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Separated

**The challenges of relocation and family reunification
for refugees arriving in Greece**



Executive summary

Around 50,000 people who have fled conflict and hardship now find themselves stranded in Greece. They are living in a legal limbo that is exacerbating the stress and suffering many are already experiencing after leaving their homes and livelihoods under horrendous circumstances.

Legal analysis and qualitative interviews carried out by ActionAid shows that the EU and Greece are failing to meet their obligations to protect and promote the human and refugee rights of the people arriving in Greece, in particular their rights to family life and family reunification. ActionAid has also found that the narrow definition of “family” used by the EU means that often parents cannot be reunited with their adult children. Siblings over 18 years of age are not provided with an opportunity to reunite, and family ties across generations are broken as asylum-seekers find themselves in different countries. This causes stress and grief amongst people who are already suffering the loss of their normal life as they have travelled across the world. It also breaks family ties and networks that are essential not only to the asylum-seekers themselves, but also to the societies in which they will eventually integrate.

ActionAid’s research has also found that those arriving in Greece are not always informed properly of what their rights to apply for family reunification and relocation are. Once applications are lodged, the process for dealing with them is lengthy and the applicants are often left in the dark as to what their fate will be, adding to their stress and anxiety.

ActionAid recommends that:

- The EU and Greece meet their existing obligations to respect family rights and family reunification.
- The EU broadens the definition of what constitutes “family” for family reunification purposes.
- Asylum-seekers are promptly and correctly informed of their rights and how their applications are progressing, and that the EU and the Greek authorities ensure that the Greek Asylum Office is better resourced to do this.



All my family fled last year from Damascus. I stayed to continue my studies. I studied Computer engineering in the University of Aleppo. But the last year the situation got much worse because of ISIS. I could not continue my studies. I had no choice than leaving. I left hoping to join my family in Germany. Everyone is there, my parents, my siblings. One of my sisters is in Sweden. I cannot join them because I'm 20 years old. I'm here since 19/3/2016 I have applied to be relocated in another EU member state."

Syrian man, 20 years old, Moria, Lesbos

Introduction

The European Union's current common asylum system is not fit for purpose and is failing those it is meant to help. It does not adequately take a collective and shared approach and action to facilitating family reunification where relevant for those that have been granted international protection in Greece.

The family reunification process is slow and inefficient, and is stranding thousands of people in Greece with a sense of hopelessness and desperation. Their testimonies, presented in this report, confirm this.

This report will cover some of the problems faced by asylum-seekers currently residing in Greece. It will cover mainly three topics – the problems with family reunification; the problems with the relocation schemes; and problems relating to a lack of access to information.

It will do so by providing an overview of the legal obligations of Greece and other EU member states. It will compare this to the actual situation on the ground in Greece and assess where Greece meets its international obligations and where it

does not. It will also present qualitative research in the form of direct statements by some of those affected. Since May 2016, ActionAid Hellas has carried out more than 50 interviews with asylum seekers of various nationalities living in the Lesvos, Schisto and Skaramaga refugee camps who had applied or expressed a wish to apply for family reunion under existing EU laws, or applied for relocation under existing schemes. The direct stories and experiences of asylum seekers will highlight the shortcomings of the current system in Greece.

Finally, the report concludes with recommendations for EU institutions, Greece and EU member states to change the reunion and relocation processes to the benefit of the asylum applicants.



Asylum seekers stranded in Greece

More than one million people fleeing war, persecution, natural disasters and poverty, have travelled through Turkey to Greece since the beginning of 2015.¹ After the border between Greece and the Former Yugoslav Republic of Macedonia (FYROM) closed in early 2016, and the EU-Turkey Statement in mid-March 2016,² an estimated 50,000 persons who had entered Greece planning to continue their journey onwards found themselves stranded.



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The EU-Turkey Statement of 18 March 2016 took effect as of 20 March 2016. It stated that “all new irregular migrants or asylum seekers whose applications have been declared inadmissible crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey.”³ In practice, it means that those asylum seekers who arrived in Greece before 18 March only have two ways of legally exiting Greece: to be relocated in another EU country or reunified with family members under the so-called Dublin III Regulation.

