

Family Reunification for Unaccompanied Refugee Children in Greece: project report and learning

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Al Madad
Foundation

INTRODUCTION

According to UNHCR 2020 figures, 21,000 children worldwide applied for asylum having arrived on their own in a country of refuge. The first response of authorities in Europe, and it would be fair to say those working through aid organisations, has always been to seek to reunify such children with family through the Dublin III procedures. While the assumption that a family home is always best might be a natural one, the relatively low success rate of reunifications begs the question- what is standing in the way of attaining the best outcomes for these children?

The reasons for this are varied and complex. According to **EKKA**, Greece's National Centre for Social Solidarity, as of July 2021 there were 4,558 unaccompanied refugee and migrant children in Greece in need of expedited registration, family tracing, reunification and/or relocation to a third country. Ninety-three per cent were boys vs only seven per cent girls, while 92 per cent of the total were between 14-18 years old. These figures in themselves paint an interesting picture, one perhaps at odds with the general public image of a young child unwillingly separated from their parents on a Greek beach.

It is true that bureaucratic inadequacies and political motivations account for a number of the hurdles faced when attempting family reunification. Still, it should be recognised that without closer examination not only of abstract data, but also of the beliefs and attitudes of these young people, the true extent of this issue, and hopefully its solution, will never become clear.

The Implications

Unaccompanied refugee children who have made it to Greece usually face challenging living conditions and an extremely uncertain future. Once established that a suitable family situation is available to a child, they must begin a complex legal process in order to finally find a place to call home.

The precarious, opaque, and often arbitrary nature of this process poses problems not just for the child involved but for anyone attempting to help them. Aid workers and volunteers are often limited in the extent that they are legally allowed to advocate of the child's behalf, and without a proper guardian to oversee the process, a great deal of adult responsibility is placed upon young shoulders.

The complicated and time-consuming legal processes and low success rate of this type of intervention can make funding impractical or unappealing for many organisations, adding a further complication.

AMF's Action

AMF is always seeking practical solutions to persistent problems. In choosing to explore improved outcomes for unaccompanied refugee children, our aim was to better understand the challenges inherent in the current system as well as the motivations of the children themselves. In February 2021 Al Madad Foundation began trialing two projects in Greece, representing two ends of the care spectrum- reuniting unaccompanied children with family members abroad, and preparing them to build a life for themselves in their country of refuge.

This report details the data and learning gained through a pioneering intervention in partnership with METAdrasi, directly funding legal support and assistance in an effort to reunite unaccompanied children with family members based elsewhere in Europe.

Why METAdrasi

METAdrasi was founded in December 2009 with the mission of facilitating the reception and integration of refugees and migrants in Greece. Among other services, such as the provision of quality interpretation and providing accommodation for unaccompanied and separated children, METAdrasi provides legal aid for refugees and asylum seekers, with children as a particular focus. They are well-established, respected, and recognised as an authority in this area, and were pleased to partner with AMF on this project.

TERMINOLOGY

Unaccompanied Child

UNHCR defines an unaccompanied child as Unaccompanied children have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. They are sometimes called Unaccompanied Minors, based on the legal definition of majority in a national context.

Safe Zones

Safe Zones are parts of refugee camps that are restricted and more protected, so that minors can reside in them. Despite them being better than the regular camp, they are not considered fully safe and should only be used as emergency/first reception temporary accommodation.

Dublin III

The Dublin III Regulation provides a mechanism for determining which country is responsible for examining an application for international protection lodged in one of the member states by a third country national or a stateless person.

Family reunification is also provided for under Article 8 of Dublin III in certain circumstances.

Dublin Unit

Dublin Unit' refers to the team responsible for asylum application in any given European country.

LEARNING

AMF undertook this project as part of a wider examination of the pathways available for unaccompanied refugee children in Greece, and in the full knowledge that it would encounter numerous challenges. Based on preliminary research, the primary barrier to successful family reunification was anticipated to be the complicated legal process involved, and which nearly always encompasses working across more than one country. While to a great extent this was borne out, it was also found that some European countries make the process markedly easier than others, and that there were significant delays attributable to the Greek Dublin Unit itself. We did, though cautiously, expect some success, which within the parameters of this project would mean the achievement of a permanent home with a family member. In contrast to the temporary solutions too often presented for unaccompanied children, this, in our mind, would represent a significant improvement. However, we were hesitant to declare it the 'ideal' or 'preferred' option, as is often stated in the press and by aid groups, due to its complicated processes and relatively low success rate.

