).

The Belgian authorities can always decide to carry out checks in view of extending or renewing the residence permit, notably if there were presuppositions based on fraud or in order to verify whether you continue to meet the conditions for family reunification (art. 11, §2, par. 3 and Art. 74/20 §4 of the Law of 15 December 1980).

23a. where the conditions laid down by the Family Reunification Directive are not or are no longer satisfied (sufficient resources, accommodation, insurance, etc.) Y/N

YES (see Q23).

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

YES (see Q23).

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

YES (see Q23).

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

YES (see Q23).

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

YES (see Q23).

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

YES. This applies equally to situations where the sponsor's residence permit comes to an end.

25a. Please indicate any challenges experienced by:

- i) sponsors and/ or family members throughout the above-mentioned procedure(s) (lengthy procedures, difficulty in gathering documents, accessing consular posts, etc.);

The main challenges faced by family members and their sponsors in the family reunification procedure can be summarised as follows (particularly in a context of conflict and need for international protection):

- The procedure is complex (deadlines, conditions, documents to be produced, etc.) and access to information is inadequate. Adequate support is necessary to

exercise their right to family reunification, and there are not enough services that can adequately accompany sponsors in the process. Specifically in a refugee context, Belgian legislation requires refugees to assert their rights expeditiously after being granted refugee status, at a time when their knowledge of the Belgian's languages and procedures may be relatively rudimentary.

- For some regions, access to the diplomatic post remains problematic and online submission facilities are inadequate.
- Most diplomatic posts work with external service providers to submit visa applications. The operation of some of these service providers is problematic (incorrect information, refusal to accept certain applications, etc.). These difficulties are particularly acute for family members of beneficiaries of international protection who benefit from special rules.
- In some countries, making an appointment with a service provider (to submit the visa application) can take many months (lack of available appointments) and is particularly difficult due to computer bugs.
- The costs of the procedure as described above can be particularly high. It is not uncommon for families to abandon the procedure for lack of sufficient means.
- For some countries, it can be particularly difficult to obtain the documents requested and the principle of cascade proof is not sufficiently applied.

ii) [your national authorities in the implementation of the examination procedure \(such as limited administrative capacities, division of competences between relevant national authorities, difficulty in the assessment of the family relationship, etc.\). Please indicate according to whom this is a challenge. \(e.g. through studies/ evaluations/expert opinions\)](#)

The Immigration Office faces a number of challenges:

- Processing applications within limited timeframes while the number of applications increases (For example, there was a 26.9% increase in applications in 2024 - compared with 2023 - without a corresponding increase in staff).
- Assessing the reality of family relationships and resources.
- Keeping up with developments in the field (linked to decisions by the courts and tribunals).

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

Improvement website Immigration Office (see before). Furthermore, the new procedure that resulted from the Afrin-case law facilitated some procedures, but brought at the same time new challenges related to legal certainty, added work load, etc.

SECTION 5: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION

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

26. Are family members entitled (in the same way as the sponsor) to access the following rights²¹ in your country:

26a. Access to education? Y/ N.

26b. Access to employment and self-employed activity?²² Y/ N

Adult beneficiaries from family reunification have unlimited access to the labour market in all scenarios (as employees).

For self-employed activities, a professional card would be required (subject to conditions), except for:

- Family members of Belgian/EEA citizens
- Non-EEA family members of non-EEA citizens after having obtained unlimited residence rights in Belgium (typically only after 5 years).

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

27. After how many years of residence and under which conditions (if any) family members are entitled to an autonomous residence permit independent of that of the sponsor?

Family members can typically apply for a long-term residence status after 5 years, unless the residence rights of the sponsor are temporary/limited (e.g. students, posted workers, ...).

Upon obtaining unlimited residence rights, family members will also be eligible to obtain Belgian citizenship if they have worked during those 5 years and completed integration/language courses.

