



**FAMILY  
REUNIFICATION IN  
GREECE:  
A FEW HARD WINS  
AMONG MANY  
BUREAUCRATIC AND  
SYSTEMIC OBSTACLES**



LEGAL  
CENTRE  
LESVOS

LEGAL CENTRE LESVOS  
SAPFOUS 2, MYTILENE, LESVOS  
EMAIL: [INFO@LEGALCENTRELESVOS.ORG](mailto:INFO@LEGALCENTRELESVOS.ORG)  
WHATSAPP: +30 694 961 8883 - LANDLINE: +30 2251 040 665

# CONTENTS

WHO WE ARE

INTRODUCTION

I. THE DUBLIN REGULATION IN OPERATION

II. POLICIES AND SYSTEMIC FAILURES IMPACTING FAMILY REUNIFICATION

II.i. Accelerated border procedures

II.ii. Wrong registration of children as adults and lack of age assessment procedures

II.iii. Delays by the Greek authorities in the submission of family reunification requests

II.iv. Bad faith rejections by other EU Member States

II.v. Lack of transfers for persons accepted for family reunification

II.vi. Other obstacles

CONCLUSIONS & RECOMMENDATIONS



## WHO WE ARE

The Legal Centre Lesbos AMKE, is a civil non profit organization, registered in Mytilene, Greece, operating since May 2019. Between 2016 and 2019, the Legal Centre operated as “Legal Centre Lesbos,” a grassroots organisation registered under Prism the Gift Fund in the UK.

The organisation provides free and individual legal support to migrants and advocates for human rights and for equal access to legal and safe routes of migration in Lesbos, Greece and globally. We also work to document rights violations and advance migrants’ rights in Lesbos and across Greece.

## Introduction

The family reunification procedure under the European Union's (EU) Dublin Regulation is **one of the only safe and legal routes protecting family unity and allowing legal migration** from Greece to other EU countries.<sup>1</sup>

It provides for applicants or beneficiaries of international protection in Greece to reunite with their family members, where the relationship is that of spouses (or unmarried partners in a stable relationship<sup>2</sup>), parents and their minor children, and for unaccompanied asylum-seeking children with a wider range of persons (parents, siblings, aunts and uncles, or another responsible adult). In addition, some dependency and discretionary criteria are applied that allow family members who do not meet these strict criteria to be reunited on humanitarian or other grounds - though, as will be demonstrated, success in such cases is particularly rare.

**The fundamental right to a private and family life is recognised under international and European law.**<sup>3</sup> In practice, however, migrants' enjoyment of their **right to family life is often denied or obstructed** by flaws in registration and asylum procedures, authorities' failures to ensure the timely identification, substantiation and submission of family reunification requests, and, most critically, by the continued and knowing bad faith of other EU Member States in their implementation of the Dublin Regulation, through ungrounded or unfair rejections of family reunification requests coming from Greece. Furthermore, the ongoing COVID-19 pandemic has both exacerbated many of these issues and been used by domestic and regional authorities to justify their own, independent failings.

Nonetheless, in recent months, ten families represented by the Legal Centre Lesvos have either had their family reunification requests accepted or, following an earlier acceptance, have finally travelled to join relatives in other European countries. These successes have been hard won. From the Legal Centre's experience, the Greek Dublin Unit was generally collaborative and proactive in its approach to family reunification cases. However, it has become - particularly over the past two years - **an increasingly uphill battle for families applying to be reunited**, with issues often stemming from Greek authorities themselves.

**In the majority of the cases discussed below, the Legal Centre has been supporting families with their applications for family reunification for more than a year, with most requests refused in the first instance and requiring appeals, litigation, and/or other forms of advocacy.**

---

<sup>1</sup> European Union Regulation No 604/2013 (the "Dublin Regulation"), sets out criteria for determining "as quickly as possible" the country in Europe responsible for assessing an individual's asylum claim. It applies a series of criteria, which are grounded in the principle that default responsibility for an individual's asylum claim falls to the first Member State (MS) that they reach, thus shifting a disproportionate responsibility on to MS, like Greece, that constitute Europe's borders. The family reunification criteria (Articles 8-17) provide exceptions to these rules.

<sup>2</sup> If the law or practice of the concerned Member State treats unmarried couples in a way comparable to married ones.

<sup>3</sup> See, for example: Article 8, European Convention on Human Rights; Article 7, Charter of Fundamental Rights of the European Union; Article 12, Universal Declaration on Human Rights. European jurisprudence: Case C-540/03, Court of Justice of the European Union [CJEU], 2006, para 54; Case C-245/11, CJEU, 2012.