Barriers to reunification

As mentioned, the legal maze which these children are forced to navigate did feature amongst the most significant roadblocks, but it was by no means the only one. Two other significant factors were:

Children transferred from shelter to shelter

The various reasons given for these seemingly arbitrary moves varied from a lack of funding, to a child 'aging-out' of a particular facility, to a shelter only allowing stays for a limited amount of time. The impact, however, in terms of the legal process, was almost always the same. Each move meant that a child's legal case must be taken on by a new lawyer if the previous one was in some way tied to the child's former accommodation. For reasons the Greek government attribute to maintaining confidentiality there is no set handover process between the child's old and new representatives, meaning that unless the previous lawyer/organisation is willing to provide a briefing, the time and resources previously expended on the case are lost and must be begun again. There is also always the risk that the new shelter will not have the resource of a lawyer, which adds a further significant complication.

In the worst cases, a lack of handover between shelters can extend to all of the child's records, meaning that medical, behavioral, and family background records need to be created anew. Besides constituting a huge waste of resources, it is also dangerous for the child and potentially any children and adults living with them. It also excludes a project like this one from tracking a child's results beyond their move, meaning that time and resources are often expended to start the process and carry a child through the various stages, only for the very final stage to be [or not be] completed by another shelter with no sharing of information on the outcome. While the result could potentially be the same [family reunification for the child], this is extremely frustrating for all involved, and with funders unable to monitor results could lead to a continued lack of funding for this type of project.

It is worth noting that for lawyers on this project, this potential for movement was an unfortunate accepted fact of life, and therefore a huge emphasis was placed upon 'getting the child to the next stage' as quickly as possible. Another factor was that the children generally wanted to be in Athens, as opposed to more rural areas such as Thessaloniki, to which they are often moved. Their reasons included being close to friends, a better chance of finding work, and a perception that more aid-funded projects are located in Athens and therefore there are more opportunities for accessing help. If relocated, a high percentage of these children will simply choose to find their own way back to Athens and either start the whole legal process again, or, having lost confidence in the system, drop out and take on undocumented, often dangerous, and almost always low paid work.

Family members in Europe withdrawing their support for reunification

This was not a factor that we had originally anticipated, and its surprising in frequency served as a valuable reminder that the family members who have made lives for themselves in European countries might find themselves in precarious positions due to a lack of legal documents, adequate housing, or a source of income for basic necessities. Therefore, whilst they might initially be enthusiastic about acting as a guardian to the child, they might later be put off by the fact that this will mean submitting to a very involved legal process, or by the thought of having to provide for a child when they themselves are struggling.

Unexpected findings

Outside of the previously mentioned barriers to the process itself, there were other factors we found that were both unexpected [at least for us], and seemed to shed a clearer light on the situation as a whole. Taking these into consideration it is easier to understand the reasons why a great many of these children are on their own, and why reunification might not always be the best option.

Family separation is often intentional

Families will often deliberately split up, either upon arrival or after making their way together to a major European centre, such as Athens, with the family members most likely to find work [ie-young men] sent on to travel alone. Our data found that regularly a parent will leave their child/ren [usually a boy/s] in Athens and then attempt to travel illegally to a European country alone, either in a bid to eventually seek family reunification or another legal route to settlement. Another reason a parent might travel on their own could be the number of funded projects/shelters for lone refugee children in Athens as compared to the number for refugee adults.

Boys are perceived as being less vulnerable than girls in terms of lone travel, and therefore make up the vast majority of unaccompanied minors. As an illustration, there were only five girls involved in this project, of which four were travelling with male siblings. Also, sadly, families sometimes perceive there to be opportunities for girls to survive in their country of origin, such as early marriage, meaning they are left behind while other members make their way to Europe.

