



Mobin from Afghanistan and his son arrived in Greece in 2017 and are currently living in a camp in Epirus, north-west Greece, away from their loved ones. Photo credit: Felipe Jacome/Oxfam 2017

DEAR FAMILY

How European migration policies are keeping families apart

EMBARGOED UNTIL 00:01 HRS CET+1 MONDAY 19 JUNE 2017

SUMMARY

In 2015, nearly a million people crossed the Aegean fleeing persecution or seeking a better life. Many of these people made perilous journeys to reunite with family members: nearly 44 percent of Syrians and 20 percent of Afghans surveyed in early 2016 arrived in Greece aiming to reunite with family already in a European country.¹ As of May 2017, 35 percent (547 out of 1566) of the migrants, including refugees Oxfam works with in Lesvos and Epirus were trying to reunite with family members in Europe. The lack of accessible, safe and regular routes for family reunification has resulted in thousands of people taking dangerous journeys, making them vulnerable to abuse and exploitation at the hands of smugglers and traffickers.

Despite the urgent situation, in 2015 EU member states granted only 78,772 visas for family reasons² to people of the five main nationalities³ who arrived in Greece through the eastern Mediterranean route.

This report identifies the impact of European migration policies on family unity and the wellbeing of people stranded in Greece. It is based on a series of focus group discussions and key informant interviews conducted in Greece between February and May 2017.

European migration policies put in place to prevent irregular migration into Europe make it likely that families will be separated and make it difficult for them to reunite. Many people in Greece that remain separated from loved ones in another EU member state are increasingly desperate to reunite with them. Most have been stranded in Greece for over a year, trying to navigate the asylum system and family reunification procedures, and often contemplating using smugglers to move.

The testimonies of migrants, including refugees, and reports by legal aid groups show that narrow definitions of 'family' are at the heart of the problem. Many family links are not recognized under Greek and European law and the narrow definitions prevent members of extended families, caretakers and families that were formed after flight from staying together and accessing family reunification procedures.

THE SITUATION ON THE GREEK ISLANDS

The EU-Turkey Statement,⁴ published on 18 March 2016, imposes significant restrictions on people who have arrived on the Greek islands after 20 March 2016 with respect to travel to the Greek mainland. This makes it impossible for them to access EU member state embassies and family reunification processes, even if they are invited by embassy staff for an interview.

People who could qualify for family unity under the Dublin Regulation are frequently falling through the cracks and their rights to family life are being overlooked. This is because no Greek Dublin Unit officials are located on the

islands. Insufficient training within the European Asylum Support Office (EASO) and the Greek Asylum Service (GAS) is also a major concern. These problems are exacerbated by a lack of monitoring and follow-up of registration processes. Currently, no application form is being used to request claims for the transfer of asylum to another EU member state for family reasons.

Discriminatory policies brought in as part of the implementation of the EU-Turkey Statement are making family reunification an increasingly unattainable dream for people from certain countries. A pilot project in Lesvos has resulted in people from six nationalities being immediately detained upon arrival.⁵ Oxfam's legal aid partners report that the affected people have little to no access to family reunification procedures, due to lack of access to legal aid and necessary documents.

Lawyers and legal aid groups in Greece told Oxfam that unaccompanied children on the islands are often registered as adults because the processes and documents required by the authorities to prove one's age are changed frequently. As a result, they have less or even no opportunity to reunite with their families under the Dublin Regulation.

The European Commission's Joint Action Plan for the implementation of the EU-Turkey Statement, which sets out the possibility of returning people from Greece back to Turkey – despite the fact that they are trying to reach family members in Europe – risks further exacerbating the challenges that families wishing to reunite must overcome.

THE SITUATION ON THE GREEK MAINLAND

While people on the mainland wait for family reunification procedures to be completed, they are stranded in sites throughout the country that vary in suitability of accommodation and critical services. All indications suggest that thousands of people will remain in Greece for many more months in order to complete family reunification procedures. These policies and practices leave families separated for an unnecessarily long time and increase the vulnerability of both children and adults.

Where a family member has refugee status or subsidiary protection, they can apply for their immediate family members to join them under refugee family reunification. However, Germany, Sweden and Greece have introduced restrictions on the ability of people who have been granted subsidiary protection to apply for refugee family reunification. Most EU member states apart from the UK have a time restriction or a waiting time related to refugee family reunion. In some instances, recognized refugees have only a limited period (a one-year window in Belgium⁶ and three months in the Netherlands and Germany) in which they can apply for their family member to join them without falling under more prohibitive requirements to demonstrate that they will be able to financially support them.

The time that refugee family reunion procedures may take also varies between states. For instance, legal aid organizations cite a lack of capacity and complex

administrative processes, but mostly blame the lack of commitment of member states to the process.

The majority of people Oxfam spoke to on the Greek mainland did not have a clear understanding of the procedures and their own status within them. The current laws and policies concerning family unity violate the rights of people and throw them into life-threatening situations. They are leaving families feeling desperate and willing to put their lives in the hands of smuggler networks. Furthermore, they are counterproductive in the effort to make seeking asylum in the EU a manageable, effective and orderly procedure. European policies that separate families must change.

RECOMMENDATIONS

Oxfam is calling on the governments of Greece and other EU member states to urgently work to meet their obligations to protect the right to family life of refugees and anyone who applies for international protection.

The EU, member states and the Greek government should:

- Monitor EASO's involvement and ensure that the caseworkers deployed in Greece are fully trained and aware of the different legal pathways that ensure family unity.
- Expand the definition of family for both refugee family reunion and Dublin Regulation applications to include young adults who were dependant on family unity prior to flight, parents, siblings and in-laws, and ensure that the concept of dependency is adequately addressed.
- Develop unified standard operating procedures, with efficient deadlines for the handling of family reunification cases and registration under the Dublin Regulation and create standard application forms that are available in the language spoken by the applicants.
- Establish monitoring mechanisms to ensure Dublin procedures move as quickly as possible. This should include tracking requests under the family unity provisions.
- Ensure that timely, culturally appropriate and accessible information about the different processes of asylum and family reunification, tailored to the situation in the country of arrival, is provided. Ensure also the provision and funding of legal aid.

EU member states should:

- Ensure that the existing procedures work effectively and that bureaucracy does not prevent people from reuniting families; that relevant agencies (embassies, asylum services, Dublin units, etc.) have sufficient funding and capacity; and that their resources are deployed where they are needed most, especially the Greek islands.
- Lift financial restrictions for recognized refugees to access family reunification processes and time and financial restrictions for family reunion for people with subsidiary protection and other humanitarian status.