The shortcomings of the Dublin Regulation itself, while both acute and at the crux of many of the issues discussed here, are outside the scope of this report. Instead, it will provide an overview of the **challenges faced by migrants in accessing their rights to family life and the sources of these long delays in reunification**, based on the Legal Centre’s experiences and the testimonies of those we have supported in their efforts to join relatives elsewhere in Europe.

## I. The Dublin Regulation in operation<sup>4</sup>

The Dublin Regulation sets out criteria for determining the country in Europe responsible for assessing an individual’s asylum claim. It applies a series of criteria, grounded in the principle that default responsibility for an individual’s asylum claim falls to the first European Union Member State (EU MS) that they reach (the “authorisation principle”). Where this typically shifts a disproportionate responsibility on to states like Greece that constitute Europe’s borders, the provisions on family reunification provide an exception to this rule.

The family reunification process follows a number of steps, all of which carry deadlines:

1. The applicant, in the first country of arrival to the EU, must indicate to the asylum authorities - at the earliest possible opportunity - that they wish to apply for reunification with a relative in another EU MS, and provide evidence of the family bond to substantiate the request;
2. Within three months of the applicant’s registration in the country of arrival, that country must arrange for the applicant(s) and their relative(s) to sign a letter of consent to reunification, and send a “take charge request” to the asylum authorities in the country where the relative is located (the “second country”);
3. Within two months of the take charge request, the second country must respond to the take charge request;
4. If the second country refuses the take charge request, the applicant (or their legal representative) has twenty days to request the re-examination of their application, with legal argumentation and/or supporting documents to substantiate the request; if the second country accepts the take charge request, then a six-month window begins in which the country of arrival must facilitate the applicant’s transfer.
5. If the country of arrival fails to facilitate the transfer within six months of an acceptance (whether at first instance or upon appeal), the acceptance can elapse - and the reunification, therefore, be denied at this stage.

---

<sup>4</sup> For a thorough explanation of the Dublin Regulation’s implementation written by another Lesbos-based legal organisation, see: Fenix Humanitarian Legal Aid, Keeping Families Apart: The Dublin III Regulation in Practice” 4 August 2021, available at: <https://www.fenixaid.org/post/keeping-families-apart-the-dublin-iii-regulation-in-practice>. See especially pp. 5-11 for an overview of how the Regulation *should* operate, versus pp. 11-24 for some of the challenges faced in its implementation.

Despite the Dublin Regulation’s state aim of reuniting families “as quickly as possible”, the Legal Centre has seen families remain separated due to **unreasonable burdens of proof, burdensome administrative procedures, delays and errors arising from the Greek authorities’ processing of applications, and the bad-faith approach of EU MS to family reunification.**

## II. Policies and systemic failures impacting family reunification

- *Accelerated border procedures*

Upon arrival to the Greek islands, migrants are subjected to an **accelerated asylum procedure** in which the examination of their asylum application must be conducted within twenty days of their arrival, with a possible ten day extension in situations of mass arrival.<sup>5</sup> This year in Lesbos, some applicants for international protection have had their simple registration, registration as asylum seekers, substantive interview, *and* received a **first-instance rejection within a week of their arrival** to the island.<sup>6</sup>

The sheer pace of this procedure means migrants are often **rushed through their asylum claim in Greece**, without any information on family reunification and without time to access legal support before being rejected. For the same reason, the accelerated procedures do not leave space for the adequate and timely identification of persons who may be eligible for family reunification - particularly given that receipt of a first-instance decision on an individual’s asylum claim then disqualifies them from reunification under the Dublin Regulation.

- *Wrong registration of children as adults and lack of age assessment procedures*

Upon arrival to Lesbos from Turkey, Hellenic Police and/or Frontex officers conduct an initial registration, in which basic personal data of asylum seekers is recorded as part of Reception and Identification procedures. Since Legal Centre Lesbos began operating in August 2016, we have documented these officers’ systematic **recording of minors as adults - even when presented with evidence to the contrary.**<sup>7</sup> No transcript of the initial registration is kept, let alone provided to the applicant, rendering it particularly difficult for minors incorrectly registered as adults to rebut the age asserted on their documents.

Pursuant to Greek and international law, children with alleged minority status should be treated as such and therefore enjoy the protections and procedural guarantees afforded to children, until their age is proven otherwise.<sup>8</sup> However, Greek and European authorities persistently **fail to respect the presumption of**

---

<sup>5</sup> Article 83, para 4, Greek Law 4686/2020.