On the other hand those that arrived after the EU-Turkey deal took effect on 20 March 2016 are confined in closed facilities on the Greek islands with very poor living conditions. Their asylum application will be firstly examined in terms of admissibility, and if found inadmissible they will be returned to Turkey. The asylum seekers that arrived after 20 March only have the right to apply for family reunification, not relocation. Most of the asylum seekers ActionAid contacted and assisted in the closed camps expressed their wish to travel to other EU member states to be with their family members.

¹ See www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html

² See www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/

³ europa.eu/rapid/press-release_MEMO-16-1664_en.htm

The Greek response to the large quantities of arrivals

After the closure of the Balkan route and EU-Turkey deal, people found themselves in Greece in a state of physical and legal limbo. In order to address this, the Asylum Service in Greece completed a pre-registration exercise for international protection on the mainland from the end of May to end of July 2016. All those who arrived in Greece before 20 March, wishing to apply for international protection in Greece and residing on the mainland, were able to pre-register. Those who arrived after 20 March or who were in the Greek islands were not able to apply.

This process allows them to reside legally for one year in Greece and gives them right to access services, pending a final decision on their asylum applications. The Greek authorities stated that the pre-registration system would also help give the authorities an overview of the number and nationalities of the prospective applicants.⁴ Close to 28,000 individuals have been pre-registered and have now progressed to lodging their full asylum application.⁵

During the pre-registration, asylum seekers should have been informed of the application procedures for these three options:

- international protection by the Greek authorities
- transfer to another EU Member State under Dublin III provisions on family reunification
- transfer to another EU Member State under the relocation scheme.⁶

However, according to the asylum-seekers we have spoken to, this information was not passed on efficiently to people during their pre-registration. While the process has regularised their stay in Greece, it has done little to answer questions about their future, particularly regarding their prospects of reuniting with family members in other EU countries.



⁴ <http://avggi.gr/article/10836/7379111/g-mouzalas-se-chrono-rekor-e-pro-katagraphe-54-000-prosphygon-kai-metanasto>

⁵ UNHCR, GREECE FACTSHEET, 1–31 August 2016, <https://data.unhcr.org/mediterranean/download.php?id=1945>

⁶ Joint press release Asylum Service, UNHCR, EASO: The registration of asylum seekers residing in open reception facilities in the mainland will begin in the next few weeks, Athens, 14/05/2016

Family reunification



Between 2008 and 2014, roughly 30% of all residence permits granted in the EU to non-EU citizens have been for family reunification purposes.⁷ Family reunification has thus been an important and integral part of the EU's policies on migration in recent years, and an important way for individuals living in precarious situations to find safe and legal ways of entering the European Union.



I was traveling with my niece but she left to Germany irregularly. Now I am here alone. I have two boys in Germany. They are 24 and 21 years old. I have applied for the family reunification but I have been told that they are too old and maybe I cannot go there. I am going to stay here alone? I wish at least I could be aware of the process."

**Syrian woman, 53 years old,
Moria, Lesbos**



I am here with my sister. She is 32 years old. We have one more sister and one brother. They are in Germany. My sister is 16 years old and she lives in Frankfurt, Germany. She is alone there. My brother lives in another city. Can we be all together as family again? I am not sure if we have applied for the family reunification program or for relocation. It wasn't clear to us."

**Syrian woman, 20 years old,
Kara Tepe, Lesbos**



I am seven months in Greece with my two little boys. They are five and four years old. My husband is in Sweden. My four-year-old son has serious health problems. He had a heavy stomach surgery in Syria and he is suffering from asthma. He was in hospital in Athens for 20 days. There are days that he cannot breathe at all. I have no hope. They should give priority to cases with sick children."

