



# Monthly data collection on the current migration situation in the EU

## Thematic focus: Family tracing and family reunification

### September 2016 monthly report

1–31 August 2016

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**Note the full monthly September 2016 report is available on the FRA website at:**

<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/september-2016>

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## Highlights: 1-31 August 2016

### New arrivals

Arrivals in Italy remain at a high level, with some 17,400 people arriving by sea.

Arrivals on the Greek islands steadily increase, particularly affecting facilities at Moria and Kara Tepe on Lesbos and facilities in Chios.

Only 114 people, including some 40 children, arrive in Hungary – significantly fewer than in July (844). Some 1,770 people are returned to Serbia without access to asylum procedures after being apprehended within 8 km of the border.

Arrivals in Bulgaria increase by more than 50 % compared with July, with more than 3,270 apprehensions.

Arrivals in Austria further decrease but remain substantial (some 3,800 persons), with most entering from Italy.

Some 2,440 persons arrive in Sweden.

### Criminal proceedings

Several proceedings against smugglers are launched in Austria (12), Bulgaria (54), Hungary (25), Italy (many) and Germany (161). In Italy, this includes a French activist, with some sources indicating that he/she may not have acted for financial gain.

Transfers by private cars from Denmark to Sweden continue, with passengers getting dropped off in the middle of the bridge and continuing by foot. All such transfers are considered to constitute smuggling.

### Initial registration and processing

Authorities in Hungary continue to admit only 15 asylum seekers per day in each of the two transit zone facilities, primarily based on the date of arrival; selected refugees reportedly advise the authorities on others' dates of arrival. Only one person per day is admitted to the transit zone. Minor forms of disobedience or resistance against fingerprinting occur during registration.

Authorities in Rome, Italy apprehend 80 people – including many children – in a large-scale identification operation at the dismantled Baobab centre, where people have been living on the street. Plans to set up a reception centre near the railway station are being discussed.

In line with a bilateral police agreement, Italy apprehends some 50 Sudanese persons, including from Darfur, near the French border and returns them directly to Sudan. It appears that none of them had applied for asylum in Italy. A parliamentary question concerning the legitimacy of the bilateral agreement with Sudan is still pending.

Germany reports having refused entry to more than 10,600 persons at the Austrian border, mostly from Afghanistan, Iraq and Syria.

Police violence and pushbacks into Serbia are increasingly reported from Hungary, including beatings of people in handcuffs before they are returned to Serbia. The police has initiated criminal proceedings regarding four of the reported cases so far.

In Bulgaria, return decisions are rarely assessed individually and migrants in immigration detention rarely get relevant information about their detention.

The share of asylum applicants, including Syrians, receiving subsidiary protection instead of refugee status increases in Germany.

Germany applies accelerated procedures to asylum applicants from presumed safe countries in its newly established arrival centres, which have been questioned in parliament in terms of quality. Human rights organisations criticise a reliance on administrative courts to correct asylum decisions.

Appeals against negative asylum decisions in Hungary are successful, resulting in a re-examination and suspension of the 'safe third-country rule' in about one fifth of cases.

Asylum decisions in Sweden decrease by more than 2,000 compared with July and June. The average processing time is 324 days.

## Reception conditions

Occupancy at reception centres in Bulgaria more than doubles, reaching almost 80 %. Conditions deteriorate, leading to violent incidents among inhabitants. In response, the Ministry of Interior plans to set up closed centres and separate asylum seekers by nationality. Non-governmental organisations (NGOs) report that many asylum seekers are leaving Bulgaria for Serbia due to poor conditions in Bulgaria.

The number of people waiting to enter the transit zone at the Hungarian-Serbian border drops from 1,200 persons at the beginning of the month to some 450 persons by mid-August, due to improved reception conditions in Serbia. Almost half of them (some 40 %) are children. By mid-August, NGOs install basic sanitary facilities for people waiting to enter the transit zone. Medical assistance is only available from volunteers. The transit zone facilities along the Croatian border did not host any refugees.

Italy starts to distribute and relocate asylum seekers to local reception centres throughout the country. Asylum seekers apprehended in Ventimiglia, near the French border, are transferred to Sardinia or southern Italy.