<sup>6</sup> Fenix Humanitarian Legal Aid, “From Arrival to Rejection in One Week” 13 August 2021, available at: <https://www.fenixaid.org/post/from-arrival-to-rejection-in-one-week>

<sup>7</sup> Human Rights Watch, “Greece: Lone Migrant Children Left Unprotected: Flawed Procedures Leave Those on Lesbos at Risk of Abuse” 19 July 2017, available at: <https://www.hrw.org/news/2017/07/19/greece-lone-migrant-children-left-unprotected>

<sup>8</sup> See, among others, Greek law: ΦΕΚ 3390/13-08-2020; international law and guidance: United Nations Committee on the Rights of the Child, Joint General Comment 3/22, Para 32(h).

**minority, and therefore the best interests of the child**, in both the procedural and practical assistance given to alleged minors.<sup>9</sup>

In Moria Reception and Identification Centre (RIC), those recognised as minors rarely were able to access such protections (such as Mohammed; see case summary below) - let alone those who were alleged minors. In Kara Tepe's Temporary RIC (also known as Mavrovouni Camp, or Moria 2.0), however, those who are recognised as minors tend to have access to child-specific accommodation and support, while those who are alleged minors continue to live with unrelated adults in the main camp.

Furthermore, the **Greek authorities suspended age assessment procedures in Lesvos for six months** from January until June 2021. The justification offered was that the Hellenic National Public Health Organization (EODY) personnel in the Kara Tepe Temporary RIC were awaiting training, while the doctors in the Vostaneio General Hospital of Mytilene lacked relevant expertise.

**Many children were therefore left without age assessments for half a year.** In the vast majority of cases, Greek authorities violated the presumption of minority and failed to ensure these children's access to care, safe shelter, and procedural support, as they are entitled to under Greek and European law.<sup>10</sup> Moreover, the Lesvos Regional Asylum Office (RAO) continued interviewing these children as adults and deciding upon their asylum applications without processing their family reunification application.<sup>11</sup>

Delays in recognising unaccompanied children's age not only prolongs their exposure to acute, physical risk in the hotspot camps, but often means that the **family reunification application is then lodged out of the prevised time limits.**

#### **Samir, an unaccompanied minor wrongly registered as an adult, left alone in Lesvos<sup>12</sup>**

Samir is an unaccompanied minor from Afghanistan. Upon arriving in Greece in January 2021, he was wrongly registered as an adult, despite having documentation from his country proving his date of birth and age.

Samir informed the Greek authorities when he registered his asylum claim and during his interview both that he was a minor and that he wanted to join his older brother in Germany. Despite this, the European Asylum Support Office (EASO) and the Greek Asylum service who carried out the asylum interview ignored his request and failed to initiate either an age assessment or the Dublin procedure.

It was only after Samir came to the attention of the Child Protection Team at the International Rescue Committee (IRC) - who referred the case to Legal Centre Lesvos - that the Dublin procedure was initiated. Working together with IRC, Legal Centre Lesvos prepared a family reunification application, demonstrating that reunification of Samir with his older brother was in Samir's best interests.

<sup>9</sup> Articles 60 and 75 of L. 4636/2019, transposing Article 25 of the EU Directive 2013/32/EE.

<sup>10</sup> Articles 60 and 75 of the Greek International Protection Act (L. 4636/2019), transposing Article 25 of the EU Directive 2013/32/EE.

<sup>11</sup> Article 75 para 3 of 4636/2019; Article 1, para 11 of Joint Ministerial Decision 9889/2020.

<sup>12</sup> All names have been changed to protect the identities of the Applicants.

The Greek authorities' incorrect registration of Samir as an adult and persistent refusal to act in accordance with the presumption of minority, as they are legally bound to do, created significant obstacles to his family reunification application. The Greek Dublin Unit initially refused to send the take-charge-request to Germany under the ground for unaccompanied minors because Samir was registered as an adult. It took detailed legal argumentation on the Greek law concerning unrecognised minors and forceful advocacy with the Dublin Unit by Legal Centre Lesvos lawyers to convince them to send a request to Germany under the provisions of the Dublin Regulation for minors' requests.

For six months, due to the lack of age assessment, Samir was forced to live with unrelated adults in one of Kara Tepe's TRIC's "rub halls," which house between 80 and 100 people. He reported that he was bullied and intimidated by those living around him, and often forced to conduct menial tasks for them (such as cooking and washing up).

From January until June 2021, all age assessment procedures were suspended in Lesvos, ostensibly due to a lack of adequately trained officials from the Greek National Public Health Organisation services (EODY). For children like Samir, this was a period of six months in which they had no prospect of being granted the shelter or care to which they are entitled, or of being correctly recognised within the asylum procedure.

