

Council Directive 2003/109/EC of 25 November 2003 concerning
the status of third-country nationals who are long-term residents

CHAPTER III

RESIDENCE IN THE OTHER MEMBER STATES

Article 16

Family members

1 When the long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, who fulfil the conditions referred to in Article 4(1) of Directive 2003/86/EC shall be authorised to accompany or to join the long-term resident.

2 When the long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, other than those referred to in Article 4(1) of Directive 2003/86/EC may be authorised to accompany or to join the long-term resident.

3 With respect to the submission of the application for a residence permit, the provisions of Article 15(1) apply.

4 The second Member State may require the family members concerned to present with their application for a residence permit:

- a their long-term resident's EC residence permit or residence permit and a valid travel document or their certified copies;
- b evidence that they have resided as members of the family of the long-term resident in the first Member State;
- c evidence that they have stable and regular resources which are sufficient to maintain themselves without recourse to the social assistance of the Member State concerned or that the long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions.

5 Where the family was not already constituted in the first Member State, Directive 2003/86/EC shall apply.