A detention centre in Brindisi, Italy is set on fire in protest against detention conditions and supported by a solidarity demonstration outside the centre. The regional National Preventive Mechanism criticises the immigration detention centre in Ponte Galeria, Rome as having inadequate living conditions. Reception facilities for children in Lampedusa are set on fire, presumably due to the facilities' inhabitants' frustrations with reception conditions. The public prosecutor launches an inquiry into reception centres in Florence due to complaints about poor conditions.

New reception facilities open in Italy, including a temporary tent camp in Frosinone and a reception centre in Pordenone. The mayors of Capalbio and Genoa refuse to make available empty buildings due to the expected negative impact on tourism and trade.

Five regions in Italy, including areas strongly affected by human trafficking, will not receive financial resources under the national Action Plan against Human Trafficking, which could lead to the suspension of many ongoing assistance programmes in these regions.

Reception conditions in Greece remain very poor and give rise to tensions and security concerns. More than 11,300 people are accommodated on the islands, even though they only have the capacity for 7,450 people.

Human rights infringements by refugee home operators in Germany prompt the termination of several contracts. Investigations are ongoing against security staff accused of criminal attacks, including the alleged drugging and rape of a female asylum seeker.

Many rejected asylum seekers in Sweden turn to the church for assistance as they try to stay in Sweden despite the suspension of all assistance.

Material conditions at detention facilities in Hungary are very poor, leading to frustration, tensions and suicide attempts among detainees. Information concerning the asylum system is very limited.

## Child protection

More than 1,500 unaccompanied children in Greece continue to wait for suitable shelter. More than 350 of them are housed in closed facilities. The processing of children's asylum applications is delayed. The lack of paediatricians in Kos delays age assessments and subsequent referrals of unaccompanied children.

Increasing arrivals in Bulgaria undermine efforts to create, and improve conditions in, separate accommodation for children. The Ombudsman in Bulgaria highlights the risk of unaccompanied children being subjected to trafficking and smuggling, problems with appointing children's representatives, and the lack of efforts to organise protected spaces.

Providers of child accommodation facilities further diversify in Austria, including NGOs and private persons.

Ministry of Interior officials consider the lack of fingerprinting of children below the age of 14 years to be an obstacle to identifying and tracing children in Austria in case they go missing.

Youth welfare offices are often not present in arrival and reception centres in Germany. Unaccompanied children are often subjected to several transfers due to the distribution among federal states according to quotas. Delays in appointing guardians persist. Some children are accommodated in inadequate facilities. Children living with noncustodial relatives forfeit child and youth benefits.

German police identified 1,725 unaccompanied children at its borders between April and June, significantly fewer than for the period between January and

March (some 3,650 unaccompanied children). Of the 1,725 children, 1,568 were referred to youth offices, 458 were refused entry at the border, and 10 were expelled pursuant to Paragraph 57 of the Residence Act.

Some 900 unaccompanied children apply for asylum in Sweden, mainly from Afghanistan, Iraq and Syria. Unaccompanied children who were transferred to other municipalities in the past due to lack of space are being returned to the original municipalities.

## Legal, social and policy responses

Hungary announces plans to reinforce the fences at its southern borders. In preparation for the referendum on the EU relocation system – scheduled for 2 October 2016– the authorities continue to portray the migration situation as a threat to national security.

Legislation to reform the asylum system in Italy is being prepared. In an effort to speed up asylum procedures, the proposed law limits appeal possibilities against negative asylum decisions by the territorial commissions and allows appeals to be decided without hearing applicants in person.

Greece passes a law providing reception classes for school-aged refugee children to prepare them for integration into the Greek education system.

A law that has been passed in Italy allows accommodating unaccompanied children in extraordinary and temporary facilities established by the local prefectures, if the capacity of the regular specialised reception centres for children is insufficient. Standards for these new types of facilities have not yet been set, and NGOs fear that they will not adequately protect children.

The Swedish government presents a new action plan for the protection of children exposed to human trafficking, exploitation and sexual abuse, focusing on the disappearance of unaccompanied children.

Sweden postpones the introduction of a new state compensation system that would decrease state support for municipalities that receive unaccompanied children to increase incentives for finding cost-effective ways to accommodate them.

Cases of severe mistreatment and poor conditions continue to be reported from accommodation centres for unaccompanied children in Sweden.

As a result of temporary restrictions on obtaining residence permits introduced in July, several unaccompanied children in the south of Sweden who unwittingly crossed into Denmark had to reapply for asylum upon returning to Sweden under the new Act, which only allows temporary residence permits to be granted.

