

## AD HOC QUERY

### **Ad-hoc query requested by France regarding residence conditions applicable to TCNs based on their family links (21 answers) – November 2020**

#### BACKGROUNDS

In the framework of a reflection on the residence conditions applicable to TCNs based on their family links with its TCN residents, the French Directorate for integration and access to nationality would like to ask the other EU Member States whether they have implemented a level of language requirement for TCNs applying for family reunification with another TCN or a national and if so, what are the conditions and the procedures.

#### KEY FINDINGS

Among responding countries, only Austria and Germany have implemented a level of German knowledge for TCNs applying to family reunification with a language level at least equivalent to A1 for a first residence permit application (as from the age of 14 in Austria and 16 in Germany).

Some categories are exempted from this requirement in Germany<sup>1</sup>. Moreover the unmarried minor children over the age of 16 has to prove its knowledge in the German Language at least equivalent to C1 level.

Proofs of sufficient German language skills include generally recognized language diplomas from certain institutions. Such institutions propose German courses in third countries.

In Italy, the language requirement is a condition for future applications by third country nationals to obtain/renew residence permit as family members. From the perspective of the applicant – legally residing in Italy, language requirement is a prerequisite to obtain a valid residence permit which allows the submission of family reunification's application. From the perspective of the applicant – legally residing in Italy, language requirement is a prerequisite to obtain a valid residence permit which allows the submission of family reunification's application.

In all the other responding countries, the language requirement is not a condition for filing a family reunification application. However this condition will be examined in the future applications for renewing residence permits or for permanent residence permit applications as an integration criteria in many countries (such as LT, NL).

In Slovenia, this topic to implement a language requirement in the family reunification procedure (and also in permanent residence permit applications) will be addressed in future amendments of the Foreigners Act.

*List of responding Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden.*

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<sup>1</sup> Especially in case of physical or mental illness, if the person is unable or can't reasonably be expected to undertake efforts to acquire a basic command of the German language before entering the country, if the spouse holds a university degree or an equivalent professional qualification, if the foreigner holds a specific permanent residence permit issued to researchers or to self employed workers or a blue card, or to refugees.