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Written statement to the UK House of Lords Justice and Home Affairs Committee inquiring into the UK family migration policies

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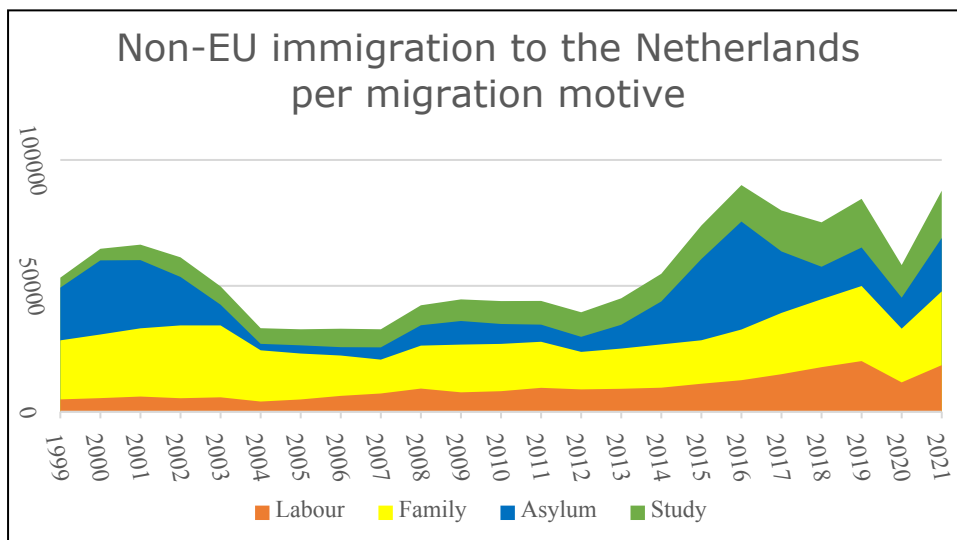
Dr Saskia Bonjour, Associate Professor in Political Science at University of Amsterdam and Susan Diepenmaat, Master Student in Medical Anthropology at the University of Amsterdam — Written evidence (FAM0009)

Family Migration Policies in the Netherlands

Saskia Bonjour¹ & Susan Diepenmaat²

Family migration to the Netherlands in numbers

Over the past 30 years, 35% of non-EU migrants admitted to the Netherlands were family migrants. The yearly inflow of family migrants has been relatively stable, at an average of 21 thousand persons admitted per year (CBS 2022). In 2021, the top three nationalities among admitted family migrants were Indian, Turkish and Syrian respectively (IND 2022b).



Source: [CBS statline](#)

The definition of the family

Family migrants eligible for reunification are (1) partners of the sponsor, (2) minor children of the sponsor, and (3) parents of a Dutch minor or refugee minor. Adult children or elderly parents of an adult child (4) may also apply for family migration but are subject to stricter policies.

For admission of **partners**, both the sponsor and the partner are to be at least 21 years old. If they were already married when they both lived abroad, then the minimum age is lowered to 18 years. The partner and the sponsor must be in a 'long-term relationship' with each other and/or legally married or in a registered partnership. The partner is to live together with the sponsor in the

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Netherlands and to register at their address. Same-sex and different-sex partners are treated equally in Dutch family migration regulations.

Children are admitted if they are less than 18 years old. They must be part of the sponsor's household and have been so in the sponsor's country of origin. Children can only be admitted if they are not married and have never been married or had a household of their own. Children are to live together with the sponsor and to register at their address. The sponsor must have official guardianship over the child.

Parents of Dutch citizens and of refugees who are minors (less than 18 years old) can be admitted if the applicant is the parent, guardian or foster parent. Refugee minors must have been unaccompanied and under 18 when they submitted their asylum application. Parents of Dutch citizen minors who are third country nationals may be admitted if the child is highly dependent on the applicant for care, to the extent that if the applicant does not receive a residence permit, the child would have no choice but to leave the Netherlands. The applicant may share the care duties with another parent but should have a significant share in those duties.

Adult children and elderly parents may qualify for migration to the Netherlands if the care and dependency ties are exceptional and if reunification is only possible in the Netherlands. The adult child or elderly parent must be 'more than usually dependent' on their sponsoring family member. Indications for this may include cohabitation, the degree of financial dependence, the degree of emotional dependence, the exclusivity of the dependency relationship (can the adult child also rely on other families or are they solely dependent on the parent), the health of the person concerned and the ties with the country of origin. Generally, children above 25 year old are not admitted as they are assumed to be able to 'stand on their own feet' (IND, 2020).

Requirements

Most family migrants need a **visa** entitled *Machtiging tot Voorlopig Verblijf* (MVV, 'Authorization for provisional residence') to be allowed to enter the Netherlands. Some countries are exempt from the MVV requirement (Australia, Canada, Japan, Monaco, New Zealand, Vatican City, the United Kingdom, the United States of America, South Korea, Switzerland and any country belonging to the EU or EEA).

Sponsors must meet **income requirements** for their family members to be admitted. Their income should be 'independent, sustainable and sufficient'. They should earn at least the minimum wage, which is currently set at €1756,20 per month. For single parents, a lower minimum of €1229,34 per month applies. Only the income of the sponsor counts at first admission of partners. The income of partners and parents of the sponsor can be counted when applying for a permanent residence permit and when applying for first admission of a minor child, provided the sponsor lives with the partner/parents in the Netherlands. Exemption from the income requirement is possible if the sponsor is entitled to state pension (AOW) or can prove to be completely and permanently incapacitated for work.

Family migrants between 18 years and the age of retirement must comply with **integration requirements**. Family migrants who require an MVV to enter the Netherlands are obliged to pass the "Civic integration exam abroad" at a Dutch

Embassy or Consulate. This exam tests their speaking proficiency and reading proficiency in Dutch as well as their knowledge of Dutch Society. Before being granted a permanent residence permit, all family migrants must pass a second integration exam.

There are **no housing requirements** for family migrants.

Application fees for family migrants amount to 207 euros per residence permit for adults and 69 euros for minor children. Registration for the civic integration exam abroad costs 150 euro per person.

Family migrants are eligible for a **permanent resident permit** after five years legal residence in the Netherlands, if they are at least 13 years old and if they meet the income and integration requirements set out above.

Differences in treatment between families

The requirements set out above apply equally to Dutch citizens and third country nationals with a permanent resident status, except to refugees.

Once granted a residence permit based on asylum, **refugees** can apply for reunification with their spouses, partners, children and - if the refugee was single and younger than 18 years old when they requested asylum – parents. If the application for family reunification is filed within three months after the asylum status is granted, then application fees, income requirements and integration requirements do not apply. This exemption only applies to family members who were already part of the refugee's family when they lived abroad. On 26 August 2022, the government announced a new policy to deny entry visa to family members of refugees until suitable housing is available for them, or until they have waited for housing for 15 months.

EU citizens living in the Netherlands who do not hold Dutch nationality can reunite with third country family members under EU free movement law. This means they can reunite with (grand)children under the age of 21, dependent (grand)children above 21 and other family members such as nieces or uncles if they are dependent on the sponsor and/or if they were already living together in the country of origin.

Family members of **labour migrants and students on temporary residence permits** are exempted from the integration requirement abroad. They do have to meet income requirements.

Migrants with a residence permit for a **short stay**, notably for exchange, seasonal work, or to gain work experience, are not allowed to bring family members over.

Separation due to delays

The IND marks their waiting periods as one of the four most prominent bottlenecks currently faced by the organisation (IND, 2022a). Due to these delays, a third of all family reunification requests are decided upon outside the statutory time limit of six months.

September 2022

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