According to media reports, in Lower Saxony, a father of six children who had 10 days to leave the country and regularly reported to social services was detained based on a risk of absconding. The case was referred to the State's Interior Ministry in Germany, which overturned the detention decision.

## Hate speech

Local vigilante groups in Hungary violently return migrants to Serbia. The mayor of a border town applauds these efforts, referring to the villagers' better knowledge of the territory compared to the police.

Many anti-refugee incidents and events take place in Austria and Germany. In Austria, these include several personal threats to aid workers and service providers. At least every three days, an accommodation facility is subject to an arson attack in Germany. Victims are afraid to report to the police and/or are concerned that this would negatively affect their pending status procedures.

In Italy, the mayor of Abetone requests separate bus lines for school students and local asylum seekers. In Sicily, four children are violently attacked by locals and hospitalised, one being in a serious condition.

An informal refugee housing settlement in Greece is attacked with gas-bottle bombs.

Bulgarian social media users' hostility towards refugees intensifies.

## Thematic focus: Family tracing and family reunification

Respect for family life is a fundamental right granted by Article 7 of the Charter of Fundamental Rights of the European Union. Family tracing and family reunification are practical prerequisites to be able to enjoy family life. Before the current migration situation began in 2015, family reunification accounted for **a large but decreasing share** of legal migration.

During the large movements along the Balkan route, many families were split up and tracing mechanisms were put under strain. More recently, several EU Member States have introduced legal restrictions on family reunification, as reported in previous FRA monthly reports. This section looks at the fundamental rights implications of these practices in more detail.

### Main findings

- Some EU Member States have reduced **the timeframe for lodging an application** for preferential family reunification of refugees, or have made fulfilling **necessary conditions more burdensome**.
- To ensure fundamental rights-compliant family tracing, the **web-based tool “Trace the Face”** – a practical measure developed by the International Committee of the Red Cross (ICRC) – is used in most Member States; it also **complies with the new EU data protection standards**. It seems that tracing services generally do not share with the authorities data on persons who search for their family members or who are searched for.
- For tracing purposes, refugees and migrants mainly use **social media networks** (e.g. Viber, Whatsapp, and Facebook) and **databases available on the internet**, such as [www.refunite.org](http://www.refunite.org) or [www.familylinks.icrc.org](http://www.familylinks.icrc.org).<sup>1</sup> They also often turn to the well-established, regular family tracing system run by the ICRC.
- **Practical obstacles** to family tracing include a lack of documents, quick onward travel, slow identification of persons who die crossing the Mediterranean, and others. The national offices of the Red Cross have a leading role, but in the majority of the Member States covered, there is **no NGO specifically responsible for family tracing**.
- There are **no systematic and reliable data** on how many asylum seekers arrive with or without their family in the seven Member States, nor on the exact number of requests for family reunification. Estimates suggest some increase in almost all of the seven Member States in 2016, despite several **obstacles** encountered by sponsors and family members – including the **long duration of processing requests** and the sometimes **too complicated and strict legal framework**.
- Practices differ considerably in the seven Member States concerning the **dissemination of information** on family reunification.

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<sup>1</sup> Diakonie Germany (*Diakonie Deutschland, Zentrum Migration und Soziales*), 29 August 2016.

- **Dublin requests for family unity remain quite low** among all requests in 2015 and 2016 (although some Member States do not collect data on this); this seems to be largely due to a range of **practical, legal and administrative obstacles** (e.g. no appeal procedures).

EU and national legislation must be interpreted in light of the EU Charter of Fundamental Rights as well as the European Convention on Human Rights (ECHR). In addition to the right to respect for private and family life (Article 7), the Charter refers to the **principle of non-discrimination** (Article 21), **the rights of the child** (Article 24) and **the right to an effective remedy** (Article 47), all of which are relevant in this context.