Legal Centre Lesvos pushed for Samir to be prioritised for an age assessment and in June 2021, when the procedure resumed, he was finally recognised as a minor. Six months after arriving in Greece, **Samir's family reunification request was accepted by Germany and he was transferred out of Kara Tepe's TRIC to a safe shelter for minors in Athens. Finally, in September 2021, he was transferred to join his brother.**

- *Delays by the Greek authorities in the submission of family reunification requests*

Even without registration errors, the **Greek authorities often fail to send family reunification applications in a timely manner.** In the case of Fatima and her children (case study below), the **Regional Asylum Office in Lesvos - who had received her request - failed to communicate it** to the Greek Dublin Unit in Athens until after the provided deadline had expired.

Delays such as these transform the nature of the receiving State's obligations. **Regardless of the family relationship between the separated family members, family reunification applications sent outside the deadline fall under the discretionary, rather than mandatory, clauses of the Dublin Regulation.** As such, a straightforward application of an unaccompanied minor to his uncle (such as Mohammed, whose case is described below) or of separated spouses with minor children (such as Fatima and her children, described below) are reviewed at the discretion, rather than the obligation, of the state of prospective reunification.

Delays in the submission of take charge requests were particularly acute in December 2020, while the Greek Dublin Unit moved buildings in Athens and was effectively unreachable by phone or email for several weeks. The UK's withdrawal from the European Union, on 31 December 2020, further impacted the processing of take charge requests. As Brexit means that the UK is no longer bound by its obligations under the Dublin Regulation, the Greek Dublin Unit prioritised the submission of applications to the UK before the 31 December 2020 deadline - to the detriment of applications to other European countries.

**Errors on the part of the Greek authorities disadvantage applicants, through no fault of their own, and prejudice their family reunification prospects.** These errors are notoriously difficult to challenge, as often the only remedy for the applicant - that is, the assessment of their claim as if it were made within the deadline - relies on other MS' discretion rather than the legal obligations that they otherwise would have held.

**Mohammed, an unaccompanied minor, alone in Greece for twenty months**<sup>13</sup>

Mohammed is an unaccompanied minor from Syria, who was fifteen years old when he arrived to Lesbos, alone, in November 2019. He was not granted any child-specific support by Greek authorities, and was left in a shelter with unrelated adults in the olive groves of Moria Reception and Identification Centre (RIC).

Upon arrival to Lesbos, during his initial registration as an asylum seeker, Mohammed informed the Greek authorities that he wished to apply for family reunification to join his uncle, aunt and cousins in Germany. Despite that, Greek authorities failed to initiate the family reunification procedure for Mohammed within the provided three-month deadline under the Dublin Regulation or to provide him with any support to lodge his family reunification application - in violation of European and national law imposing Greece to provide minors with special assistance in their asylum procedure.<sup>14</sup>

As a consequence, Mohammed came to the Legal Centre Lesbos to request support after the provided deadline for family reunification to Germany had already elapsed (3 months from the registration). The Legal Centre Lesbos team nonetheless helped Mohammed to prepare and lodge his request for family reunification which ultimately took place in May 2020 - six months after his arrival to Greece, and three months outside the provided deadline. Owing to the missed deadline - which were no fault of MA's - his family reunification request could not be based on the usual enforceable ground for unaccompanied minors provided in the Dublin Regulation but under discretionary grounds, which in theory considerably increased the chances of rejection of the request.

In September 2020, when Mohammed was living in the olive groves surrounding Moria RIC, the camp burnt down. He fled the camp, and was caught behind police barricades, where he had to stay overnight. The next day, Mohammed and the majority of unaccompanied minors then residing in Lesbos were relocated to a hotel in northern mainland Greece. Two weeks later, the Legal Centre Lesbos received the fantastic news that Mohammed's family reunification application had been accepted by Germany - a particularly rare win, given that the application had been sent under the discretionary provisions of the Dublin Regulation. Mohammed, his uncle and other relatives were delighted. Greek authorities were thus obliged to make the arrangements for his transfer to Germany within the provided six months deadline.

However, again, the Greek authorities failed to take action within the provided deadline and the German authorities' acceptance of his case elapsed. The Greek Dublin Unit submitted a second request to Germany, which was however promptly rejected by German authorities, on the ground that Greece had failed to transfer Mohammed within the allotted time period. Neither Mohammad, nor the Legal Centre Lesbos were informed of this request, or rejection, until after the time to appeal it had passed.

---

<sup>13</sup> All names and initials have been changed to protect the applicants' identities.