The parents (father and mother) of an accompanied foreign minor who has been admitted to stay in Belgium as a beneficiary of status have a right to family reunification. This right must be recognised if the persons concerned can prove, by means of documents, that the conditions for family reunification have been met.

²¹ Article 14 of the Family Reunification Directive establishes that family members are entitled (the same way as the sponsor) to access education, employment and self-employed activity, as well as vocational guidance and training. Article 15 of the Family Reunification Directive additionally specifies that family members are entitled to apply for autonomous right of residence after no later than five years, independent of that of the sponsor (also in case of dissolution of family ties).

²² In addition to the Family Reunification Directive, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of Blue Card holders or ICTs. Please elaborate on such specificities in the above answer.

28. Is an autonomous residence permit granted in case of exceptional circumstances such as widowhood, divorce, separation or death? Please detail what qualify as exceptional circumstances in your national law.

No legal framework, but in cases of divorce, separation or death of the sponsor, individual account is always taken of the age, nature and strength of the family ties, the length of residence in Belgium and the family, cultural and social ties with the country of origin. Family members are given the opportunity to develop their arguments as part of their right to be heard.

YES. Victims of domestic violence :

Respecting some conditions, the law provides a form of protection for victims of domestic violence who have benefited from family reunification (see article 11§2 paragraph 4 of the Immigration Act).

For certain offences (rape, poisoning, assault and battery or attempted murder), the Immigration Office cannot terminate the residence permit.

For other situations of violence, the law specifies that the Immigration Office must take particular account of the situation of people who are victims of domestic violence, who no longer form a family unit with the person they have joined and require protection. In this context, the Immigration Office has a margin of discretion as to whether or not to maintain the residence permit.

However, the law does not provide protection for family members who have joined a third-country national who is staying in Belgium for a limited period and who are victims of domestic violence.

29. What other rights are granted to family members in your country, for example, healthcare, social benefits, housing and social housing, possibility for family members to apply for long-term residence status or naturalisation, etc.? For each right granted, please specify what access entails in practice, and under what conditions.

30. Are family members of refugees and/ or beneficiaries of subsidiary protection or holders of similar protection statuses granted refugee/ subsidiary protection status or similar protection statuses in their own right or on a 'derived' permit (from that of the sponsor)? Please clarify how the type of permit issued differs in terms of its validity and rights attached to it.

Family members of the beneficiary of international protection must apply for international protection in order to obtain protection status. This will be analysed on a separate basis from the sponsor (no derived protection).

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

32b. Please provide any examples of identified (e.g. through studies/ evaluations/expert opinions) good practices with regard to the provision of education/ access to the labour market and vocational guidance and training/ right to autonomous residence for family members in your country/ etc, including support before departure to ensure better access once in the host country.

SECTION 7: CONCLUSIONS

Belgian legal and policy framework

The Belgian family reunification framework has undergone a make-over in recent year(s) and will more than likely undergo even more changes in the next legislature. At the same time, case-law has played an important role in shaping the Belgian legal and policy framework.

Important for the Belgian legal order was the Afrin-case, which allowed for a new procedure for family reunification applications. According to the new procedure, applicants authorised to submit their application remotely can submit their file to the diplomatic or consular post via email. Applicants can send a request to the relevant diplomatic or consular post stating the reasons why it is impossible or excessively difficult for him/her to submit the visa application in person. If authorised, they can submit their application remotely to the diplomatic or consular post via email. Other influential case-law includes the CJEU case law on the time limits for submitting applications for family reunification for family members of beneficiaries of international protection (CJUE, 7 November 2018, K and B against Staatssecretaris van Veiligheid en Justitie, C-380/17; CJUE, 01 August 2022, Bundesrepublik Deutschland against XC C-279/20; CJUE, 12 April 2018, A and S against Staatssecretaris van Veiligheid en Justitie, C-550/16), which led to legal amendments. Other legislative changes, such as the introduction of a new residence permit on the basis of statelessness, were the consequence of the case-law of higher Belgian courts, such as the Constitutional Court, whose judgment indirectly led to new conditions for previously stateless persons, who, for family reunification reasons, are almost completely equated to persons with international protection.

