

The Dublin family reunification procedure from Greece to Germany

Family reunification as provided for by Regulation EU 604/2013 (Dublin III Regulation), is one of three legal ways asylum applicants currently have in Greece, in order to legally move to another EU country and re-join their family. The other two being: family reunification via the embassies and relocation. One can apply for family reunification under Dublin and family reunification through the visa procedure at the same time, if the criteria for both procedures are given in the individual case.

After the massive influx of refugees to Europe throughout 2015 and following the complete closure of the so-called Balkan Corridor in March 2016, a rapidly growing number of people applied for reunification with their family members having reached other EU countries in the last year¹. As shown by the available statistics, Germany is the country that receives most of the requests for family reunification².

The procedures in order to apply for family reunification are well known, and reflected in the Regulation. What is actually unknown is the process followed in practice. The following is the attempt to provide for a detailed description of each step.

¹ According to the Greek Asylum service there were 5,587 family reunification procedures requested in 2016, and 7,267 in the first half of 2017, compared to 1,244 in 2015. Source: http://asylo.gov.gr/wp-content/uploads/2017/07/Greek-Dublin-Unit_gr.pdf (visited 19.7.2017)

² According to the Greek Asylum Service, in 2016 out of 4,886 family reunification requests, 3,527 concerned Germany. Source: <http://asylo.gov.gr/wp-content/uploads/2017/02/Στοιχεία-σχετικά-με-τη-διαδικασία-ασύλου.pdf>

a. The request to take charge

The reunification procedure begins when the asylum seeker submits the asylum application, with a request for reunification with family members who are residing in other EU countries. At the time, he/she applies for asylum, the application should be accompanied by documents proving the family relation and the legal status of the family member, who is residing in the other EU country. On the day of the registration of the application the deadline to send the request within three months for the take charge begins.

In practice, the Greek Dublin Unit has in the majority of cases reached the maximum time limit to send the requests to the other EU countries. When the Greek Asylum Service 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. According to legal aid actors, this can lead the administrations of other member states to view such applications as an abuse of the system.

The regular reaching of deadlines might be explained due to the insufficient number of employees in the Dublin office and the huge work load. Anyway, in very urgent cases, which found their way to legal aid, the Greek Dublin Unit usually sends the request as soon as possible, after the applicant submits an application to fasten the procedure, where he/she explains the reasons. We have observed though, that protection seekers sometimes were told on their registration day to hand in the available proof of their relationship on the date of their interview as issued in their asylum seekers card, thus, the deadline of three months was counted only after the submission of all available documents some months later and the reunification got severely delayed.

b. The answer

After the requests are sent by the Greek Dublin Unit, there is a new deadline of two months, until the other member state has to answer the request.

In practice, in many cases, where a request to take charge has been sent to the German Dublin Unit, delays exceeding the two-month answer deadline have been observed. There are many cases, which get automatically accepted as the 2 months deadline is exceeded. As it seems, sometimes the German authorities tend to answer with a temporary rejection, as a way to expand the legal deadlines. Additionally, there have been reports of cases where the Greek Dublin Unit sent the request on a specific date, providing the lawyer with a take charge request protocol number and the date, but where the German authorities were for days not able to find the request in their system, as they said.

c. The acceptance

When the German Dublin Unit accepts the request to take charge, it sends a positive decision through the DublinNet system. As soon as Greece receives the positive answer, the case is assigned to an officer, so that he/she will issue the Greek decision, according to which the asylum application has been rejected by the Greek authorities, because there is a decision to transfer of the applicant to another EU country for family reunification. The applicant then has a 10-day deadline to appeal against this decision if he/she wishes to remain in Greece. After the decision is issued, it is notified to the applicant. After the notification of the decision, the applicant is informed that he/she will receive a call by the Greek Dublin Unit informing him about the date of his/her flight.

In practice, it sometimes takes 1-2 months or longer from the date of the decision from Germany until the issuance of the Greek decision. Only where lawyers carry out a close follow-up of the cases is the decision handed over faster. In the

period from January-May 2017, the transfers were usually programmed 1-2 months before the expiration of the 6-month deadline.

d. The limitation of transfers to Germany

The Dublin Regulation provides for a six-months deadline after the acceptance of a family reunification request, within which the authorities must have completed the transfer of the applicant. Since May 2017, the Greek Dublin Unit started to inform all the interested parties (applicants, lawyers etc.) that the German authorities have set a limit of the number of people that they will be accepting from now onwards. The limit is set to 70 people per month, who can be transferred from Greece to Germany. Another 30 vulnerable cases have been added in July to the transfers, without any guarantee that this will happen again the next month. The estimated average time from the time of the issuance of the German decision until the transfer is around 8-9 months, which makes the family reunification procedure from the date of registration until the transfer to last 13-16 months. I have to add at this point, that access to the asylum procedure is not secured yet and delays in the registration of a claim have reached up to one year in 2016.