- Allow children who have been found in need of international protection to bring in close family members.

The Greek government:

- Must not under any circumstances subject family reunification cases to admissibility checks, as the Joint Action Plan for the implementation of the EU-Turkey deal recommends.
- Should lift geographical restrictions for all family members stranded on the Greek islands, including the caretakers of vulnerable people.
- When allocating accommodation to asylum seekers, consult with families on their preferences and ensure that every effort is taken to maintain family unity and keep families together if that is what they wish. When families are separated within Greece, and wish to be together, take immediate steps to reunite them.
- Must ensure the fast processing of unaccompanied minors, and separated children; recognize proof of age other than passports and IDs and while age determination is underway, the person should be treated as a minor until proven otherwise; and ensure that the process for correcting an applicant's date of birth – and thereby recognizing their minority, if applicable – be made clear, transparent and consistent.



Photo credit: Felipe Jacome/Oxfam 2017

Samia lives with her husband and three of her children in Filippiada, north-west Greece. She is hoping to be reunited with her other two children who are in Germany. She has not seen her son now for two years and her daughter for six months.

Samia wrote a letter to her family on the top of her portrait. Her letter says: *'It's been a year and a half since I have seen my son, it's been eight months since I have seen my daughter, I missed them so much. I wish to see them. It's been two years since I have seen my mother and my brothers, I miss them so much. It's been twenty years since I have seen my sister, who's in Canada. I wish I could meet all of my family. I miss them so much.'*

1 INTRODUCTION

Forced migration drives many families apart, wrenching children from their parents and grandparents, separating siblings, preventing partners from living together and destroying extended family networks. The right to family life and the protection of the family is enshrined in international human rights law, and is a shared value that cuts across cultures. Despite this, the EU and its member states, including Greece, have failed to take adequate steps to protect this right for migrants, including refugees. Their policies and practices are tearing apart families and forcing them to continue living apart after being separated during displacement, exposing people to the associated risks.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Universal Declaration of Human Rights, Article 16(3)⁷

This report identifies the impact of European migration policies on family unity and the wellbeing of people stranded in Greece. It is based on a series of focus group discussions and key informant interviews conducted in Greece between February and May 2017 (see methodology section, Appendix 1). The research identified three main forms of family separation for people in Greece – this report will focus on the first two. The scope of the research does not allow for elaboration on the third form, as this would require speaking to people who are currently outside of Greece, in a third transit country or their country of origin. The three forms of family separation are:

1. Families separated across different EU member states, especially between Greece and another member state;
2. Families separated inside Greece, between the islands and the mainland and also between different sites on the mainland; and
3. Families separated between Greece and non-European countries, when families were separated during the journey.

European migration policies put in place to prevent irregular migration into Europe make it likely that families will be separated and make it difficult for them to reunite. Many people in Greece who remain separated from loved ones in another EU member state are increasingly desperate to reunite with them. Most have been stranded in Greece for over a year, trying to navigate the asylum system and family reunification procedures, and often contemplating using smugglers to move. Based on the testimonies of people with whom Oxfam has spoken, the journey has a high human and financial cost, which often exacerbates existing vulnerabilities and results in further exposure to exploitation and abuse.

The separation of families within Greece is the result of both the EU-Turkey Statement, which has a singular focus on sending people back to Turkey and is separating the most vulnerable from the family members they depend on most, and the shortcomings of the management of Greece's reception and identification systems.

TERMINOLOGY

Below are the main concepts which are included in the report and provide a framework for the analysis.

Dependency

Dependency is not defined in European and national law. According to UNHCR, the principle of dependency requires that economic and emotional relationships between refugee family members be given equal weight and importance in the criteria for reunification as relationships based on blood lineage or legally sanctioned unions.

Family

Family is a social and cultural concept. Legal definitions of who constitutes family for the purpose of family reunification can vary according to EU member state and the different reunification schemes. For more information, see Table 1.

Refugee

A refugee is a person who has fled their home across an international border and has been given refugee legal status. A refugee has a legally protected status, and is recognized based on a 'well-founded fear of being persecuted'⁸ due to their race, religion, nationality, membership of a particular social group or political opinion.

Subsidiary protection

A person eligible for subsidiary protection is a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm.⁹

Vulnerabilities

Vulnerabilities are specific situations which require special attention in reception and asylum procedures. A list of persons belonging to vulnerable groups is set out by the relevant national legislation. According to Article 14(8) of the Greek law L 4375/2016,¹⁰ 'As vulnerable groups shall be considered... a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings.'

FAMILY REUNIFICATION

Most of the people Oxfam spoke to in Greece who had relatives in other EU member states had been separated from them while crossing borders on their way to Europe. Some families have been separated from loved ones because they arrived in Greece at different times and are, therefore, subject to different administrative arrangements (see below). Others have been split up as a result of shortcomings in the reception and identification system in Greece, which can result in members of a family unit being allocated accommodation in different regions of the mainland.

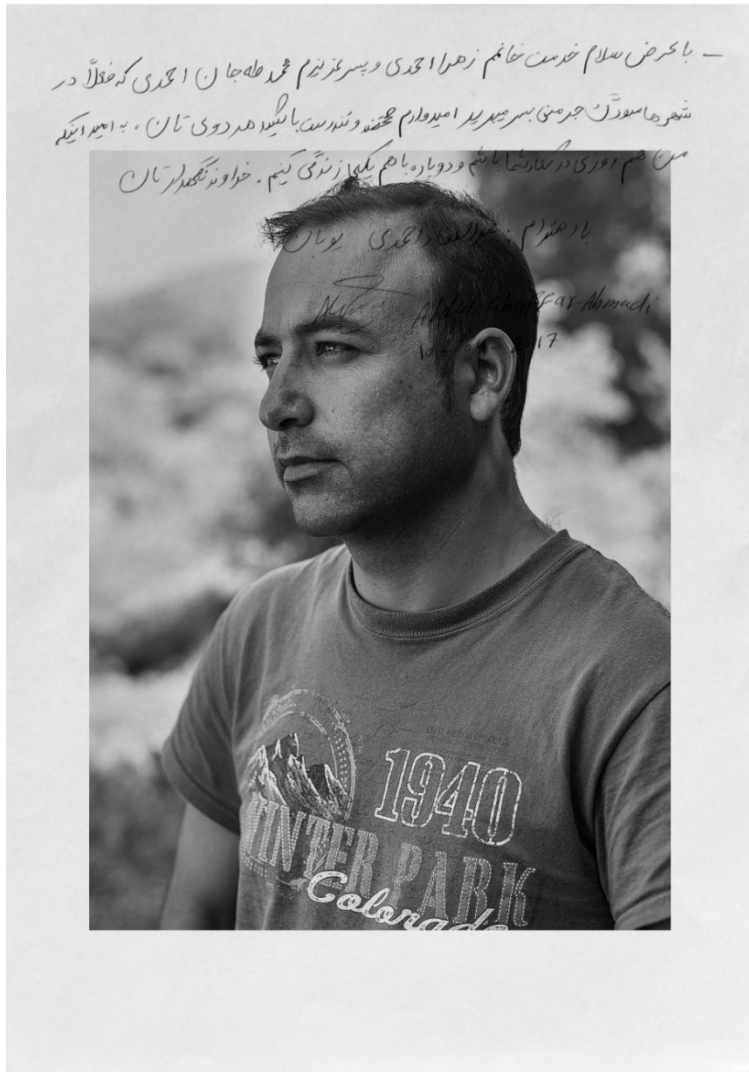
There are two pathways for people in Greece to reunite with family members in another EU member state:

1. The family reunification provisions under the Dublin Regulation; and
2. Refugee family reunion (family reunification visa), eligibility for which varies between member states.

'When we were crossing the Iran-Turkey border, half of us were trapped and half of us went through... Half of them are now in Germany,' said Saeeda,¹¹ 42, from Afghanistan. She is waiting to be reunited in Filippiada camp in north-west Greece.

Table 1: Procedures for family reunification available to people in Greece

Family unity provisions under the Dublin Regulation¹²	Refugee family reunion
<p>Allows an asylum seeker in one EU member state to request that another EU Member State take responsibility for examining their asylum claim, so as to enable the asylum seeker to:</p> <ul style="list-style-type: none"> • Join close family members who are also seeking asylum, or who have been granted some form of protection. • Reunite with other family members based on dependency, due to illness, pregnancy, a new-born child, severe disability or old age (Article 16). • Reunite with other family members based on cultural and/or humanitarian grounds (Article 17) at the discretion of the EU member state receiving the request. Articles 16 and 17 are known as the discretionary clauses. 	<p>The rules applying to this process depend on the immigration status of the family member in the EU member state. The EU Directive on family reunification establishes common rules for exercising the right to family reunification in some EU member states:</p> <ul style="list-style-type: none"> • Where a family member has refugee status or subsidiary protection, they can apply for their immediate family members to join them under refugee family reunification (family reunification visas). The process varies between member states, ranging from filling in online forms to presenting themselves with supporting documentation at visa application centres or embassies. • Where family members do not have refugee or subsidiary protection status, prohibitively stricter rules related to income, integration and accommodation apply.
<p><i>Definition of 'family'</i>¹³</p> <ul style="list-style-type: none"> • The spouse of the applicant seeking asylum or his/her unmarried partner in a stable relationship. • The minor children of couples or of the applicant, on condition that they are unmarried. • When the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant. 	<p><i>Definition of 'family'</i>¹⁴</p> <ul style="list-style-type: none"> • First-degree relatives (spouse and minor children) of the sponsor. • First-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin. • The adult unmarried children of the sponsor or his/her spouse, where they are objectively unable to provide for their own needs because of their state of health.



Abdul from Herat, Afghanistan hopes to reunite with his wife and son in Germany. He wrote a heart-warming letter to them while he waits for his family reunification request to be processed in Epirus.

'Greetings to my wife Zahra Ahmadi and to my dear son Mohamad Taha Jan that are now in the city of Hamburg, Germany.

I hope both of you are in good health and spirit. I hope one day I will be next to you and once again we live together. May God protect both of you.

With respect,

Abdul Algafar Ahmadi'

Photo credit: Felipe Jacome/Oxfam 2017

THE EU-TURKEY STATEMENT

On 18 March 2016, the European Commission published an agreement reached between the 28 European heads of state and government and the Turkish government (the EU-Turkey Statement).¹⁵ According to this agreement, any person arriving in Greece from Turkey after 20 March 2016 would be returned to Turkey, after an individual assessment of their case.

Following the publication of the EU-Turkey Statement, most people who arrived in Greece before 20 March 2016 were transferred to the mainland and are eligible for standard asylum procedures. People who arrive on the Greek islands after this date are generally prohibited from leaving for the mainland and are required to go through border procedures. The border procedures include admissibility checks, during which European Asylum Support Office (EASO) or Greek Asylum Service (GAS) caseworkers assess not a person's individual need for international protection, but only whether he or she can be returned to Turkey. Only vulnerable cases and people with family members already applying for asylum in the EU are exempted from the geographic restrictions and border procedures.

On 8 December 2016, the EU Coordinator for the implementation of the EU-Turkey Statement, Maarten Verwey, adopted a Joint Action Plan¹⁶ with the

Greek authorities to support the implementation of the Statement and increase the rate of returns from the Greek islands to Turkey.

Oxfam has repeatedly criticized the EU-Turkey Statement and its implications for the lives of people stranded in Greece.¹⁷

2 THE SITUATION ON THE GREEK ISLANDS

Table 2: A summary of the situation on the Greek islands (Lesvos, Chios, Samos, Leros and Kos)

<i>Estimated number of migrants, including refugees</i>	13,745 (as of 17 May 2017) ¹⁸
<i>Estimated number trying to reach their family in the EU</i>	Unknown. There is no consistent identification and registration for individuals seeking to reunite with family members.
<i>Access to refugee family reunion</i>	Impossible. Migrants, including refugees, cannot travel to the Greek mainland to access family reunification procedures at embassies.
<i>Access to family unity provisions under the Dublin Regulation</i>	Increasingly restricted due to administrative barriers, inefficiency and narrowing interpretations of the legislation.
<i>Access to family in mainland Greece</i>	Often impossible unless the person on the island has an identified vulnerability. ¹⁹ This will become increasingly difficult, as it is expected that even vulnerable people will no longer be able to move off of the Greek islands, according to the suggestions of the Joint Action Plan.

The EU-Turkey Statement specifies that ‘*all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey*’.²⁰ Policies and procedures put in place to implement this have left thousands of people stuck in limbo on the Greek islands.²¹ Most are living in inadequate or unsafe conditions, and therefore with diminished resilience. They are exposed to violence and abuse and increasing levels of vulnerability. Reception and registration procedures put in place to implement the EU-Turkey Statement are convoluted and constantly changing. Notably, they:

- Are not designed to protect family unity or other basic rights, but rather to return people seeking international protection in Europe to Turkey;
- Restrict the ability of family members to move off the islands to join family members on the mainland and/or apply for family reunification via relevant embassies;
- Diminish the likelihood of family reunification if people have arrived after 20 March 2016;
- Divide the most vulnerable from their loved ones by moving people with vulnerabilities to the mainland while leaving behind family members who do not meet the narrow definition of family.