The dream of 'somewhere else'

Athens is a clean, well-funded, and functioning European capital, but a factor that was repeatedly mentioned as a barrier to unaccompanied minors choosing it as their new home was the idea that the 'grass would be greener' elsewhere in Europe. It is possible that, for young men in the 16-18 age-bracket [considered old enough to support themselves in many countries], this perception causes them to cling on to a precarious legal process instead of using these crucial years to take advantage of the funded education programmes open to them in Athens. Our observation was that some young men, by remaining too long in this limbo, were placed at an even greater disadvantage if the reunification process was not successful as they could potentially have then aged out of eligibility for other kinds of assistance. We would consider this to be an important factor for consideration for anyone planning a similar project, and although not in the spirit of the European Commission New Pact on Migration and Asylum [23 September 2020, which recognised that no Member State should shoulder a disproportionate responsibility in terms of migration], it seems it might actually be in the best interests of some of these children to instead remain in Greece and access the educational support needed to begin their adult lives there. In this way, if they then decided later to move elsewhere within the EU, to reunite with family or find further employment, they would have the skills and legal status necessary to build a successful future.

The demographic is shifting

While we had expected to find the majority of young people to be of Syrian or Afghani origin, there were more Bangladeshi and Pakistani nationals participating in our programme. This is an interesting shift to bear in mind, both in terms of the available outcomes open to refugees from different countries and also pertaining to the levels of available funding ties to particular ethnic groups.

Outcomes

Results

In total, 72 children were assisted by this project, and credit should be given to METAdrasi and their lawyers for taking on the additional cases above the 50 places originally allocated. While the majority of cases had come to some end point by the close of the project, 15 children [21%] remained in some stage of the process after the end date. METAdrasi is committed to funding these cases through other sources.

The 35 children who did not achieve success (as defined as family reunification) through this project present arguably the most important results for examination. The reasons were as follows:

CHILD MOVED TO 'SAFE ZONE' OR ANOTHER SHELTER	8
FAMILY MEMBER WITHDREW SUPPORT/GHOSTED	5
CHILD MISSED APPOINTMENTS/ WAS UNCONTACTABLE	5
CASE ASSIGNED TO PRIVATE LAWYER	4
MISSED TRANSFER DEADLINE DUE TO GREEK DUBLIN UNIT FAULT	3
NO PROOF OF FAMILY RELATIONSHIP	3
CHILD WITHDREW FROM PROCESS	2
APPLICATION REJECTED	2
SUPPORTED BY ANOTHER NGO LAWYER	1
RETURNED TO COUNTRY OF ORIGIN	1
FAMILY MEMBER WAS ILLEGALLY RESIDENT IN EU	1

Further explanation

Child moved to 'Safe Zone' or another shelter

Safe Zones are parts of refugee camps that are restricted and therefore considered to be more protected, so that minors in theory can reside in them. Despite being better than the regular camp, they are still unsafe and should be only used as emergency/first reception temporary accommodation. The issues of child movement between shelters in relation to this project are discussed previously.

Family member withdrew support/ghosted

Here 'ghosted' is used as short-hand for abruptly cutting off contact with someone without giving that person any warning or explanation for doing so. The reasons for this are discussed previously.

Child missed appointments/was uncontactable

This is, sadly, a feature of any project dealing with any group of people living in precarious circumstances, but is further complicated when working with children left to manage this process for themselves.

Case assigned by child to private lawyer

All lawyers are supposed to be assigned by the Dublin Unit, but occasionally a child will choose to work with a private lawyer.

Child missed 6-month transfer deadline due to Greek DU fault

Once family reunification has been approved and the child is 'awaiting travel', there is a 6-month deadline to complete the journey. Missing this deadline is rare, and happened in this case when the Greek state had neglected to arrange travel for Dublin cases.

No proof of family relationship

DNA tests and documents can be hard to track down and, even then documents from certain countries might be considered unreliable by the EU nation in question.

Child withdrew or child returned to country of origin

As this is a long and arduous legal process, it is understandable that the child's circumstances might change at some point before completion.