**Directive 2003/86/EC** further regulates the right to family reunification, specifying the conditions for family reunification as well as the rights of the family members concerned. On this basis, non-EU nationals legally residing in the EU can bring their spouse, under-age children and the children of their spouse to the Member State in which they are residing. Member States may also authorise reunification with an unmarried partner, adult dependent children, or dependent older relatives.<sup>2</sup> Chapter V of the directive outlines several derogations from the ordinary rules, creating more favourable conditions for family reunification of refugees. The Court of Justice of the EU (CJEU) has confirmed that the directive obliges Member States to authorise family reunification in the cases covered by the directive.<sup>3</sup>

The directive recognises family reunification as necessary to making family life possible, which in turn facilitates the integration of third-country nationals in the Member States and promotes economic and social cohesion, a fundamental EU objective stated in the founding treaties.<sup>4</sup> When Member States implement the EU rules in their domestic legislation, the relevant national procedures available for family reunification should be effective and manageable as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.<sup>5</sup>

## Recent legislative changes

In some Member States, the **timeframe for lodging an application for family reunification has recently been restricted or the conditions have been made more burdensome**.

In Austria, for example, such amendments to the Asylum Act 2005 came into force on 1 June 2016.<sup>6</sup> Family members of recognised refugees have to apply for entry at an Austrian diplomatic or consular post within three months after recognition of the sponsor. If the application for entry is filed later, evidence of adequate accommodation, health insurance and sufficient income has to be

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<sup>2</sup> See [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/legal-migration/family-reunification/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/legal-migration/family-reunification/index_en.htm).

<sup>3</sup> CJEU, C-540/03, *European Parliament v. Council of the European Union*, 27 June 2006, para. 60.

<sup>4</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, preamble, para. 4.

<sup>5</sup> *Ibid.*, para. 11.

<sup>6</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).



provided.<sup>7</sup> Refugees who want to bring their spouses to Austria need to prove that they have at their disposal € 1,569 a month, and an additional € 136.21 for each child.<sup>8</sup> Beneficiaries of subsidiary protection now generally have to wait three years for family reunification and have to prove adequate accommodation, health insurance and sufficient income. For parents of unaccompanied children who are entitled to asylum or subsidiary protection, an exception applies: they do not have to prove the additional requirements noted above if the sponsor is still a child at the time the application is filed.<sup>9</sup> According to the Austrian Red Cross, the three-month application period for refugees causes problems; for instance, when a family member does not manage to exit a war zone to reach an Austrian embassy in time, or a family member has disappeared. Another issue is that the law does not allow for family reunification of children above 18 years of age.

A similarly restrictive amendment has been enacted in Hungary. As of 1 July 2016, family members who wish to join a person benefitting from international protection in Hungary are required to submit their claims no later than 3 months after recognition (previously it was six months). If they miss the new three-month deadline, they are obliged to meet extra requirements when submitting the claim (i.e. having accommodation in Hungary; having sufficient funds available to cover living expenses; having sufficient funds to cover the costs of medical services).

A new law on temporary restrictions of the possibility to obtain residence permits in Sweden entered into force on 20 July 2016; it also **limits possibilities** for persons enjoying international protection to be reunited with their families. While recognised refugees' right to family reunification is unchanged, **persons enjoying subsidiary protection** who applied for asylum after 24 November 2015 only have the right to be reunited with their family in exceptional cases.<sup>10</sup> This model has recently been embraced by Germany, as well. Pursuant to amendments made to the German Residence Act in March 2016, facilitated family reunification is suspended for two years for persons who received subsidiary protection after 17 March 2016; at the same time, the number of persons given subsidiary protection by the asylum authority has increased significantly.<sup>11</sup>

### **Expanding eligibility for family reunification in Italy**

A positive development in national legislation can be highlighted in Italy. **Same-sex migrant and refugee couples** are covered in the context of family reunification under the latest amendment to Italian legal provisions on same-sex unions and rules on partnerships.<sup>12</sup>

No changes to Bulgarian migration law directly related to family reunification took place during the reporting period.<sup>13</sup> Bulgaria's legislative framework is considered good and beneficial for family reunification because it also allows

<sup>7</sup> Federal Office for Immigration and Asylum (*Bundesamt für Fremdenwesen und Asyl*).

<sup>8</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

<sup>9</sup> *Ibid.*

<sup>10</sup> Swedish Migration Agency.

<sup>11</sup> See <https://www.bundesregierung.de/Content/DE/Artikel/2016/02/2016-02-03-asylpaket2.html>.

<sup>12</sup> *Legge 20 maggio 2016*, n. 76, *Regolamentazione delle unioni civili tra persone dello stesso sesso e disciplina delle convivenze*, available at: [www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sq](http://www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sq).