GEOGRAPHICAL RESTRICTIONS

The EU-Turkey Statement imposes significant restrictions on people who have arrived on the Greek islands after 20 March 2016 with respect to travelling to the Greek mainland. This means that people cannot access EU member state embassies and family reunification processes. For example, Oxfam received information about a family in Turkey applying for family reunification with one of their children, who was living in an EU member state. Due to the lengthy procedures, they took a dangerous journey by sea to Lesvos, where they registered as asylum seekers. A few months later, they were invited for an

interview at the respective embassy, but they could not attend because the Greek authorities would not allow them to leave Lesbos.

ADMINISTRATIVE BARRIERS AND INEFFICIENT PROCEDURES

For families arriving on the Greek islands, Greek Law 4375/2016 lays out the responsibility of the authorities to maintain family unity during registration and identification procedures.²² In practice, however, this rarely happens; priority is given to transferring vulnerable cases to the mainland in order to access necessary services (far too often with disregard for protecting family unity), or returning people to Turkey. On the islands, people who could qualify for family unity under the Dublin Regulation frequently fall through the cracks, with their rights to family life overlooked. This is because Greek Dublin Unit officials are located only in Athens and not on the islands, and legal actors report that the European Asylum Support Office (EASO) and Greek Asylum Service (GAS) caseworkers have had insufficient training on how to handle family unity under the Dublin Regulation. For the same reasons, people with family unity cases under the discretionary clauses of the Dublin Regulation, which allow the receiving member states to assume responsibility of an application even if they do not fulfil the rest of the criteria laid out in the Dublin Regulation, may also remain unidentified. In the most recent example of shifting policies and procedures, the GAS has informed lawyers and NGOs that cases under the discretionary clauses cannot be submitted for asylum seekers on the islands. This change further limits the options for family unity under the Dublin Regulation for people stranded on the Greek islands.

This is exacerbated by a lack of monitoring and follow-up of registration processes. Currently, no application form is being used to request claims for the transfer of asylum to another EU member state for family reasons. During registration, people are only asked once if they have family in Europe. After this, applicants are expected to proactively, in person, inform their case worker that they have family in Europe and hand over all the required documents that may prove the relationship, such as birth or marriage certificates. Oxfam received several reports of cases with family links that were not identified during registration. These people had to wait until their first interviews to be identified, thereby forfeiting the possibility for their requests to be dealt with swiftly, as the waiting period for the first interview ranges between several days to several months.

WHO IS FAMILY?

The testimonies of migrants, including refugees, and reports by legal aid groups show that rigid definitions of ‘family’ in the Dublin Regulation and in national family reunification laws are at the heart of the problem. Many family links are not recognized under Greek and European law, which do not take into account cultural and societal norms, or units of dependency that are formed as a matter of survival during migratory routes. The narrow definitions used across the different legal schemes prevent members of extended families,

caretakers and families that were formed after flight from staying together and accessing family reunification processes.

Box 1: An Afghan family

An Afghan family was sent from Lesbos to Athens as one member was identified as vulnerable and required medical treatment. The grandmother was left behind, alone, on Lesbos, because she does not fit the narrow definition of family, even though she was an intrinsic part of the family. This led to severe emotional distress for both the family members who went to Athens and the grandmother who remained on Lesbos. An appeal aiming to prove her dependency was not successful.

However, even for people who fit the narrow definitions, bureaucratic issues, such as the burden of proof through official documents, are a barrier. Several cases were reported to Oxfam of pregnant women who were transferred to other camps, or even the mainland, while their partner was forced to stay behind in Moria because they had no paperwork proving their relationship, even though credible testimony should be sufficient for them.²³ Even if couples arrive together, unless they can prove that they are married or in a legally recognized stable relationship, they may be registered and considered separately.

FAMILIES SEPARATED BETWEEN THE MAINLAND AND ISLANDS

Box 2: An Afghan family with minor and adult children

An Afghan family with two children under 18 and two adult children, an 18-year-old son and a 24-year-old daughter, arrived on Lesbos in late 2016. The family applied under the Dublin Regulation for family reunification with their fifth son, who is an unaccompanied minor in Germany. While the parents were accepted, the two adult children were not. The 18-year-old son was identified as vulnerable and was transferred to Athens. The 24-year-old daughter, however, was told she would have to remain alone on Lesbos, as she was considered to be neither vulnerable nor a minor, and was thus refused the chance to be reunited with the rest of her family. This situation caused tremendous anxiety for the whole family, but particularly the daughter. Because the family did not want to be split – and because of the emotional distress it was causing the daughter – the parents and son remained in Moria with the daughter. This delayed the parents' reunification with their young son in Germany. Eventually, the daughter was also recognized as vulnerable, meaning that her geographical restriction has been lifted. She has since moved to Athens with the rest of the family – even though the parents will, assuming they continue their Dublin application, go to Germany.

The rigid implementation of policies intended to protect people with vulnerabilities – such as the exemption of their cases from border procedures²⁴ and their right to move to the mainland to receive necessary care – frequently separates families because of the overriding priority to send as many refugees and migrants back to Turkey as possible. One devastating example of this is a

couple from Syria who arrived with the wife's minor sister. The wife was nine months pregnant, and her sister had recently turned 18 when the family arrived on Lesbos. The couple was told they could move to Athens due to the wife's pregnancy, but her sister was not allowed to accompany them. The 18-year-old sister, afraid of being left behind, travelled to Athens first with a smuggler. However, the woman gave birth on Lesbos and so did not travel to Athens, meaning the sister was left in Athens alone without any news of her whereabouts.

Box 3: Sarah from Syria

Sarah, 24, left Syria with her husband, their newborn son, her parents and her minor siblings. They left because her father had been imprisoned for three years and they were afraid for their lives. The family was split at the border with Turkey: Sarah, her husband and their son were left behind. After taking the journey alone, they arrived in Lesbos after the EU-Turkey Statement was put into effect.

The young family stayed there for 10 months. *'The situation in Moria was very bad. People left the camp and were living in the fields. Others returned to Turkey. My son got sick in Moria but no doctor has ever seen him,'* Sarah says. *'If we had died in the boat it would be better than our life in Greece.'*

As vulnerable cases, Sarah and her husband were transferred to the mainland. They now live in a hotel in Epirus, north-west Greece. Even though her parents and her siblings are also in Greece, they have not been reunited, as they were transferred separately, to camps in different geographical locations. *'My father is now in Athens with the rest of my family. I asked to take me to them but they brought me here. They told me it's only four hours away from Athens, but we were in the bus with no food for many hours,'* says Sarah.