**Syrian woman, 32 years old,
Skaramagas camp**

⁷ http://ec.europa.eu/eurostat/statistics-explained/index.php/File:First_residence_permits_issued_in_the_EU-28_by_reasons,_2008,_2009,_2010,_2011,_2012,_2013_and_2014.png

Family reunification



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The right to family life

The right to family life has long been protected by international human rights standards and laws. From the Universal Declaration of Human Rights,⁸ to the International Covenant on Civil and Political Rights,⁹ there's an obligation on states to protect the family. Very importantly, the Convention on the Rights of the Child, states in clear language that "where separation...[of children and their parents]...results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation...[...].of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate,

another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family."¹⁰ The Convention on the Rights of the Child also states that "applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner."¹¹ In other words, international human rights law and standards make it very clear that the family should be protected and reunited where possible, and the interests of the children should always be prioritised.



I am tired. I am here seven months with my two daughters 21 and 11 years old. My husband, my 16-year-old son and my ten-year-old daughter are in Germany. We left Aleppo for a better future but we haven't found it yet. We have the asylum seeker card and we have applied for family reunification. I don't know how long will take this situation but I cannot take it anymore. Two days ago I was thinking of drowning myself to the sea."

Syrian woman, 50 year old, Skaramagas, Athens



I don't remember the exact day we came here. Stress makes me forget things. I am here with my husband and my three children. They are eight, seven and three years old. I have another ten-year-old daughter in Germany. She lives in a camp in Berlin. She is alone. We were in Turkey together but she managed to cross the borders and we didn't. When I did my registration I told to the authorities about my little daughter in Germany but it was like I didn't say it. I have no appointment for interview and although I tried to go alone to the Asylum Office, they didn't allow me the entrance. I feel like I am suffocating here."

Syrian woman, 36 years old, Skaramagas camp

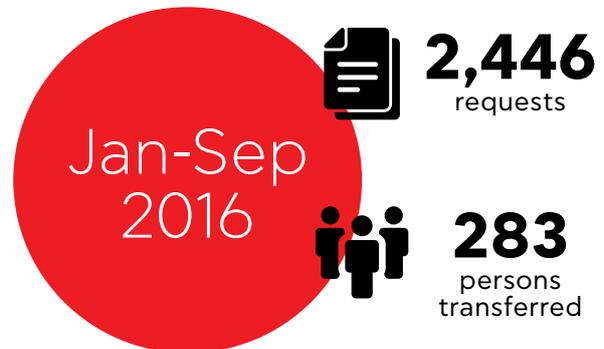
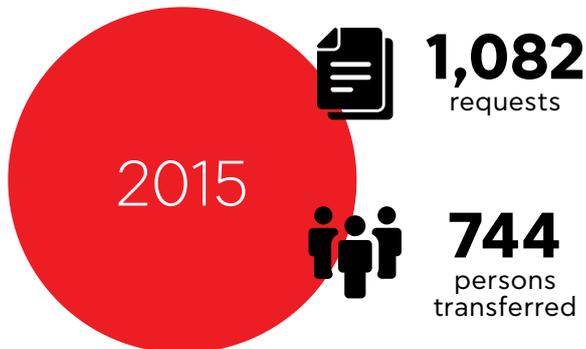
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I am here with my four children, my parents and my brother's wife. We traveled together and we want to go to Germany. My husband and my two brothers are there. We are six months in Greece. We told the authorities that we have family in Germany and we applied for family reunification program. I don't know if we can travel altogether to Germany. They are waiting for us."

Syrian woman, 43 years old, Skaramagas, Athens

Family reunification figures



⁸ Article 16: <http://www.un.org/en/universal-declaration-human-rights/>

⁹ Article 23: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁰ Article 9, Convention on the Rights of the Child: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹¹ Article 10, Convention on the Rights of the Child: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Family reunification



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EU legislation

In an EU context, the legally binding Charter of Fundamental Rights of the European Union (2000) reaffirms the protection of the family and further stresses that in “all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.”¹²

More recently, in 2013, the EU Regulation No 604/2013 of the European Parliament and of the Council – usually referred to as “Dublin III”¹³ – provides that:

- EU member states should inform those seeking refugee status that they can submit information regarding the presence of family members and relatives in the EU.¹⁴
- EU member states should make the best interests of children arriving their primary concern.¹⁵
- EU member states should cooperate with each other to ensure family reunification where possible.¹⁶
- When unaccompanied minors arrive, EU member states should identify family members, siblings or relatives who are already in the EU.¹⁷
- Provided it's deemed in the interest of the minor, if the minor has a relative living legally in another EU member state, the minor should be reunited with the relative, in the country where the relative lives.¹⁸
- When an asylum seeker is dependent on a child, minor or sibling in an EU member state, there is an obligation to try to reunite them.¹⁹

What we see is that Greece and other EU member states have a strong obligation to respect the primacy of the interests and rights of the child, that family reunification should be actively sought, and that EU member states need to actively cooperate to ensure their obligations are fulfilled, and asylum seekers need to be kept informed about these efforts.

In practice however, these obligations are not always lived up to, as we shall see below. It is also worth noting that the scope of some of these obligations could benefit from being expanded, particularly the definition of family to include other dependents, adult children and siblings. The current narrow scope of the notion of “family” often results in families being divided and living in more than one EU member state.

The human impact of this is very negative and can have severe consequences for the asylum seekers' well-being and everyday life. It is an obstacle to integration, as they cannot benefit from the family network's assistance (with raising the children for example, or looking after other dependents such as disabled, elderly or pregnant members of the family).

The European Commission's proposals to reform the Common European Asylum System²⁰ need to address these issues in the framework of a fairer, more efficient and more sustainable system for allocating asylum applications among Member States, including ensuring that vital family networks are not disintegrated.²¹



The only thing I can say is this: I have two legs. But if it is to see my children again I will crawl on hands and knees.”

**Afghan man, 85 years old,
Schisto, Athens**

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¹² Article 24.2 of the Charter of Fundamental Rights of the European Union, see

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

¹³ See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF>

¹⁴ See Article 4.1.c. of <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

¹⁵ See Article 6.1, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

¹⁶ See Article 6.3.a, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

¹⁷ See article 6.4, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

¹⁸ See Article 16, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

¹⁹ See article 16, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=en>

²⁰ See http://europa.eu/rapid/press-release_IP-16-1246_en.htm; and http://europa.eu/rapid/press-release_IP-16-2433_en.htm

²¹ See http://europa.eu/rapid/press-release_IP-16-1246_en.htm

Family reunification



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I have two children waiting for me in Germany. They are 19 and 14 years old. We started the journey all together but in the Turkish borders the authorities let them continue their way and they sent the rest of us back to Iran. We talk on the telephone. We've been waiting many months for the process. But it's not going fast. My husband wanted to see his children in Germany for a last time before he died. He didn't make it."

**Afghan woman, 38 years old,
Schisto, Athens**

I am here with my nine-year-old child. My husband with my other child are in Finland. We have applied for family reunification and our last appointment was two months ago. Since then I have heard nothing. The authorities here told me that it takes three months for my documents to be examined from Finland and two more months for the answer. I cannot understand why it takes so long. I am thinking of going illegally. I don't know how dangerous will be. I don't know what to do. And what if the answer from Finland is a negative one? Will they send us back?"

**Afghan woman 31 years old,
Schisto, Athens**

The situation in Greece

Unfortunately, the rights to family life and family reunification listed above are often not respected in the EU. In Greece, the application process takes place in the Asylum Office, Dublin Division. The applicants are informed through a special leaflet, and in person, about the process.

Then, if they are qualified under the preconditions set in the Regulation, they will travel to the member state where their family is located and the asylum application will be examined by the relevant authorities in that state. The length of the process varies depending on the speed with which both the Greek authorities, and the authorities in the relevant member state, work. In practice, AA Hellas has interviewed people who have been waiting to be unified with their family members for over eight months.