<sup>13</sup> Center for Legal Aid – Voice in Bulgaria.

such reunification for foreigners with temporary protection status. Bulgaria also allows reunification of children not only with parents, but also with other family members.

## Family tracing

In the current migration situation, the **main challenges** to tracing family members include:

- Refugees move very quickly between countries, so by the time the Red Cross office has a reply to search requests, the persons have already left for another country, as reported, for example, from Austria.<sup>14</sup>
- Names are often noted down in different spellings by the various offices involved in one or more countries; this makes it difficult to match names in the databases.
- Smugglers and other asylum seekers often advise asylum seekers not to provide their real names.
- Many asylum seekers arrive in Europe without documents; therefore, it is very difficult or even impossible to verify whether or not the persons are truly related to each other.<sup>15</sup>
- Refugees often do not know where they are or where they were separated from family members, as they have no geographical knowledge of Europe. People come to tracing services looking for relatives "in Europe". The Red Cross then also searches in the country of origin, as refugees who do not manage to reach Europe often go back and can be found there.
- Tracing and meeting with the asylum seekers in question is particularly difficult when they are in an immigration detention centre, as their ability to communicate from there is more limited.<sup>16</sup>
- Persons who drown in the Mediterranean Sea are identified only slowly, if at all. State authorities are responsible for identifying bodies, but all coastal countries use different forensic methods and there is no common database for registering bodies. The Red Cross has started to work together with forensic experts. It includes information in tracing requests that can be useful for the experts – such as physical size, past injuries and tattoos – if there is an indication that a person might have drowned, and if the person searching for the relative agrees, to make it possible to match tracing requests with forensic databases.
- In cases of missing children, a further challenge is to find ways of cooperating with Member State authorities without sharing personal data.<sup>17</sup>

Mechanisms for family tracing in many Member States rely on **the International Committee of the Red Cross (ICRC) as a key actor**. The ICRC has developed a useful tool: "**Trace the Face**" ([www.tracetheface.org](http://www.tracetheface.org)).

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<sup>14</sup> Red Cross Austria.

<sup>15</sup> National Police Headquarters of Hungary.

<sup>16</sup> Center for Legal Aid – Voice in Bulgaria.

<sup>17</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

**Data protection issues** were thoroughly discussed within the ICRC throughout the tool's development, and the tool is already in line with the new EU Data Protection Directive. Persons looking for family members can upload their own photo (but not photos of family members) into the system. Children aged 15 and up can upload their photo with the consent of the legal representative. Only the photo is placed online, without any indication of the name, the place or the family member the person is looking for. UNHCR was consulted to ensure maximum safety: the photos cannot be searched or downloaded.<sup>18</sup> Reacting to cases of missing children, the ICRC established an additional tool in its internal networks, with photos of children under the age of 15. This database can only be accessed by Red Cross offices.<sup>19</sup> As refugees mainly use social media networks to search for useful websites, the Red Cross also established a Facebook page that shows the web-link to "Trace the Face" – there is no "Trace the Face"-Facebook page to ensure data protection – and preventive information in a number of languages.<sup>20</sup>

Refugees also use the well-established **regular family tracing system of the ICRC**. The main task of the Red Cross Tracing Service is to help re-establish contacts between close relatives separated as a result of wars, armed conflicts, natural disasters, and social or political circumstances. The Tracing Services of the different national Red Cross societies are guided by the Central Tracing Agency, which is a part of the ICRC.<sup>21</sup>

During the latest period of arrivals of high numbers of refugees, **private initiatives** started to offer tracing services – particularly in big train stations in Austria, Germany and Hungary – using photos without considering data protection risks. The ICRC invited these initiatives to cooperate and comply with the Red Cross standards. In Austria, the cooperation worked well; by now the private initiative has stopped and handed their cases over to the Red Cross.<sup>22</sup> Amongst the private initiatives, only adults are allowed to search and register with the website [www.refunite.org](http://www.refunite.org); however, there is no control of the applicants' age. Persons who search for family members can also register data of missing persons.<sup>23</sup>

According to the Austrian Red Cross, a **tracing request is only made if this is the person's wish**. Conversely, the Red Cross will only inform a person who filled out a tracing request that a relative was found if this person agrees to get in contact with the seeker.<sup>24</sup> As reported by the Austrian Red Cross, there have been no family reunifications against a person's will. This is similar to the practice of the Bulgarian and the Swedish Red Cross: **no personal data are released without the consent of the person to whom the data belong**.<sup>25</sup> Along the same lines, the German Red Cross Tracing Service **transfers no data**

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<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> For more information about the Red Cross tracing system, see <http://en.redcross.bg/tracing1.html>.