DISCRIMINATION BY AGE AND NATIONALITY

Discriminatory policies brought in to implement the EU-Turkey Statement are making family reunification an increasingly unattainable dream for people from certain countries, who are forced to remain on the Greek islands or are even returned to Turkey. A pilot project in Lesbos related to the EU-Turkey Statement has resulted in people of six nationalities being immediately detained upon arrival.²⁵ Oxfam's legal aid partners report that the affected people have little to no access to family reunification procedures, due to lack of access to legal aid and necessary documents.

Lawyers and legal aid groups in Greece told Oxfam that unaccompanied children on the islands are often registered as adults because the processes and documents required by the authorities to prove one's age are changed frequently. As a result, they have less or even no opportunity to reunite with their families under the Dublin Regulation. For instance, lawyers reported that the GAS recently stopped accepting original birth certificates as evidence that an unaccompanied child was under 18; only original passports or national IDs are now allowed.²⁶ This practice de facto discriminates against certain nationalities, such as children from Pakistan and Bangladesh, who can only be issued an official ID after they turn 18, as well as people who have lost

documents or cannot access them. The procedure to reverse the registration of a child as an adult is time-consuming and complex. Even children who manage to reverse this may have lost the opportunity to register their claim to be reunited with their family as in the meantime they may have turned 18. According to a legal aid organization operating in Lesvos, as of May 2017 there were over 60 children in Moria who were registered as adults.

Box 4: Saad from Pakistan

Saad, 17, is an unaccompanied child who left his hometown in Pakistan on February 2016 and arrived in Lesvos on 26 March 2016. He is now living in Moria, Lesvos.

'I travelled with my older brother. He was sick and he was transferred to Athens because of his vulnerability. I miss him a lot and I'm afraid here alone. In Lesvos, the rules change every day. I want to join my brother in Athens. We did the whole journey together. I also have a younger brother in France. He is 16 and he is studying there.'

Saad was not transferred to Athens with his older brother and he was not given the opportunity to apply for family reunification under the Dublin Regulation with his brother in France because he was not registered as a child.

'When we arrived, the boat we were in sank and all of our documents were destroyed. So, I did not have them for the registration. When I first arrived in Moria I was put in the minors' section but then they realized I had no papers and I was asked to leave. I tried to contact my family to get a birth certificate and my uncle managed to send it to me. When I had the first interview, I gave them my birth certificate but I was informed that I should wait for the Greek government to decide if they will accept it.'

Saad was 16 years old when he arrived and he has been waiting for over a year to be recognized as a child. He will turn 18 in July 2017, and his chances of reunification with his family are deteriorating daily – the clock is ticking.

EUROPEAN POLICIES SEEK TO FURTHER LIMIT ACCESS TO FAMILY REUNIFICATION PROCEDURES

For people on the islands, reuniting with family in other EU member states is only possible under the Dublin Regulation and even this is under threat. The European Commission's Joint Action Plan for the implementation of the EU-Turkey Statement recommends putting people who seek family reunification through the border procedures. As previously explained, these procedures only assess whether a person can be returned to Turkey, not whether they need international protection. If this recommendation is implemented, people will ultimately be returned to Turkey to try to apply for family reunification through the more complex and restrictive visa procedures. The Greek government would need to amend its current law in order to do this, but if it does, this could see the prolonged separation of families and of children from their parents, and could place people, including children, at increasing risk of exploitation, abuse and deprivation. A number of NGOs have urged members of the Greek parliament not to vote in favour of the amendments.²⁷

3 THE SITUATION ON THE GREEK MAINLAND

Table 3: A summary of the situation on the Greek mainland

<i>Estimated number of migrants, including refugees</i>	48,404 (as of 17 May 2017) ²⁸
<i>Estimated number trying to reach family in the EU</i>	There is no consistent identification and registration for individuals seeking to reunite with family members. However, a one-off registration exercise in Greece in early 2016 found that 44 percent of Syrians and nearly 20 percent of Afghans, which were the top two nationalities arriving in Greece at the time, were aiming to reunite with family in Europe. ²⁹
<i>Access to refugee family reunion</i>	Available, but difficult due to high costs, complex procedures and narrow definition of 'family'.
<i>Access to family unity provisions under the Dublin Regulation</i>	Available, but limited due to delays, complicated processes and narrow definition of 'family'.

Those who arrived on the Greek mainland prior to the implementation of the EU-Turkey Statement or have been transferred to the mainland because they are vulnerable and/or eligible for family reunification under the Dublin Regulation continue to face significant obstacles to reaching their family members in other EU member states.³⁰ While people on the mainland wait for family reunification procedures to be completed, they are stranded in sites throughout the country that vary in suitability of accommodation and critical services. All indications suggest that thousands of people will remain in Greece for many more months to complete family reunification procedures.³¹ These policies and practices leave families separated for an unnecessarily long time and increase the vulnerability of both children and adults. Notably, they:

- Delay the processing of requests and therefore reunification with family members;
- Only allow members of a nuclear family to join family members in other European countries;
- Prevent family members or caretakers who remain on the islands from joining their families on the mainland; and
- Do not identify and facilitate the reunification of family members stranded in different locations on the mainland.

REFUGEE FAMILY UNITY

Family reunion schemes are key to ensuring people do not have to make dangerous journeys to Europe. There are different schemes across the EU member states and they are administratively and legally complex, often only allowing for a narrow category of family members to be reunited (see Table 3). This means that currently, only a very limited number of refugees and migrants can overcome separation and be reunited with their families. In 2015, the year that almost a million people crossed the Aegean fleeing persecution or seeking a better life, EU member states granted only 78,772 visas for family reasons³² to the 28 EU member states to people of the five main nationalities³³ who arrived in Greece through the eastern Mediterranean route.

Table 4: Residence permits granted for family reasons to all EU member states, by nationality, 2015

<i>Syria</i>	35,373
<i>Afghanistan</i>	6,348
<i>Iraq</i>	7,893
<i>Iran</i>	5,988
<i>Pakistan</i>	23,170
Total	78,772

Source: Eurostat, Residence Permit Statistics. Available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Residence_permits_statistics [accessed 24 May 2017]

The rules applying to family reunion depend on the immigration status of the family member in the EU member state with whom someone in Greece wants to be reunited. There are variations among EU member states on who is considered a family member and also on the different restrictions in place (see Appendix 2, Table A).