Such lengthy timespans are extremely painful, especially for families who are trying to be united with their young children living abroad without an adult family member, or who have children with special needs or health issues. Over a third of new arrivals in the past year were children, who often arrive unaccompanied as they become separated from their family.²²

The asylum seekers in Greece are also affected by another problem in the Dublin Regulations – there are not sufficient legal remedies for an applicant to appeal against a negative decision on their family reunification application. Instead it is up to the state (in this case, Greece) to reapply and resend the application for family unification to the respective member state for reconsideration.²³ In practice this means that when an applicant has their application for reunification rejected, they have no legal means to appeal directly against this decision. A long administrative legal procedure could be started in the country where they are located, but with uncertain results. Family reunification then can be postponed for years, or never take place at all.



I am from Iran but I am living in Sweden. We got married in Iran and I thought that I could take my wife to Sweden with me. Unfortunately according to the Swedish law we had to wait for two years but my wife couldn't stay in Iran alone as she would have to marry another man.²⁴ She traveled alone and she is here for seven months. She is four months pregnant. She has applied for family reunification and she has the asylum seeker card. I am on leave from my work in Sweden for 20 days. I thought that I could come here and take her with me. But the authorities here told us that we have to wait another five months. I cannot stay that long. I will lose my job in Sweden. But neither can I leave her here alone."

**Iranian man, 22 years old,
citizen of Sweden, traveled to Greece
in order to take his wife with him, Schisto, Athens**

© Sissy Gkournelou/ActionAid

²² European Agency for Fundamental Rights, Current migration situation poses separation risk for families, <http://fra.europa.eu/en/news/2016/current-migration-situation-poses-separation-risk-families>

²³ See Article 23, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&from=EN>

²⁴ Our understanding is that he meant that she might be forced to marry another man against her will.

EU relocation scheme

Relocation figures



14,667
requests



4,637
persons
transferred



In September 2015, the European Union and Member States agreed on a two-year plan to relocate 160,000 asylum seekers mainly from Greece and Italy to other European countries.²⁵ The Relocation Programme concerns the transfer of asylum seekers from one member state of the European Union to another. The scheme is intended to share responsibility among EU member states, so that asylum seeker populations will be equally balanced across the EU.

Currently, relocation is possible from Italy and Greece. The scheme is voluntary, so although all member states were initially asked to be involved, only the following participate: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. The Relocation Programme concerns citizens of countries (and in the case of stateless persons, the countries of their former habitual residence) for which the rate of granting international protection is over 75%, based on the European average recognition rates derived from the quarterly data published by Eurostat.²⁶ Their asylum application will only be examined once the relocation has taken place.

A total of 4,637 asylum seekers have been relocated away from Greece, and more than 8,000 people have been referred for relocation. At this pace, it will take the EU almost 15 years to relocate them. As of September 2016, there are 8,676 places available for relocation from 21 EU Member States, plus Switzer-

land and Liechtenstein, representing only 13% of the target of 66,400 places.²⁷

According to the scheme, vulnerable persons should be given priority, in particular: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.²⁸

There is no programme for the Afghan people. Nobody cares about us."

**Afghan woman,
21 years old, Schisto**



*I reached the island on 2/4/2016 with my husband and my four children. We have been registered and we had two appointments in Athens. We have applied for relocation. Our application has been rejected twice. Now we have addressed a lawyer for help. We cannot go back. My husband was held in prison there. My sister lives in Germany. She is 23 years old. We want to go there as well. **Every day we are waiting outside European Asylum Support Office for eight hours. It's seems like we are working there. I don't know what else I can do. I am tired. We fled the war in Syria to come to another one."***

