

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

CHAPTER V

RESIDENCE IN OTHER MEMBER STATES

Article 19

Residence in the second Member State for family members

1 When the EU Blue Card holder moves to a second Member State in accordance with Article 18 and when the family was already constituted in the first Member State, the members of his family shall be authorised to accompany or join him.

2 No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.

In cases where the residence permit of the family members issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, Member States shall allow the person to stay in their territory, if necessary by issuing national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on their territory with the EU Blue Card holder until a decision on the application has been taken by the competent authorities of the second Member State.

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

- a their residence permit in the first Member State and a valid travel document, or their certified copies, as well as a visa, if required;
- b evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State;
- c evidence that they have a sickness insurance covering all risks in the second Member State, or that the EU Blue Card holder has such insurance for them.

4 The second Member State may require the EU Blue Card holder to provide evidence that the holder:

- a has an accommodation regarded as normal for a comparable family in the same region and which meets the general health and safety standards in the Member State concerned;
- b has stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.

5 Derogations contained in Article 15 shall continue to apply *mutatis mutandis*.

Status: This is the original version (as it was originally adopted).

6 Where the family was not already constituted in the first Member State, Article 15 shall apply.