<sup>22</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

<sup>23</sup> For more details, see <https://refunite.org/about/privacy-policy/>.

<sup>24</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

<sup>25</sup> Red Cross Bulgaria and Sweden.

**to state authorities concerning persons who search for their family members or who are searched for.**<sup>26</sup> In cases of **unaccompanied children**, the authorities in Hungary work together with the **temporary guardians to evaluate whether or not family reunification is in the best interests of the child.**<sup>27</sup> Several NGOs provide **legal assistance** for submitting family reunification requests, and may also assist people throughout the entire procedure. In Sweden, aside from the Red Cross, the Swedish Migration Agency has a tracing responsibility in cases of unaccompanied children.<sup>28</sup> Various **civil society organisations** are helping to trace family members in Germany, too, but most of the family tracing requests are processed by the Tracing Service of the German Red Cross.<sup>29</sup> **In other Member States, no NGO is specifically responsible for family tracing.**

The success of family tracing also depends on the tools refugees and migrants use to trace their family members after losing contact during their journeys. According to ICRC, **telephones** were the most direct and rapid means of restoring contact and reassuring families, together with the provision of free WiFi spots, where asylum-seekers could make use of their appliances.<sup>30</sup> Refugees mainly use **social media networks**. The top three channels used are Viber, Whatsapp, and Facebook. Particularly Syrian refugees and their family members usually all have smartphones and use social network technologies (different from e.g. Somali refugees).<sup>31</sup> However, this method is highly dependent on the availability of internet connections at both ends. The above-mentioned **“Trace the Face”** is particularly used by refugees from Afghanistan, Senegal, Syria and Iraq; most users access it from Germany and Sweden.<sup>32</sup> Other databases are also used, such as [www.refunite.org](http://www.refunite.org) or [www.familylinks.icrc.org](http://www.familylinks.icrc.org).<sup>33</sup>

Besides using the ICRC tracing system, refugees also often turn to **NGOs** for help – as, for example, in Bulgaria.<sup>34</sup> The **family network** is the most used tracing tool by asylum seekers arriving in Italy. In Hungary, the police reports that family members who are already in Europe organise **human smuggling actions** and that the facilitators often agree to ensure that the new arrivals can establish a connection with their family members after they cross the border into Hungary.<sup>35</sup>

Family tracing is a duty for Member States under the EU asylum *acquis*. To assist Member States with this task, EASO has developed a practical guide for family tracing.<sup>36</sup>

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<sup>26</sup> German Red Cross Tracing Service (*Deutsches Rotes Kreuz, Suchdienst*), 24 August 2016.

<sup>27</sup> Office of Immigration and Nationality.

<sup>28</sup> Red Cross Sweden, Swedish Migration Agency.

<sup>29</sup> See <https://www.drk-wb.de/download-na.php?dokid=15374>.

<sup>30</sup> Red Cross Sweden.

<sup>31</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

<sup>32</sup> *Ibid.*

<sup>33</sup> Diakonie Germany (*Diakonie Deutschland, Zentrum Migration und Soziales*), 29 August 2016.

<sup>34</sup> Center for Legal Aid – Voice in Bulgaria.

<sup>35</sup> National Police Headquarters of Hungary.

<sup>36</sup> EASO, EASO practical guide on family tracing, March 2016.

## Family reunification

To assess the possible demand for family reunification, data on the number of arrivals without family and the percentage of families among asylum seekers would be indicative. Available data vary depending on the Member State. **Some authorities do not collect information on whether asylum seekers arrive with or without family.** In Bulgaria, for instance, there are only estimates by NGOs – according to which families constitute around 15 % of asylum seekers.<sup>37</sup> In comparison, in Hungary, the rate of asylum seekers with families was three times higher in 2016 (until August), with a little more than half of all asylum seekers arriving on their own in that period.