Syrian Woman, 33 years old, Moria, Lesbos

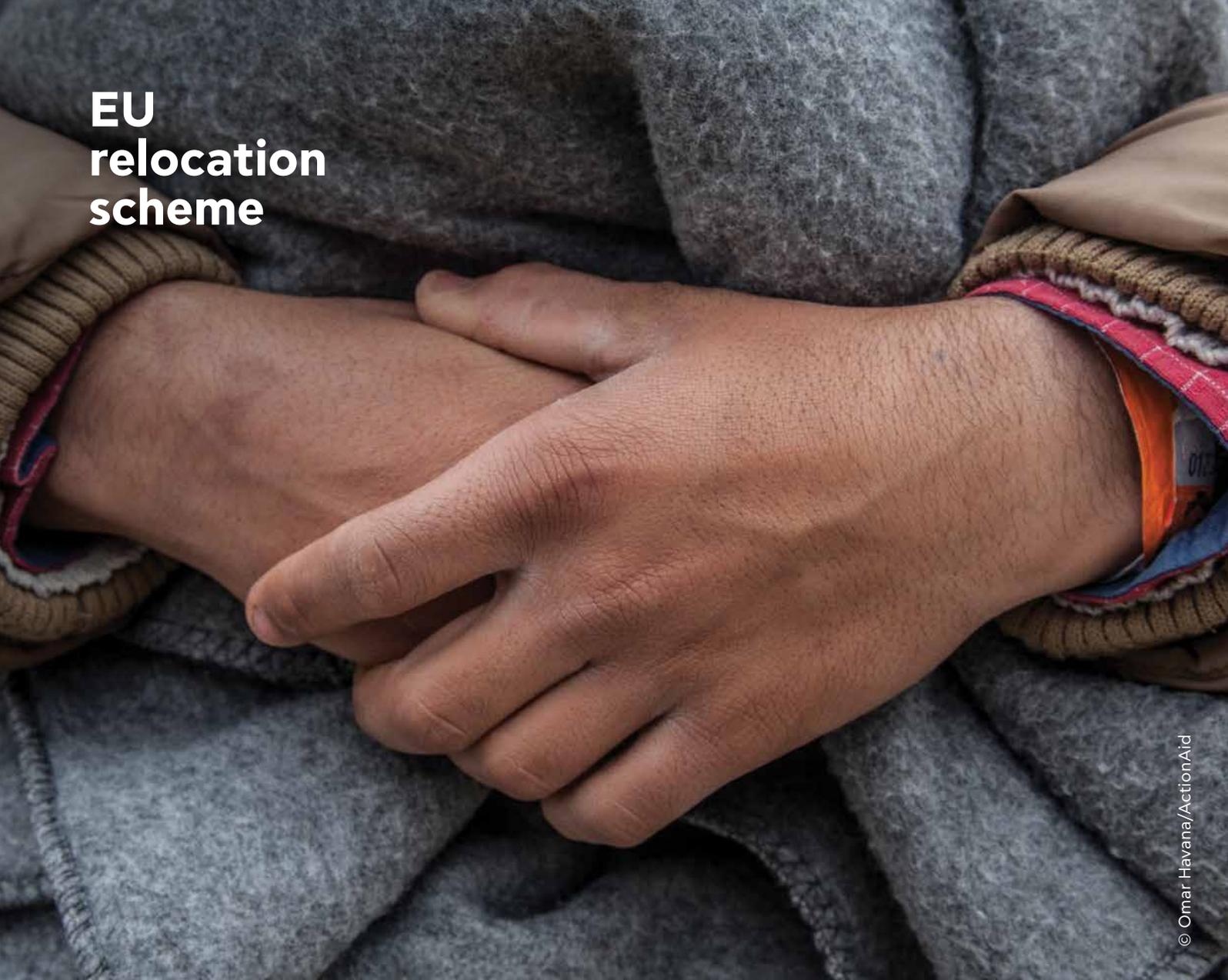
²⁵ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

²⁶ See http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm

²⁷ UNHCR urges European States to increase pledges, pace and expand relocation of asylum seekers, Press briefing note, 13/9/2016

²⁸ See <http://publications.europa.eu/en/publication-detail/-/publication/a7c406a4-b377-11e5-8d3c-01aa75ed71a1/language-en>

EU relocation scheme



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Failures of the EU relocation scheme

The scheme applies only to asylum seekers that entered Greece from September 2015 to 24 March 2016. For those that entered Greece after 24 March 2016, the EU-Turkey Readmission Agreement process applies and those entering after that date, are not eligible for the programme. This is highly problematic – not only because the EU-Turkey Readmission Agreement is flawed and may compromise the rights and well-being of the asylum seekers,²⁹ but also because it creates an arbitrary distinction between asylum seekers depending on when they arrived in Greece.