Where a family member has refugee status or subsidiary protection, they can apply for their immediate family members to join them under refugee family reunification. However, Germany, Sweden and Greece have introduced restrictions on the ability of refugees who have been granted subsidiary protection to apply for refugee family reunification. In 2016 Germany suspended access to family reunification procedures for people under subsidiary protection until 16 March 2018.³⁴ This happened in the same year that the German Federal Office for Migration and Refugees (BAMF) granted subsidiary protection instead of refugee protection in a record number of cases.³⁵ Subsidiary protection, which provides people with reduced rights in comparison to the status of refugee, should not be used to limit access to family reunification. Other member states set specific restrictions for refugee family reunification; for example, in Spain family members must be of the same nationality to qualify.³⁶

Most EU member states apart from the UK have a time restriction or a waiting time related to refugee family reunion. In some instances, recognized refugees have only a limited period – a one-year window in Belgium³⁷ and three months in the Netherlands and Germany³⁸ – in which they can apply for their family member to join them without falling under more prohibitive requirements to demonstrate that they will be able to financially support them. An inability to

demonstrate financial independence should never be a reason to prevent refugee families from reuniting.

Box 5: Miran from Syria

Miran, a Syrian granted refugee status in the Netherlands, missed the three-month window allowing him to bring his family from Turkey to the Netherlands, and was unable to prove that he could support his family in order for them to migrate under the regular visa procedure. Because of concerns over the welfare of his wife and children, he decided to go to Turkey in order to bring his family with him. Together they crossed the Aegean Sea to Lesbos and have lodged a claim for international protection in Greece.

The rules are often based on a narrow definition of ‘family’ that also does not consider cultural and societal norms (see **Tables 6 and 8**). For instance, in all EU member states Oxfam considered for this report, parents are only able to be reunited with their child who is over 18 in exceptional circumstances. The UK is the only member state that does not allow children who are recognized as refugees to sponsor even their very closest family members to join them. With the exception of Spain,³⁹ no member state has provisions that can consider dependency outside the nuclear family, which would allow for refugees to bring, for example, their grandparent to live with them in safety. In Ireland, changes to legalisation in 2015 removed the pre-existing category of dependent relatives and narrowed eligibility to the nuclear family.⁴⁰

The amount of time that refugee family reunion procedures may take also varies between states. For instance, Oxfam has anecdotal evidence that people who have been accepted to Germany via family reunification visas are being transferred very quickly – in some cases within a month, making some people opt for a visa procedure rather than waiting for the long process of family reunification under the Dublin Regulation, which usually takes more than six months.

The residence permit granted to family members is directly connected to the status of their family member. They are not themselves recognized as refugees or afforded any other protection status. While this may speed up the process, it may have impacts on power dynamics within families and can make it more difficult for couples and families to develop or uphold equality of gender relations. In short, ‘it creates additional dependency on the family member that sponsored who in turn may feel responsible and not able to act freely within their relationship’.⁴¹

The slow administration of the Dublin Regulation

During focus group discussions in Epirus, north-west Greece, more than 50 percent of the participants who had applied for family reunification in another country under the Dublin Regulation had been waiting for at least six months to receive a final reply. Legal aid organizations cite a lack of capacity and the complex administrative procedures, but mostly blame a lack of commitment by member states to the process. According to official EU statistics, requests to take charge of an asylum application for family reasons make up only six percent⁴² of the applications submitted under the Dublin Regulation; this,

therefore does, not justify the long delays.

According to a number of interviewees, outgoing requests to transfer asylum applications are being sent by the GAS at the end of the three-month period stipulated in the Dublin Regulation from when the application was made. The member states receiving the requests usually do not reply until the end of the two-month period the regulation allows from their side. Legal aid groups report that this sort of procrastination has on several occasions led to deadlines to submit applications being missed. When the GAS misses a deadline, it reverts to submitting the applications under the discretionary clauses. This practice not only causes even longer waiting periods, but also results in an abundance of applications under the discretionary clauses that should have been reserved for humanitarian or other extenuating circumstances. This can lead the administrations of other member states to view such applications as an abuse of the system, according to legal aid actors.

In 2016, the Greek authorities sent 4,886 requests for family reunification under the Dublin Regulation to other EU member states. By January 2017, around half of the requests had been accepted but only a quarter of the men, women and children hoping to join their loved ones had departed.⁴³ The Dublin Regulation sets out that Greece has a six-month period to transfer people seeking asylum to the member state that has agreed to examine their request. This means that it can take more than a year from the moment a person is identified by the GAS as eligible for reunification under the Dublin Regulation to the time they are actually reunited with their family.

In a severe blow to people waiting to be reunited with their families in Germany, in May 2017, the German and Greek governments appear to have agreed⁴⁴ that only 70 people accepted for family reunification through the Dublin Regulation will be received each month, although this has not yet been officially announced by the German government.⁴⁵ In February and March 2017, the numbers of people transferred were 370 and 540 respectively. Currently, there are more than 2,400 people⁴⁶ in Greece who have been accepted for family reunification through the Dublin Regulation by Germany, which means that if this policy remains in place, it could take three years for some of them to reach their families.

Misinformation

The majority of people Oxfam spoke to on the Greek mainland did not have a clear understanding of the procedures and their own status within them. This is partly because it is up to the GAS to identify people eligible for family reunification under the Dublin Regulation and make it clear that a 'take charge' request will be made. GAS and UNHCR ran a short information campaign in June 2016, but it did not include much information on family reunification.⁴⁷ As such, the job of informing people about eligibility for family reunification is largely left up to NGOs providing legal aid – a service that is mostly underfunded and therefore out of reach for many migrants. Most of the refugees and migrants that Oxfam spoke to reported having gone through the procedures with little or no information; they alleged that the authorities did not provide sufficient explanation about either the processes or their place within them. Some families had received conflicting information from lawyers and the GAS about the possibility of being reunited with family members living in

another EU member state. In one instance, a woman from Syria reported that she was wrongly told by the Regional Asylum Office that she did not have the right to apply for family reunification under the Dublin Regulation with her minor children in Germany. After receiving legal aid, she filed her application, having lost time unnecessarily.

Box 6: Wahel from Syria

Wahel, 16, from Syria was separated from his family while they were in Lebanon and he arrived alone in Thessaloniki, Greece after March 2016. His parents and two siblings had arrived in Greece before 20 March 2016 and had gone on to Germany.

As a child alone, he was entirely at a loss. Without information and support, he did not know that he could be reunified with his family under the Dublin Regulation. He gave €9,000 to smugglers, trying four times unsuccessfully to fly from Greece to Germany. He is currently still in Greece. However, after being offered legal aid, he will hopefully be reunited with his family soon.