Data on the number of **requests for family reunification** received in 2016 so far are not available in several Member States. However, the national Red Cross offices have estimates for some Member States. For example, the Austrian Red Cross counsels the majority of family reunification cases in Austria. The number of requests clearly increased from 2014 to 2015. The numbers are expected to double in 2016. On the other hand, in Sweden, a normal family reunification ratio is expected in 2016, which means that one person granted international protection on average generates two applications for family reunification.<sup>38</sup> A slight increase in 2016 as compared to 2015 is calculated in Hungary and Greece, and a similar but more prominent trend can be predicted in Germany with regard to family reunification applications by Syrians. The trend is the reverse in Bulgaria, where, in the absence of concrete figures, unofficial calculations indicate that the number of family reunifications this year will be significantly lower than last year.<sup>39</sup>

Family reunification is particularly important for **children**, considering also their rights to have their best interests considered and to maintain a personal relationship and direct contact with both parents, according to Article 24 of the Charter of Fundamental Rights. Unaccompanied children are particularly vulnerable. However, no exact figures are available on the number of unaccompanied children reunified with their families. Estimates show that, in some Member States, there are not that many child applicants; instead, many applicants for family reunification are fathers – such as in Austria. Many requests from 2015 will only be decided in 2016. The number of unaccompanied children who have actually been reunited with their families is also low in Sweden.<sup>40</sup>

National practices on the **dissemination of information** on family reunification differ. In Austria, asylum seekers are not informed of the possibilities of family reunification upon arrival; legal counsellors sometimes inform their clients about this issue. Instead of governmental authorities, UNHCR, Red Cross Austria and NGOs work together to spread information in the migrant/refugee communities. According to the Austrian Red Cross, the fastest way to inform refugees is via the communities.<sup>41</sup> In Sweden, information on family reunification is sent to

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<sup>37</sup> Bulgarian Red Cross.

<sup>38</sup> Swedish Migration Agency.

<sup>39</sup> Bulgarian State Agency for Refugees.

<sup>40</sup> Swedish Migration Agency.

<sup>41</sup> Red Cross Austria, Tracing Service and Family Reunification (*Österreichisches Rotes Kreuz, Suchdienst und Familienzusammenführung*).

persons once they have received a residence permit.<sup>42</sup> The practice is similar in Hungary.<sup>43</sup> By contrast, in Bulgaria, asylum seekers are immediately informed about family reunification. They already receive such information at the distribution centres from the competent authorities and from representatives of the Bulgarian Red Cross.<sup>44</sup> The information net is quite solid in Germany, where both state authorities and many NGOs and social workers inform potential applicants about the right to family reunification.<sup>45</sup>

**Recurrent obstacles** to family reunification and **associated challenges** in dealing with such requests include:

- Long waiting times before getting an appointment at the embassies to file the application (in some cases several months or even a year, such as in German embassies/consulates in Jordan, Lebanon or Turkey).<sup>46</sup>
- Long duration of processing visa and/or residence permit requests. For example, there is usually no reduced waiting time for Syrians, and applicants rarely get information about the progress of their requests.
- Financing the high travel expenses and related procedural costs – for example, translation of supporting documents, procurement of all necessary documents, visa fees, DNA testing.
- Legal and practical problems in getting decisions on guardianship for unaccompanied children.
- Time pressure due to various deadlines, e.g. to take part in the facilitated family reunification procedure or to apply for family unification before the age of majority.
- Limitation of family reunification to immediate family members (spouse, parents, minor children).
- Determination of family links is often complicated, reported, for example, from Greece.
- Limited access to legal assistance.
- Lack of valid travel documents, particularly from Syria.
- Compliance with requirements concerning accommodation, income and insurance can often not be met.
- Irregular stays in transit countries, which make it difficult to apply for family reunification.<sup>47</sup>
- Limited information provided to asylum seekers and refugees on the possibility to apply for family reunification.

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<sup>42</sup> Swedish Migration Agency.

<sup>43</sup> Office of Immigration and Nationality.

<sup>44</sup> Bulgarian Red Cross.

<sup>45</sup> See <https://familyreunion-syria.diplo.de/webportal/desktop/index.html#start>.

<sup>46</sup> Federal government's response to a parliamentary minor interpellation, 8 July 2016, at <http://dip21.bundestag.de/dip21/btd/18/091/1809133.pdf>.

<sup>47</sup> For more on these obstacles, see European Council on Refugees and Exiles (ECRE) and Red Cross EU Office, *Disrupted Flight: The Realities of Separated Refugee Families in the EU*, November 2014, at [http://www.redcross.eu/en/upload/documents/pdf/2014/Asylum\\_Migration/RCEU%20ECRE%20-%20Family\\_Reunification%20Report%20Final\\_HR.pdf](http://www.redcross.eu/en/upload/documents/pdf/2014/Asylum_Migration/RCEU%20ECRE%20-%20Family_Reunification%20Report%20Final_HR.pdf).