The scheme applies only to asylum seekers of certain nationalities. This inevitably creates discrimination issues on grounds of nationality. It was initially planned that the scheme would apply only to those nationalities with an average recognition rate for asylum in the EU of at least 75%. Initially,

the nationalities that met this threshold were Syrians, Eritreans and Iraqis. In June 2016, Iraqis were excluded from the relocation scheme. This is because the rate at which international protection was granted to Iraqis had fallen below 75%, to 73%, according to the latest Eurostat data.³⁰ Iraqis can now either apply for asylum in Greece or for family reunification in another EU member state. Those who had applied before June 2016 still have the right to be relocated. This decision has caused a lot of distress to Iraqi asylum seekers. Similarly, Afghans have never had access to the relocation scheme, because their percentage of asylum recognition in the EU has always fallen below the 75% threshold. However, according to a recent UNHCR study, more than 70% of Afghans left because of the war³¹ and, after Syrians, they are by far the largest nationality of refugees stranded in Greece.

I know about the family reunification program. But I am 31 years old and my sister who is in Germany is 38. According to the programme we are not fulfilling the criteria. It's like we are not a family because of our age. I also have heard about the relocation programme but I know that it doesn't apply for the Afghan people. It's only for the Syrians. The main problem here is that an official come and talks with us for a while and then leaves. If we have a question we cannot see him again. So we are constantly misinformed."

Afghan man, 31 years old, Schisto, Athens

The applicants cannot choose the member state that will examine their asylum application. Although they are given a list to choose eight countries of preference, in reality they can be accepted by any country even if this was not a country of their choice. It is possible for applicants who are not immediate family to express their wish to travel together to the same country but this wish is rarely granted. As a result, extended families or persons of dependence are separated and transferred to different countries. Vulnerable people, such as women travelling alone with minors, may lack the supportive family networks that they rely on, and which could have helped them better settle into their new countries.

Although it is stated by EASO that "in deciding the country of relocation, the competent authorities will take into consideration as much as possible your family links, language skills and any cultural or social ties you have to a country that is participating in the relocation scheme", in practice we found that this is often not taken into consideration.³²

Member states can in practice reject applications for relocation without giving sufficient reasoning. It is at the discretion of each member state to accept or reject certain asylum seekers with specific profiles. From the interviews with asylum seekers we carried out, no explanation is given to the rejected applicants as to why their applications were not accepted. In many cases applicants are vaguely informed that their applications were rejected for public order and national security reasons. Member states have a great deal of freedom in deciding whether they will accept or reject asylum applicants in their territory.

The vast majority of the applicants interviewed who had applied for the relocation scheme expressed concerns about the lack of sufficient information on the process. In particular, they were not aware of the time it would take and the date of their transfer to the member state.

It's supposed to be that the whole world accepts and welcomes all refugees. But there seems to be a line between the Arab speakers and the Farsi speakers. I don't know who decides but it seems like the Arab speakers are in the front line and the Farsi speakers at the very end. We also had to leave everything and escape. We know there are many immigrants who left their countries for economic reasons. But we are refugees. We didn't choose to leave."

**Afghan man,
30 years old, Schisto, Athens**

I came to Greece on 7 March 2016. I don't remember since when I am in Skaramagas camp. I am here with my two children 16 and eight years old and the son of my sister. We want to go to Denmark where my husband and my 20-year-old son are. They are there almost two years. We haven't done any appointment yet but we know that we cannot travel together with my nephew. We are two different cases although we would like to be together. He is 20 years old. I don't know how long I will have to wait."