The changes announced by the new federal Belgian government seem to indicate a tightening of current rules, by, amongst others, increasing the amount of resources required to bring in a family member, reducing the period where family members of refugees are exempted from material conditions, introducing a two-year waiting period for family reunification with beneficiaries of subsidiary protection, integrating language tests for certain categories of person.

When certain persons cannot apply for family reunification, Belgian legislation provides for other legal avenues. The parents of an accompanied minor, who has been admitted to stay in Belgium as a beneficiary of international protection status, have a right to a residence status. This right must be recognised if the persons concerned can prove, by means of documents, that the conditions for this residency status have been met. The minor must stay in Belgium accompanied by one or both parents. This is a transposition of Article 23 of the Qualification Directive.

In addition, people who do not qualify for the above categories can apply for a humanitarian visa (long stay). Contrary to family reunification, a humanitarian visa is a favour granted by the Belgian authorities and does not rely on a specific list of

conditions. The discretionary power of the Immigration Office makes the outcome for applicants uncertain.

Best practices, challenges and requirements for exercising the right to family reunification

One of the best practices national stakeholders identified, is the website of the Immigration Office. It extensively lists the requirements that need to be fulfilled to benefit from the right to family reunification. The website is well structured and translated in different languages.

However, the extent of the website also reflects the complexity of the procedure. Requirements differ per category and not all information is there (because of the division of competences within the Belgian state). Additionally, not all the different sections of the website are translated into English.

Economic migrants seem to have to abide by less stringent rules than those who are excluded from the 'grace period' requirements. For example, their proof of housing can be less stringent.

Nonetheless, all categories of sponsors seem to struggle to find suitable accommodation at a moderate rent. These difficulties are exacerbated by the lack of support services to help families find accommodation. In addition, this condition must be met when the visa application is submitted, forcing sponsors to pay high rents for many months while family members have not arrived yet on Belgian soil.

As far as the sufficient is concerned, the amount requested by the authorities is particularly high given inflation (while salaries do not always follow suit), income of the applicant-family member is not taken into account, and not all types of income are taken into consideration

Furthermore, some dependant family members that are part of the family unit (such as de facto adopted children, young adult children) do not have a right to family reunification and can only apply for a humanitarian visa application (uncertain outcome, long examination period, costly process). This in turn can hinder the effective exercise of the right to family reunification for the family members having a right to family reunification, not being able to leave those dependant family members behind.

Other challenges indicated are that the procedure is complex (deadlines, conditions, documents to be produced, etc.) and access to information is inadequate. Adequate support is necessary to exercise their right to family reunification, and there are not enough services that can adequately accompany sponsors in the process. Specifically in a refugee context, Belgian legislation requires refugees to assert their rights expeditiously after being granted refugee status, at a time when their knowledge of the Belgian's languages and procedures may be relatively rudimentary.

For some regions, access to the diplomatic post remains problematic and online submission facilities are inadequate.

Most diplomatic posts work with external service providers to submit visa applications. The operation of some of these service providers is problematic (incorrect information, refusal to accept certain applications, etc.). These difficulties are particularly acute for family members of beneficiaries of international protection who benefit from special rules.

In some countries, making an appointment with a service provider (to submit the visa application) can take many months (lack of available appointments) and is particularly difficult due to computer bugs. The costs of the procedure as described above can be

particularly high. It is not uncommon for families to abandon the procedure for lack of sufficient means.

For some countries, it can be particularly difficult to obtain the documents requested and the principle of cascade proof is not sufficiently applied.

Finally, the Immigration Office indicated an increased workload, without this being accompanied by staff reinforcements. This results in less time to keep up with developments and less time to complete assessments of the reality of family relationships and resources.