<sup>14</sup> See, among others, Dublin Regulation, Recital 13.

As, at that stage, there was no prospect of submitting an appeal or re-examination request through the Dublin Regulation framework, the Legal Centre Lesvos engaged in alternative forms of advocacy with politicians and members of the European Parliament, and engaging with German civil society organisations. Finally, following months of effort with the assistance of ProAsyl in Germany, **German authorities exceptionally accepted Mohammed's case - again - and, after almost two years alone in Greece, Mohammed arrived safely to his uncle in Germany in late July 2021.**

Throughout Mohammed's time in Greece, his mental health had sharply deteriorated, particularly due to the trauma that he had experienced in Moria RIC and the death of his father in Syria. The prospect of reuniting with his uncle and cousins in Germany had been a crucial source of hope for him and was repeatedly delayed, for an extensive period of time, due to administrative failures on the part of the Greek authorities and the inflexibility of German authorities regarding deadlines. Had it been left only to the German and Greek authorities; the revocation of Mohammed's initial rejection would have been the final decision on his prospects of legal reunification with his family.

- ***Bad faith rejections by other EU member States***

The Dublin Regulation presumes that the first European country to which a migrant arrives will be the one that remains responsible for their asylum claim - save for a few exceptions, including to facilitate family reunification. It therefore forms a critical part of the **procedural borders imposed on migrants' movement within Europe - and MS' implementation has demonstrated the utilization of this regulation to bring families together or, often, to keep them apart.**

Different EU MS interpret the Dublin Regulation in different ways. Germany for example, holds that the three-month deadline for Greece to submit a take-charge-request to their authorities begins from the date of an asylum seeker's first registration of their intention to seek international protection (the simple procedure conducted with the Hellenic Police or Frontex, as noted above), rather than the date at which the individual's asylum application is registered. That means, in practice, the deadlines to send a take-charge-request vary according to the prospective country of reunification.

While migrants today are rushed through the asylum process in Lesvos, sometimes meaning that they have received a first-instance rejection on their application for international protection before having the requisite information or assistance to initiate a family reunification application, previous years saw long delays between the time of an applicant's arrival, initial registration, and the registration of their asylum claim.

Mohammed (whose case is summarised above) was recognised as an unaccompanied minor upon arrival, expressed his will to seek family reunification from the very beginning of his asylum procedure (that is, at his initial registration), but was neither provided with any assistance to prepare this claim nor given a date to register his application for asylum until six months after his arrival - meaning that he was **three months' outside the deadline for applying for reunification with his uncle in Germany, through no fault of his own, by the time his asylum application was registered.** It was therefore sent under discretionary humanitarian provisions, rather than the mandatory provisions for minors - and while his case was initially (and exceptionally) accepted at first-instance by Germany. Greece then failed to transfer him within the prevised six months - and, despite the fact this was no fault of his own, Germany then refused to accept a later transfer. It was only after **months of committed advocacy by Legal Centre Lesvos and ProAsyl that**

**Germany revoked the rejection and finally accepted his case, and he was transferred to join his family members.**

In other instances, receiving MS reject prima facie legitimate family reunification applications by insisting upon onerous burdens of proof (such as expensive and time-consuming DNA testing), relying on technicalities of legal status (for example bans on deportation, like the “Duldung” status in Germany, as opposed to positive grants of international protection, preclude relatives from exercising their right to reunification), or simply making bad-faith decisions, timely appeals of which are often difficult due to communication failures on the part of Greek authorities (see, again, Mohammed’s case above), and which may require litigation in the receiving country.

### **Shadi: denied family reunification and left alone in Greece**

Shadi, an unaccompanied minor from Syria, arrived to Lesbos in October 2019 and applied for family reunification to join his uncle in Denmark.

Shadi turned eighteen during the reunification procedure, and despite legal provisions that state that cases should be addressed according to the data provided at the time of application, Denmark refused to treat him as an unaccompanied minor. Instead, and despite multiple appeals from the Legal Centre, the Danish Immigration Service continued to treat him as an adult - and therefore applied the discretionary humanitarian provisions in assessing the prospects for reunification, rather than the mandatory clauses for minors.

Such an assessment should, nonetheless, have recognised that Shadi had compelling humanitarian reasons to join his uncle. Shadi had worked as a volunteer nurse in a hospital in Syria, when he was just fifteen years old; he had suffered acute head injuries due to airstrikes in the area that he had lived; several family members were killed in Syria; and he suffered from acute and diagnosed post-traumatic stress disorder.