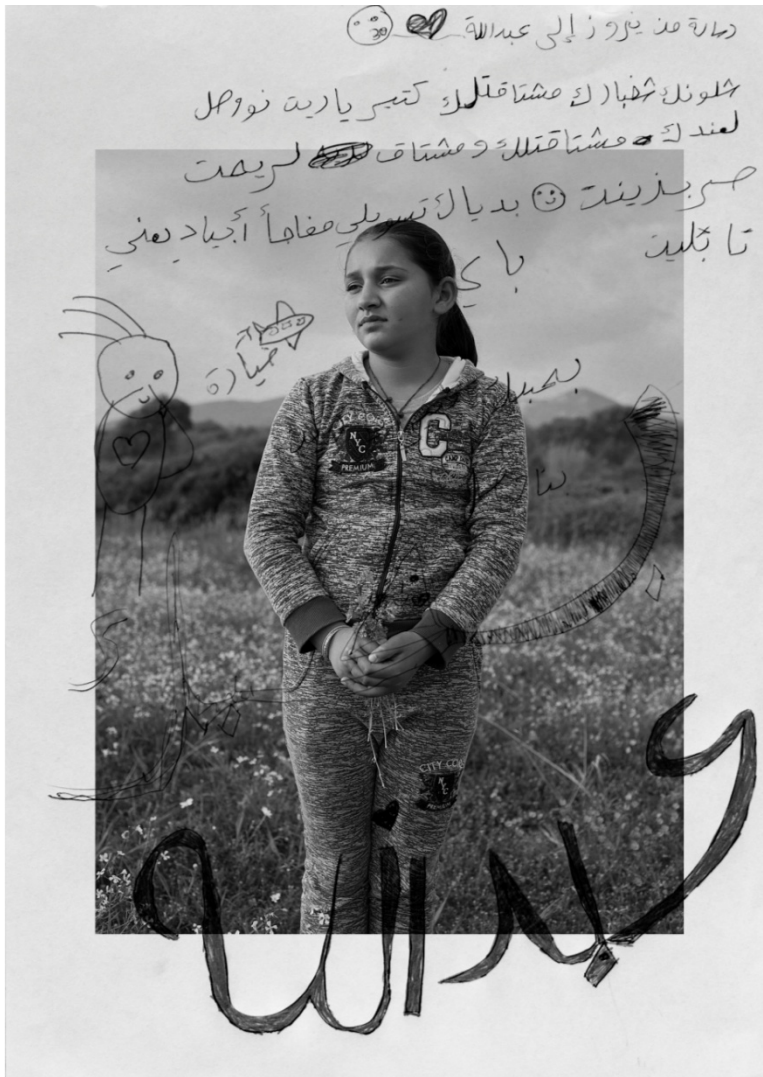
Restrictive family definitions are keeping families separated between different EU member states

The Dublin Regulation does not allow for reunification with adult children, defined as those who are least 18 years of age, with the exception of the discretionary clauses. Around 30 percent of Oxfam's focus group participants who had family in another member state reported that they could not reunite with their adult children or siblings because they were older than 18. Thus, families with children in other EU member states who are about to turn 18 are trying to rush through procedures so that they can be reunited while their children are still minors.

As a result, legal aid organizations report that cases submitted under Articles 16 and 17 of the Dublin Regulation (see **Table 1**) increased during 2016. In 2016, 451 applications under the discretionary clauses were submitted in Greece.⁴⁸ Lawyers report that rejections are on the rise, and that member states are not obliged to provide a justification when Article 16 and 17 cases are rejected. The GAS is also very cautious about submitting requests under the discretionary clauses for people who should be considered under the rest of the family unity clauses of the Dublin regulation, as they are more likely to be dismissed.

Some countries have started to generally accept adult children, mostly women, between 18 and 21 years old under Article 17. Such applications are accepted only from the Greek mainland and not the islands. This policy excludes young men, who may sometimes face similar challenges.

'My parents are in Sweden, but I cannot apply for family reunification [under the Dublin Regulation] because I am an adult,' says Amina, 24, from Syria.



Naiima and her family left the city of Kobani two years ago. They spent eight months in Turkey waiting for the winter to pass. Over the past 14 months her family has lived in a camp in Thessaloniki and now in Epirus. She hopes to reunite with her older brother in Vienna, Austria. Naiima writes a letter to her brother. It says:

'How are you? What's the news about you? I miss you very much, I wish we could reach you. I love you very much, we keep on.'

Photo credit: Felipe Jacome/Oxfam 2017

People lose hope and give up on regular routes

The aforementioned obstacles are leaving families feeling desperate and willing to put their lives into the hands of smuggler networks. For example, Haya, a 47-year-old single mother, told Oxfam that she sent her 18-year-old daughter to be with her siblings in Germany with smugglers because she felt this was the only way to avoid the family being split up and her daughter being left back in Greece alone. A Syrian family living in north-west Greece helped their 24-year-old daughter go to Germany for the same reason. In both cases, the families knew that they would not be able to reunite with their adult children on reaching Germany, which meant that putting them into the hands of smugglers was the only way to keep the family together. The current laws and policies concerning family unity violate the rights of people and throw them into life-threatening situations. Furthermore, they are counterproductive in the effort to make seeking asylum in the EU a manageable, effective and orderly procedure.

4 RECOMMENDATIONS

The EU, member states and the Greek government should:

- Monitor EASO's involvement and ensure that the caseworkers deployed in Greece are fully trained and aware of the different legal pathways that ensure family unity.
- Expand the definition of family for both refugee family reunion and Dublin Regulation applications to include young adults who were dependant on family unity prior to flight, parents, siblings and in-laws, and ensure that the concept of dependency is adequately addressed.
- Develop unified standard operating procedures, with efficient deadlines for the handling of family reunification cases and registration under the Dublin Regulation and create standard application forms that are available in the language spoken by the applicants.
- Establish monitoring mechanisms to ensure Dublin procedures move as quickly as possible. This should include tracking requests under the family unity provisions.
- Ensure that timely, culturally appropriate and accessible information about the different processes of asylum and family reunification, tailored to the situation in the country of arrival, is provided. Ensure also the provision and funding of legal aid.

EU member states should:

- Ensure that the existing procedures work effectively and that bureaucracy does not prevent people from reuniting families; that relevant agencies (embassies, asylum services, Dublin units, etc.) have sufficient funding and capacity; and that their resources are deployed where they are needed most, especially the Greek islands.
- Lift financial restrictions for recognized refugees to access family reunification processes and time and financial restrictions for family reunion for people with subsidiary protection and other humanitarian status.
- Allow children who have been found in need of international protection to bring in close family members.