**Syrian woman, 44 years old,
Skaramagas, Athens**



²⁹ See <https://www.actionaid.org.uk/latest-news/protect-people-not-borders-warns-actionaid-ahead-of-eu-turkey-deal>

³⁰ UNHCR urges European States to increase pledges, pace and expand relocation of asylum seekers, Press briefing note, 13/9/2016

³¹ See <https://www.amnesty.org/en/latest/campaigns/2016/08/messages-from-greece-afghan-refugees-running-out-of-options/>

³² See <https://www.easo.europa.eu/questions-and-answers-relocation>

Conclusions

The sheer number of asylum-seekers that have arrived in Greece in the last few years is a symptom of the many conflicts and hardships that exist around the world. **The people arriving are first and foremost human beings, not statistics, and should be treated as such. While the administrative, logistical and financial challenges that this poses for Greece cannot be underestimated, the human rights, dignity and well-being of the people arriving should not be compromised.**

In this report, we have outlined the rights that asylum seekers have, particularly to family life and to be reunited with their family members. We have shown how the asylum system in Greece fails to live up to the obligations to protect and promote the rights and well-being of the asylum seekers. This is as a result of badly constructed EU laws and schemes, but also due to flaws in the reception system in Greece itself. The EU as a whole and the Greek authorities therefore have a joint responsibility to address and remedy the situation.

The main issues we have identified can be grouped into three key problems:

- A violation of the existing rights to family and to family reunification, as encoded in several human and refugee rights instruments.
- An overly narrow definition of what constitutes “family”. This effectively breaks up parents and their adult children, and splits siblings and other key support networks that are not only important to the asylum-seekers themselves, but to the societies in which they will eventually be integrated.
- A lack of prompt and effective information, on both the options for family reunification and relocation, as well as the progress of the applications submitted by asylum seekers. This creates an uncertainty and anguish which exacerbates the stress of people who have already had to flee their homes, often in horrendous circumstances.



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We at ActionAid are demanding that the EU and the Greek authorities mobilise the resources needed to promote and protect the rights and dignity of the people arriving in Greece. We ask the authorities to ensure that their cases are dealt with swiftly, that they are afforded the protection they need, and that their right to family life and family reunification is protected to the highest degree possible and that families are not separated unnecessarily.

Recommendations

Regarding Family Reunification

What the EU, including its Member States, needs to do:

- Broaden the definition of family for the purposes of refugee family reunion to allow adult asylum seekers to be reunited with their parents, siblings and adult children and grandparents in other EU member states.
- Recognise relationships in which applicants are dependent on sponsors for their survival and wellbeing, including where such relationships depart from conventional family structures. Refugee children should be allowed to sponsor their parents and family members to join them in the country where they receive protection.
- Ensure that all asylum seekers are informed of their rights to apply, including changes in those rights.
- Ensure applicants have the right to an effective appeal against a negative decision.
- Provide Greece with the resources – financial and human – to ensure that it can meet its obligations and respect the rights of asylum-seekers in Greece.

What the Greek authorities specifically need to do:

- Make legal aid available for family reunification applications. This is a shared responsibility with the UNHCR.
- Make the application process clear and accessible to all interested asylum seekers; precise information should be given on the process itself and the time limits involved.
- Ensure that applications are dealt with swiftly to avoid people being left in limbo and with uncertainty regarding their future.
- Ensure that the Greek Asylum Office is sufficiently resourced and has investment to swiftly process family reunification applications.

Regarding the EU Relocation Scheme

What the EU, including its Member States, needs to do:

- Change the relocation scheme rules so that all nationalities are included as the current threshold of 75 % is excessively high. The eligibility criteria should be revisited. In particular, Iraqis and Afghans should be included in the list of beneficiaries.
- Broaden the definition of family so that refugee families will be transferred together under the relocation scheme. Recognise relationships in which applicants are dependent on sponsors for their survival and wellbeing, including where such relationships depart from conventional family structures.
- Take into consideration personal qualifications such as knowledge of the language, prior studies in that country, and existence of family members in a particular member state. The eventual decision should be explained and exact reasons should be given for any rejection.
- Grant the right to an effective appeal against the relocation decision.
- Expand the relocation scheme to those asylum seekers who entered Greece after 24 March 2016, rather than relying on the defunct EU-Turkey readmission agreement.
- Ensure that all member states participate in the relocation scheme, fulfilling the principles of solidarity and responsibility sharing.

What the Greek authorities specifically need to do:

- Ensure that the relevant team in the Greek Asylum Office is sufficiently resourced to swiftly process applications of transfer under the relocation scheme. Processing of the applications should be accelerated.

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