The Danish Immigration Service recognised that Shadi had been “influenced by growing up under a war,” but claimed that Shadi “does not suffer from any exceptional health issues, neither personal nor physical.” The Danish Immigration Service’s assessment of Shadi’s case was wrong in both law and fact, but there was no prospect of taking his case to court in Denmark due to that State’s opt-out of certain clauses of the Dublin Regulation.

Shadi was forced to remain in Greece, and he has since received a second-instance rejection on his asylum claim due to the erroneous designation of Turkey as a safe third country for Syrians<sup>15</sup>.

---

<sup>15</sup> Legal Centre Lesbos, “Turkey is not a ‘Safe Third Country’” 16 March 2021, available at: <https://legalcentrelesvos.org/2021/03/16/5-years-of-violence-and-misery-under-the-eu-turkey-deal/#turkey-not-safe>.

This lack of flexibility on the part of other EU MS is unacceptable. It frequently disadvantages applicants who are seeking to exercise their right to family reunification, and who have complied - to the best of their ability - with all stages of the procedure. In fact, other MS often rely on the failures of the Greek administration - whether to identify minors, identify requests, or comply with the necessary timelines.

Not only are these issues well known by other EU MS, but so too is the fact that **the pressures on Greece's migration system stem from the authorisation principle in the Dublin Regulation itself.**

Other EU MS use this not only to shield themselves from irregular migration flows, but also to disregard their obligations of family reunification to those who should have access to their territory.

#### **Aya, Rania and Noor: six years apart from their sons and brothers**

In 2015, Aya and her minor daughters were violently separated from Aya's two sons, then aged six and sixteen, at the Iran/Turkey border. Aya and her daughters were forcibly returned to Afghanistan, but Aya's two sons made their way to Germany. For three years, Aya did not know if her sons were alive. They finally regained contact, through social media, in 2018.

Aya and her daughters arrived in Lesvos in February 2019, and, with the assistance of the Legal Centre Lesvos, applied for family reunification to join their sons and brothers respectively in Germany. The application was made to her youngest son, who was just eleven years old at the time. Despite the compelling family circumstances, Germany twice refused on the basis that the youngest son did not have international protection in Germany - but rather, a lesser form of protection that served as a ban on deportation.

Legal Centre Lesvos referred the case to Equal Rights Beyond Borders for litigation in the German courts. Over 18 months after arriving in Greece and five years since being separated, Germany finally accepted the request following successful litigation in the courts. It then took a further 10 months for the family to be transferred to Germany, despite continued advocacy by Equal Rights Beyond Borders.

Finally, **in July 2021 - after six years of separation - the family travelled to Germany and were reunited.**

#### **Fatima and her children: almost five years apart from their husband and father**

Fatima and her six minor children were separated from Amir, their husband and father in 2017, when he was forced to flee Afghanistan due to threats from the Taliban. In 2018, Amir reached Germany, where he applied for asylum.

Amir suffers a range of acute medical conditions, including a heart condition, hypertension, and a rare form of blood cancer. Fatima has chronic leg and back pain, which have worsened considerably due to the challenges she faced in Afghanistan and in the dire conditions in camps on Lesvos. In addition, Fatima was the sole caregiver to their six children, many of whom have complex medical and physical health needs.

Upon their arrival to Greece in January 2020, Fatima and the children applied to reunite with Amir under the Dublin Regulation. Despite the fact that the family made their request within the three-month deadline, the Regional Asylum Office in Lesvos failed to communicate with the Dublin Unit in Athens until after this

deadline had expired - and the take charge request was not sent, in fact, until January 2021. That the take charge request was sent to Germany outside the deadline was another factor mitigating against the request's chances of acceptance.

Germany then refused the application by reference to Amir's immigration status, as he was then appealing the first-instance rejection of his asylum claim. In doing so, Germany failed to recognise the numerous, compelling humanitarian reasons for the family's reunification - including, among others, Amir's medical conditions and that of his wife and children, the children's deteriorating mental health, the safety and security risks to the family while living in Reception and Identification Centres in Lesvos, and the best interests of the children to be reunited with their father. Legal Centre Lesvos assisted the family to obtain new evidence demonstrating these reasons and submitted a reexamination request, which Germany again rejected.

During this period of rejection and appeal, the family's health conditions deteriorated rapidly. Amir contracted COVID-19 and was hospitalised, comatose, and intubated. Fatima and the children, who by then had spent over a year in Lesvos, were struggling with a range of post-traumatic stress symptoms - exacerbated by their father's poor state of health and the inability to support him from afar.

