



European
Commission

FINAL OPEN Summary of EMN Ad-Hoc Query No. [2019.107]

Means of Subsistence for Schengen Visa

Answered by AT, BE, CY, CZ, DE, EE, EL, FR, HU, HR, LT, LU, LV, NL, PL, PT, SE, SI, SK, and UK.

BACKGROUND

If a foreign national who applies for a visa does not have sufficient financial means for his/her stay in the Netherlands, the transit and/or the return trip, he/she could be granted a visa by means of a Sponsorship (Article 14 sub 4 Visa Code). A Sponsor is someone residing in the Netherlands who will sponsor the intended stay financially. The sponsor signs a declaration of sponsorship that he/she will meet the costs of the visitor's stay in the Netherlands and his/her departure from the Netherlands. The Ministry of Foreign Affairs will examine the proof of sponsorship and will determine whether the Sponsor has the financial means to provide a sponsorship and whether he/she is solvent. His/her means should not be dependent on State subsidies. In the Netherlands a Sponsor is solvent when he has a gross monthly income that is at least equivalent to the gross statutory minimum wage rate for married couples without holiday bonus. This rate is as from the 1st of January 2019 set at € 1615,80 per month. Upon submitting the application, this income must still be available for at least 12 months. However, case law in the Netherlands has not endorsed the requirement of availability of the income for another 12 months and does not permit to examine whether the sponsor has ongoing income for another year.

According to these case law verdicts it can only be examined whether the sponsor has sufficient income or means to cover the costs of the intended stay and the costs of the applicants departure from the Netherlands to his country of origin or a third country.

The Netherlands seeks information about the policy of other EU-countries regarding the conditions and examination of the financial means of a sponsor with reference to the application of short-stay visa.

Questions

The following questions have been asked in this ad-hoc query:

1. What does your Member State consider "sufficient means" with reference to the application for a short-stay visa?
2. Does your Member State accept sponsorship if the applicant does not meet the required financial means?
3. If yes, what are the (financial) requirements set to fulfil a sponsorship?
4. Is the sponsor held accountable for the costs of stay and departure in case of overstay or with reference to an application for long stay?
5. If yes, up to which amount are the costs claimed at the sponsor?
6. If yes, in which national regulations are the rules relating to claiming adopted?

INTRODUCTION

Similar to the Netherlands, all the Member States that answered this AHQ ask applicants of short-stay visa to prove they have sufficient financial means for their stay and for their return trip. What is understood by sufficient means however can be quite divergent. The same applies to the possibility to support applicants for a visa when they do not meet the financial means for the visa themselves.

MAIN FINDINGS

Meaning of 'Sufficient Means'

What is considered 'sufficient means' with reference to the application for a short-stay visa, differs in the various countries.

- ★ In **most Member States (BE, DE, EE, FR, HR, HU, LV, LU, NL, SE and SK)** it entails the following aspects: sufficient means of subsistence for the duration of the intended stay and for the return journey to the country of origin / transit to a third country where access

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is guaranteed, or to be able to legally acquire these means of subsistence.

- ★ The **Czech Republic, Greece, Lithuania, Poland, Portugal, Slovenia and the United Kingdom** mention sufficient means of subsistence for the duration of the intended stay, but do not mention the return journey.
- ★ The sum attached to the means of subsistence varies from country to country. Sometimes the asked amount is dependent on the used accommodation, the minimum subsistence level of the country or the duration of the stay. The range goes from € 4,70 per day (specific cases in **Poland**, with a minimum of € 100) until € 120 per day (specific cases in **France**). In **Belgium** the sum can be adjusted upwards if the purpose of the stay justifies this (for example: luxury trip or medical treatment). Some countries, like the Netherlands, Lithuania and Sweden, use a fixed sum per day. Other countries, like Belgium, France use different sums depending on the accommodation (private or hotel). The **United Kingdom** has no set level of funds required to show that the traveler meets the desired means of subsistence. Similarly, **Cyprus** examines each case on a case-by-case basis.

Acceptance of sponsorship

- ★ Almost all countries, (**18 in total: BE, CY, CZ, DE, EE, FR, HR, HU, LT, LV, LU, NL, PL, PT, SE, SI, SK, UK**) accept sponsorship if the applicant otherwise does not meet the required financial means for the short-stay visa. Five countries (**CZ, HU, LT, LV, PL**) indicate that a sponsorship can be part of the invitation, needed to apply for a visa. Therefore these countries speak of 'invitations', more than of 'sponsorships'.
- ★ With regard to the (financial) requirements set to fulfil a sponsorship, countries reply that the sponsor has to prove his creditworthiness. Only Cyprus reports not to have specific requirements and to examine each case on a case-by-case basis. Most countries seem to ask a sponsor to prove financial resources to support their own household (for instance a minimum income or a fixed subsistence level), supplemented with enough financial means to support their guest(s). As with the requirements for the means of subsistence mentioned before, the sums mentioned were quite divers. Basically however, the requirements are in line with the requirements for the application of a visa. Some countries (**BE, HR**) ask that the sponsor has their nationality or is in possession of a certain residence permit. Besides there can also be a check on the relation between applicant and sponsor (**UK, BE**).

Accountability of the sponsor for overstay

- ★ Thirteen countries (**BE, CY, CZ, DE, EE, FR, HR, HU, LT, LV, LU, PL, PT**) reply that they will hold the sponsor accountable for the costs of stay and departure in case of overstay or with reference to an application for long stay. Most of them make no clear difference between costs made during the legal stay or during overstay. **France** reports to hold the sponsor accountable only for the costs of stay, whereas **Cyprus** reports to hold the sponsor accountable for costs of return only. Most countries do not mention a limited period for the accountability. **France** mentions a period equal to the validity of the short stay visa (or 3 months), **Belgium** mentions a period of 2 years, **Luxembourg** reports a period equal to the legal stay plus 2 years and **Germany** reports a period of 5 years.
- ★ From the countries that hold sponsors accountable for costs of stay or return, only Estonia, Cyprus and France report to have a maximum that can be claimed. **Cyprus** mentions a sum of € 342 – € 854 Euro as a maximum, depending on the country of origin; **Estonia** reports a maximum of € 6.400 and in **France** the costs the sponsor is accountable for are limited to the resources required for entry to France without proof of accommodation. In the ten other countries no fixed maximum is applicable.

Applicable regulations

- ★ Eleven NCP's gave information about the regulation(s) applicable for recovering the costs in their Member States. Most countries (**BE, CZ, DE, EE, HR, LT, LV, LU, SK**) refer to their Aliens Act or accompanying (visa) rules. However, **Poland** answers that recovering the costs on sponsors is incorporated in the Penal Code, whereas **Portugal** refers to the Code of Civil Procedure.

EMN NCPs PARTICIPATING Responses from Austria (AT), Belgium (BE), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Estonia (EE), France (FR), Germany (DE), Greece (EL), Hungary (HU), Latvia (LV), Lithuania (LT), Luxembourg (LU), Netherlands (NL), Poland (PL), Portugal (PT), Slovakia (SK), Slovenia (SI), Sweden (SE) and United Kingdom (UK) (20 in Total). The answers from Austria are not for wider dissemination and therefore not included in this summary.

DISCLAIMER The responses of the Member States regarding this ad-hoc query have been provided primarily for the purpose of information exchange among the EMN National Contact Points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided information that is to the best of their knowledge up-to-date, objective and reliable. However, the information provided in the present summary is produced under the exclusive responsibility of the EMN The Netherlands and does not necessarily represent the official policy of an EMN NCPs' Member State. The responses are interpreted by EMN The Netherlands to write this summary.