## NGO handbook on family reunification in Hungary

A notable good practice is the **handbook on the family reunification procedure** prepared for refugees and beneficiaries of subsidiary protection by the Hungarian Association for Migrants ([www.menedek.hu](http://www.menedek.hu)) and the Hungarian Helsinki Committee ([www.helsinki.hu](http://www.helsinki.hu)).<sup>48</sup> The handbook is available on the internet in several languages, including English, Arabic, Dari and Pashtu (see <http://menedek.hu/hirek/kezikonyv-a-menekultek-es-oltalmazottak-csaladegyesitesi-eljarasarol>).

## Dublin requests

In the context of family reunification, the **Dublin Regulation** established a **specific regime** to handle Dublin transfer requests for **family reasons**. Articles 8–11 deal with family considerations, according to which the **connecting factors based on family relationships prevail over other criteria for determining which Member State is responsible for examining an application for international protection**. Against this backdrop, it is of particular relevance to have an overview of the practical application of the above rules and to get data on the number of Dublin requests for family reasons (both incoming and outgoing) in 2015 and 2016 so far.

Several Member States **do not have complete information on the number of Dublin requests for family reasons** (such as Austria, Germany, Italy and Sweden). In Germany, official figures on incoming Dublin family-related requests are more easily available than on outgoing requests, i.e. those addressed to other Member States. Bulgaria reported only a few requests under Articles 8-11 in both directions. In addition, it is striking that, even though a large number of incoming and outgoing requests related to Hungary, almost no transfers have actually been carried out in 2015 or 2016. Generally speaking, Dublin requests for family unity remain quite low among all requests. In Greece, however, a significant increase of outgoing requests was noticed in 2016.<sup>49</sup> From a total 1,780 requests until 31 August 2016, 96 concerned unaccompanied children. The majority of these outgoing requests was submitted after the closure of the Balkan route and are still pending.<sup>50</sup>

**Current obstacles** relating to Dublin requests for family unity involve the following:

- Lack of counselling and information on Dublin requests for family unity (reported, for example, in Austria and Hungary).
- Absence of proof of family relationship, or provision of false information on family members (for instance, as reported in Hungary).<sup>51</sup>
- Lack of consent to reunification by the family members.
- No request/declaration signed by the person concerned (an essential precondition for initiating the procedure) – for example, in Hungary.

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<sup>48</sup> Handbook on the family reunification procedure for refugees (*Kézikönyv a menekültek és oltalmazottak családegyesítési eljárásáról*).

<sup>49</sup> Asylum Service, Greece.

<sup>50</sup> Ecumenical Refugees Program, Greece.

<sup>51</sup> Office of Immigration and Nationality.

- Long duration of registration processes and difficulties in getting appointments for submitting applications for Dublin family reunifications – reported in Greece, where only cases of severe vulnerability are prioritised and completed in a timely manner.
- Very lengthy processing of Dublin requests for family reasons; for example, a transfer from Greece takes several months,<sup>52</sup> and also a few months to other Member States.<sup>53</sup>
- No possibility to appeal negative decisions; applicants do not get any information on why family unity was denied in their Dublin cases (reported in Austria).
- Burdensome national legislative framework (for example, in Bulgaria).
- Delays in covering transportation costs in cases of Dublin requests by the competent authorities, often due to lengthy and complicated procurement procedures (for instance, in Bulgaria).

Hungary reported that as a result of some of the above-noted difficulties, Dublin requests for family unity **could not be processed in some cases**; therefore, family unity could not be restored.<sup>54</sup>

Overall, family reunification seems to have become more difficult due to the recent changes in Member States' policies and practices. Family tracing, which is often the necessary first step before applying for family reunification, proves to be complicated for various reasons, despite some promising practices. More precise and specific data would be needed to better assess national practices on family reunification and family tracing and to develop effective solutions in line with fundamental rights at EU and Member State levels.

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<sup>52</sup> Red Cross Sweden.

<sup>53</sup> Center for Legal Aid – Voice in Bulgaria.

<sup>54</sup> Office of Immigration and Nationality.