With the Dublin procedure failing the family, Legal Centre Lesvos partnered with Equal Rights Beyond Borders to advocate on the family's behalf in Germany. After eighteen months of unbearable suffering on the part of the family, **Germany finally accepted the family reunification application in June 2021**, and additionally issued a one-year ban on deportation for Amir.

Thankfully, the family's medical situation improved and finally, **after 18 months in Greece and almost five years of separation, the family were finally reunited in Germany in July 2021.**

- ***Lack of transfer of accepted family reunification***

The COVID-19 pandemic created additional chaos within the Dublin procedure in Greece. Some of these challenges, such as travel restrictions, were unavoidable; many, however, could have been avoided through better planning or cooperation by and between EU MS' Dublin Units.

For four months between late 2020 and early 2021, the **Greek Ministry of Migration had no contract with a travel agent to facilitate transfers of persons with approved family reunification requests.** It should be recalled that the Dublin Regulation sets a six-month window, following the approval of a take-charge-request, in which the competent authorities must facilitate the family's reunification. Unsurprisingly, many individuals who had approved family reunification requests were then **denied the opportunity to join their loved ones due to a basic - but life-changing - bureaucratic failure.**

Some European MS retained a degree of flexibility, and issued extensions on the transfer window for approved requests. Others, however, remained rigid. In Mohammed's case, detailed above, Germany refused a second take-charge-request made after Greece's failure to ensure his timely transfer, claiming that there were no special circumstances that warranted further consideration of his case. It was only through advocacy by Legal Centre Lesvos and support from German non-governmental organisation, ProAsyl, that his case was ultimately accepted - again - and his transfer facilitated. However, this was not the case for many others.

### Ziad: two years alone in Greece

Ziad arrived in Greece as an unaccompanied minor in September 2019. Soon after arriving, he requested to be reunified with his older brother in the United Kingdom.

Ziad's first application for family reunion was rejected by the UK on the basis that they considered the family bond between him and his brother to be insufficiently substantiated. This was likely linked to their lack of official familial documentation presented by Ziad and his brother who are both stateless, which can hardly be held against them.

Legal Centre Lesvos assisted Ziad to make a reexamination request and to obtain a DNA test to prove his relation to his brother. The reexamination request was successful: Ziad's application for family reunification was accepted by the UK in August 2020, meaning that Greece had to organise his transfer to the UK within the provided six-month deadline, that is before February 2021. However, the Greek authorities failed to arrange his timely transfer due to Greece's failure to renew its contract with the travel agency in charge of Dublin transfer and travel complications arising from COVID-19.

Furthermore, the Brexit transition period came to an end on 31 December 2020, meaning that the UK was officially no longer submitted to the Dublin Regulation. Following the UK's formal withdrawal from the European Union, communication between the Greek Dublin Unit and British authorities became very challenging. The UK's position on whether it would accept transfers out of deadline was not clear and, despite repeated attempts by Legal Centre Lesvos lawyers, months went past without any updates on his case.

In the meantime, Ziad's situation deteriorated significantly. His mental health suffered greatly due to the ongoing uncertainty about whether he would ever be able to join his brother. He also suffered a violent attack at knifepoint and no longer felt safe in his accommodation.

Eventually, following advocacy by Legal Centre Lesvos, the UK informed the Greek Dublin Unit that it would accept Ziad's transfer even outside of the provided deadline subject to several bureaucratic requirements, including additional documentation from the Dublin Unit and new consent forms from Ziad and his brother.

Legal Centre Lesvos assisted Ziad to complete the forms and provided detailed reasoning for why his transfer should be prioritised, given his rapidly deteriorating psychological state and the sheer length of the delay in his case. Finally, in August 2021 - exactly a year after his family reunion application was accepted - Ziad received his flight tickets. **In September 2021, after two years alone in Greece, Ziad finally flew to join his brother in England.**

- *Other obstacles*

In addition to the above detailed cases, four families supported by Legal Centre Lesvos have reunited this summer in Austria, Germany, and Switzerland. Similar to those detailed above, **each of these successes had required more than a year's work to ensure an acceptance of what were prima facie eligible cases:** unaccompanied minors' reunification with their siblings; lone parents with minor children to join their spouses; and adults with chronic health issues to join their children.

However, **not all families are or can be reunited through the Dublin procedure.** Many must instead engage in other - including irregular - routes to reunification.