This limitation has created huge problems for the applicants, since the people waiting to be transferred to Germany may exceed 2,500. If this measure remains in action then the applicants will be obliged to wait for an unknown period of time in order to be reunited with their family members. According to estimations by the Minister Mouzalas, this period of time may reach more than 3 years. Already now, new applicants are hesitating to apply for family reunification as they fear the long procedure.

The limitation of 70 people per month set by German authorities has resulted in the systematic expiration of the 6-months deadline for the transfer of many applicants. The Greek Dublin Unit informs the applicants and the lawyers that a request for the expansion of the deadline is submitted for each case. More

Specifically, there is an agreement between the two governments for the expansion of the 6-month deadline for all the cases that have been accepted by Germany.

e. Controlled “voluntary” transfers, the priority list, limited places in the planes and only one travel agency organizing everything

According to the German authorities, the applicants can be transferred to Germany “voluntarily”. However, the Greek authorities claim that there is no such procedure. According to them, the procedure for the transfer of an applicant based on the Dublin Regulation must be carried out according to bilateral agreements between Greece and the other EU country. For the cases of people who are accepted by Germany, there is a German Liaison officer (currently: Mrs. Monique Simon), who is working inside the Greek Dublin Unit, and arranges, in communication with the German authorities, all the transfers.

Regarding all the necessary steps for the transfer of an applicant, the Greek Dublin Unit maintains a database with all the approvals, categorized by country of transfer³, where they can see when the six-month deadline expires for each case. Based on this database, the Greek Dublin Unit, programs the transfers based on the criteria of the waiting time.

After the family reunification decision notification, the Greek Dublin Unit officers check when there is an available space on a flight, based always on the bilateral agreement with the country of transfer and the available places for passengers traveling with a laissez-passer in the flight as the air companies accept only a limited number of passengers that travel with a laissez-passer by flight, and

³ Currently there are three officers in Greek Dublin Unit, who handle the family reunification transfers for Germany

then they inform the applicant about the exact date of his/her transfer, providing him/her with the contact information of the travel agency that cooperates with the Greek Asylum Service (i.e. Himalayan Travel) in order to buy their tickets⁴. This procedure usually takes place one month before the transfer. After the date of the transfer is settled and the applicant has bought the flight tickets, there is a waiting period, until the Greek Dublin Unit officers inform the other Dublin Unit about the upcoming transfer. According to information by a Greek Dublin Unit officer, this procedure happens 7 to 3 days before the date of transfer. The information is sent through DublinNet and includes the data of the applicant and arrival details. Unless unexpected circumstances arise, the procedure is completed with the issuance of a laissez-passer by the Dublin Unit – a day before the programmed transfer flight – which is then handed over to the pilot of the transfer flight by the Asylum Service officer. The pilot then hands it over to the German authorities upon arrival.

f. Transfer criteria

As noted above, the Greek Dublin Unit decides which applicants are going to be transferred to Germany every month. The only criteria implied is the chronological order, i.e. the date that Germany accepted the request to take charge of the case (this is also stated in an announcement published on the 8th of June by the Greek Asylum Service⁵). Sometimes, and only for extremely vulnerable cases, the Greek Dublin Unit decides to prioritize cases. According to the Greek Dublin Unit the German authorities may accept a limited number of people, more than the 70 persons per month, because of their vulnerability. However, the Greek Dublin Unit

⁴ UNHCR was implementing a program with its partner Ecumenical Refugee Program and was funding the transfer costs for the reunification cases during the past year. This program expired on the 30th of June and as a result of that people are obliged once more to pay for their transfer expenses.

⁵ <http://asylo.gov.gr/wp-content/uploads/2017/06/ANAKOINΩΣΗ-8.6.pdf>

always takes the deadlines into account, meaning that if the deadline is not about to expire and given that most of the applicants are considered vulnerable, they will finally choose the case where the deadline has expired or is about to expire soon.

In order to fasten the transfer procedure an application to prioritize the case must be submitted, accompanied by evidence that verify the specific reasons, according to which this case should be handled differently. In July 2017, the Greek Dublin Unit sent a list of vulnerable cases (over 100 cases) to the German Dublin Unit, asking them to accept these cases in addition to the 70 people/month. Germany, accepted the transfer of an extra 30 persons (added to the 70 persons) for vulnerability reasons. According to the Greek Dublin Unit this list consists of persons with life threatening health conditions and unaccompanied minors of very young age (not 17-year olds)⁶.

According to information given by the Greek Dublin Unit they are continuously sending updated lists with vulnerable people, asking the German authorities to prioritize them. Currently, the Greek Dublin Unit programs the transfers of cases that have been accepted in December 2016, and they estimate that after November 2017 they will start programming the acceptances of January 2017.

⁶ The German Dublin Unit did not accept the transfer of a 17 year old minor by priority, so the unaccompanied minors accepted should be below the age of 15 years.

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