The Greek government:

- Must not under any circumstances subject family reunification cases to admissibility checks, as the Joint Action Plan for the implementation of the EU-Turkey deal recommends.
- Should lift geographical restrictions for all family members stranded on the Greek islands, including the caretakers of vulnerable people.
- When allocating accommodation to asylum seekers, consult with families on their preferences and ensure that every effort is taken to maintain family unity and keep families together if that is what they wish. When families are separated within Greece, and wish to be together, take immediate steps to

reunite them.

- Must ensure the fast processing of unaccompanied minors, and separated children; recognize proof of age other than passports and IDs and while age determination is underway, the person should be treated as a minor until proven otherwise; and ensure that the process for correcting an applicant's date of birth – and thereby recognizing their minority, if applicable – be made clear, transparent and consistent.

APPENDIX 1

METHODOLOGY

Oxfam conducted research exploring the impact of the European system for managing migration on the lives of people stranded in Greece.

The main information collection methodology was developed around an online survey, focus group discussions with people living in the accommodation sites in the Epirus region of north-western Greece, field visits and key informant interviews. The survey results were supplemented with a desk review of secondary data.

Focus group discussions: Oxfam conducted eight focus groups in Epirus, involving 80 people in total. At each of the four sites visited, there were separate men's and women's groups for each nationality.

Online survey: 25 people responded from across the Greek mainland. No personal information was collected.

Field visits: Oxfam conducted field visits in Epirus and Lesbos.

Key informant Interviews: 11 interviews were conducted with legal aid groups and NGOs.

OXFAM'S RESPONSE IN GREECE

Oxfam began working in Greece in October 2015 and now has programmes on Lesbos and in Epirus.

Oxfam Programmes support family unity

Oxfam's programmes support family unity in several ways. The organization has established partnerships with two legal actors, the Greek Council for Refugees and European Lawyers in Lesbos. These partners provide legal information, counselling and assistance to people seeking international protection, including those who are applying for family reunification under either the Dublin Regulation or visa procedures. In addition, they assist with family reunification cases within Greece.

APPENDIX 2

FAMILY REUNIFICATION ROUTES BY EU MEMBER STATE

Table A: Comparing EU member state policy on family reunification

Family reunification through visa/refugee family reunion					
Country***	Are both beneficiaries of subsidiary protection and recognized refugees eligible for refugee family reunion?	Is there a time restriction or a waiting time related to refugee family reunion?	Can parents bring their children who are over 18 years old?	Can children sponsor their parents?	Are there provisions to recognize dependency outside the nuclear family?
Austria	Yes	Yes	No*	Yes	No
Belgium	Yes	Yes	No*	Yes	No
Czech Republic	Yes	Yes	No*	Yes	No
Germany	No	Yes	No*	Yes	No
Greece	No	Yes	No*	Yes	N/A
Spain**	Yes	Yes	No*	Yes	Yes
Finland	Yes	Yes	N/A	Yes	N/A
France	Yes	Yes	N/A	Yes	No
Hungary	Yes	Yes	No*	Yes	No
Ireland	Yes	Yes	No*	Yes	No
Italy	Yes	Yes	No*	Yes	N/A
Netherlands	Yes	Yes	N/A	Yes	No
Norway	Yes	Yes	N/A	Yes	Yes
Poland	Yes	Yes	N/A	Yes	N/A
Sweden	No	Yes	No*	Yes	No
UK	Yes	No	No*	No	No

* See Table C

** Family members must have the same nationality to qualify for refugee family reunion.

*** Countries included have a high number of asylum seekers and migrants.

Table B: Time and other restrictions by country

Country	Time and other restrictions
Austria	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Belgium	Recognized refugees have a 12-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Czech Republic	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Germany	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Greece	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Spain	Recognized refugees have a 12-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Finland	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
France	Recognized refugees have an 18-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Hungary	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Ireland	Recognized refugees have a 12-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Italy	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Netherlands	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Norway	Recognized refugees have a 12-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Poland	Recognized refugees have a six-month deadline after they receive their status without being required to prove that they can financially sponsor their family.
Sweden	Recognized refugees have a three-month deadline after they receive their status without being required to prove that they can financially sponsor their family.

Table C: Rules on sponsoring adult children by country

Country	Can parents sponsor their children who are over 18 years old?
Austria	Only if dependency is proven.
Belgium	Only through a humanitarian visa, which is difficult to get.
Czech Republic	Only if dependency is proven for adult children over 26 years old.
Germany	Only if exceptional hardship (such as severe illness or disabilities that constitute existential dependency) is proven.
Greece	Only if they are under 26 years old.
Spain	Only if dependency is proven.
Hungary	Only if dependency is proven.
Ireland	Only if significant financial and other requirements are met.
Italy	Only if dependency is proven.
Sweden	Only if dependency is proven.
UK	Only if exceptional circumstances apply.

NOTES

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- 11 Names and personal details have been changed to protect the privacy of the people interviewed.
- 12 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?sessionId=jHNITp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hqcztw4pbfSQZffnm!557467765?uri=CELEX:32013R0604>
- 13 According to Article 2 paragraph G: *'family members' means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present on the territory of the Member States: the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals, the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law, when the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present, when the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present.*
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- 19 A list of persons belonging to vulnerable groups is stipulated by the relevant national legislation. According to Article 14(8) L 4375/2016, 'As vulnerable groups shall be considered... a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particular survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings.'
- 20 *EU-Turkey statement, 18 March 2016.*
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- 22 Greece: Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC [Greece], 3 April 2016, available at: <http://www.refworld.org/docid/573ad4cb4.html> Article 14 paragraph 5.c
- 23 UNHCR. (2013). *Beyond Proof Credibility Assessment in EU Asylum Systems.* Available at: <http://www.unhcr.org/51a8a08a9.pdf>
- 24 Greece: Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC [Greece], article 60 par.4(f), 3 April 2016, available at: <http://www.refworld.org/docid/573ad4cb4.html>
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- 26 Ibid. Page 4.
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This paper was written by Angeliki Nika. Oxfam thanks the communities where we work – without whom this report would not be possible – and acknowledges the assistance of Josephine Liebl and the Oxfam in Greece staff, and its partners European Lawyers in Lesvos and Greek Council for Refugees. It is part of a series of papers written to inform public debate on development and humanitarian policy issues.

For further information on the issues raised in this paper please email advocacy@oxfaminternational.org

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The information in this publication is correct at the time of going to press.

Published by Oxfam GB for Oxfam International under ISBN 978-0-85598-998-9 in June 2017.

Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

DOI: 10.21201/2017.9989

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