On 3 June 2020, the Greek authorities issued a circular instructing the Dublin Unit *not* to send take charge requests in cases where families have arrived and been registered together in Greece and then separated (say, for example, one family member continued from Greece to a second European country). That means, even in cases with close family links and compelling humanitarian circumstances - such as a chronically ill father with minor children, living alone in Greece and seeking reunification with their wife/mother in Germany - **the Greek Dublin Unit has refused to send a take charge request, therefore undermining the prospect of the family's legal reunification.**

**Abdul: subjected to a collective expulsion and denied access to family reunification procedures**

Abdul, an unaccompanied minor from Egypt, arrived to the Greek island of Symi in March 2020, and was prima facie eligible to reunite with his uncle, who resides in Italy.

However, the Greek authorities then apprehended Abdul and the others he was travelling with, arbitrarily detained them for two days (without access to adequate food, water, shelter, sanitation facilities, or medical care), and denied their access to registration and asylum procedures. The Greek authorities then subjected Abdul - and the others he was travelling with - to an illegal and violent collective expulsion, ultimately abandoning the group on inflatable life rafts close to the maritime border with Turkey.

Abdul was subsequently rescued by the Turkish Coast Guard, detained in Turkey, in dire conditions and with unrelated adults, for two months, and then released. He lived in Turkey for a further seventeen months - without a guardian, without a fixed address, and without legal status. In that time, he also turned eighteen, meaning that had he been able to regain access to Greece (or another European country) and register as an asylum seeker, he would no longer be eligible for family reunification under the Dublin procedure.

Greece's unlawful removal of Abdul from its territory precluded his access to the Dublin procedure, both in the first instance of his expulsion and as a result of him reaching maturity during his prolonged stay in Turkey that ensued. It was **only after he made an irregular journey to Italy in October 2021, after nineteen months alone in Turkey, that Abdul was finally able to reunite with his uncle.**

## Conclusions

The obstacles and delays outlined above have profound consequences for the psychological wellbeing and physical safety of the individuals and their families who, despite having valid claims under the Dublin Regulation or approved requests for reunification, face unbearable periods of uncertainty or, in some cases, are left permanently separated.

It is important to celebrate successful cases, particularly where families have been separated in unimaginable circumstances and for many years. However, the **ever-increasing bureaucratic and practical obstacles highlight the acute failings of the Dublin Regulation** - which, despite its stated aim of protecting family unity, in practice often operates to keep families apart. It has often only been due to the persistence of Legal Centre Lesvos, in cooperation with other organisations and advocates, that cases have been ultimately successful.

**A family being reunited should not require months or years of litigation and advocacy, nor should families seeking asylum in Europe face years of uncertainty, living in inhumane conditions, not knowing if and when they will be reunited with their relatives.**

These cases demonstrate the importance of legal support for families going through the Dublin procedure, not only in Greece but in other European countries. It has repeatedly been shown that, had cases been left to the competent authorities - without the involvement of legal counsel - **many families would have faced baseless rejections, been denied re-examination requests or appeals, and ultimately remained separated or forced to undertake their own perilous and irregular journeys to reach their relatives.**

The Dublin Regulation, however, cannot be seen in isolation from Europe's wider policies of violent exclusion, control of migrants' movement, and denial of migrants' rights. The Dublin Regulation itself is an instrument of the Common European Asylum System that seeks to contain migrants at Europe's peripheries - and even if the family reunification provisions provide a limited exception to this general principle, EU MS in the north of Europe continue to apply the regulation in bad-faith to restrict the number of persons accessing their territories, with the effect of **preventing migrants' reunification with their family members.**

To redress the failures outlined in this report and the ongoing trauma that is inflicted upon migrant families, calls for reform, defunding or abolition must look beyond the Dublin Regulation itself and engage with the context in which it operates.

To that end, the Legal Centre Lesvos calls on:

- The Reception and Identification Services, the Greek Asylum Service and the European Asylum Support Office (EASO), to ensure that all persons arriving to Greece to seek asylum are informed about their rights and have access to independent legal assistance to **be able to exercise their rights within asylum procedures, including their rights to family reunification, as soon as they arrive in Greece** (including when they are hosted in quarantine areas or detention camps);

- Frontex, the Hellenic police, all national and European authorities, and all non-governmental organisations involved in the registration and reception of migrants, to **respect the presumption of minority**, to accurately register children's ages when presented with original and authentic documents from the country of origin, to refrain from hindering the right to family life, and to both keep and provide migrants with a transcript of their initial registration;
- Greek and European authorities, to **ensure that all asylum seekers can access effective remedies for errors or unlawful rejections in their registration, asylum and family reunification applications**;
- Greece, all EU MS, and European authorities to overhaul the Common European Asylum System, which must include the abolition of the Dublin Regulation's authorisation principle, and **facilitate migrants' safe and timely access to countries of their choice, and/or in which their families or wider communities reside**.