Rejected

Covers two additional forms of rejection:

1. Having taken on this case, our lawyers were then contacted by the Dublin Unit to inform us that the child's application for family reunification had been closed unsuccessfully months prior; the child subsequently applied for asylum in Greece.
2. The family relationship was deemed 'not close enough', and there were no special circumstances to constitute high vulnerability of the minor [such as health problems], so the child did not qualify for reunification with the proposed relatives.

Already supported by another NGO Lawyer

This was discovered once the case was begun by our lawyer.

Illegal residence of family member in Europe

The reasons for this are discussed previously.

Discussion

In reviewing a project such as this involving an arduous legal process and many frustrations, it can be all too easy to forget that every number represents a child who undertook an extremely difficult journey to get to Athens, many of whom lost a parent or were orphaned, or worked in terrible conditions to save enough to pay an illegal people trafficker. That they then opted to engage with a grueling and often precarious administrative process speaks to their bravery and determination to find a better life.

There is seeming agreement among aid organisations, and the public in general, that family reunification is the best possible option for these children. However, shockingly little is commonly discussed pertaining to the always complex, often politically coloured, and frequently inadequate legal processes involved, or just as importantly, the reasons for these children arriving and remaining on their own in the first place. AMF knew at the outset that this would be a challenging project, but nonetheless one that needed to be properly implemented, monitored, and evaluated in order to glean concrete data through which to better illuminate what is an extremely opaque process. Only by understanding what is and isn't working, where the barriers are, and most importantly, the motivations of the refugee families themselves, can we truly begin to take practical steps.

This is why the final portion of this review was so important to us. We could not be happier to see 22 children reunited with their respective families, and we hope that they will find opportunities for building fulfilling lives in their new countries. This being said, it remains to be seen whether family reunification, with the various pitfalls that accompany it, is always the best way forward. This project, along with our other investigations in Greece, has alerted us to other important issues facing unaccompanied refugee children, and we conclude it with a newfound awareness and plans for better targeted endeavors in future.

Sample Case Studies

Case study 1

Application- unsuccessful

Reason- Greek Dublin Unit delay, withdrawal of family consent

Three Syrian siblings, aged 9, 7, and 6, arrived alone on Samos' Island in September 2020. They were hosted at METAdrasi's shelter in Samos while their application for reunification with their half-siblings in Sweden was processed. Though the application was approved, the Greek Dublin Unit delayed the arrangement of flights for the children into the early months of 2021, by which time the required 6 month travel deadline had expired and rendered the approval invalid.

Consequently, lawyers representing the children were forced to re-apply for reunification permission, but the half-siblings in Sweden now refused to send a new a written letter of consent. The application has now been officially rejected, and the children have begun the process for claiming asylum in Greece.

Case study 2

Application- successful

Three underage brothers from Afghanistan arrived at METAdrasi's Day Center in September 2020. Having fled their country with their sister, upon their arrival in Greece she left for the Netherlands where their aunt was living.

METAdrasi's legal team took on their case for reunification, most importantly correcting the eldest two brothers' registration data which had incorrectly listed them as adults. Despite lockdown difficulties and restricted access to the Greek Asylum Service [GAS], the team managed to change their age in the first month, and produce original IDs and update their asylum cards later in the following weeks. The three Best Interest Assessment [BIA] documents were prepared and a medical report detailing the serious health issue of the one brother was submitted. In the meantime, the youngest found permanent residence in an accommodation shelter, and once the age of the older brothers had been corrected, they were able to move from METAdrasi's emergency shelter to join him.

The boys' lawyer had multiple information sessions with their aunt as well as the Dutch legal guardian of the sister to explain the procedure's details and ensure the process moved as it should in both countries. All three children received a positive response to their request for family reunification, and traveled to the Netherlands in early September 2021.

Case study 3

Application- unsuccessful

Reason- Child transferred to a Safe Zone

A 16-year-old minor from Somalia traveled alone to Greece, arriving in April 2021. He was received in METAdrasi's Day Center and directly referred to METAdrasi's Dormitory and provided with legal support. The lawyer organised his registration with the Greek Asylum Service, and began working with the child to collect the necessary documents for a family reunification with his aunt in Sweden. In the midst of this process the child was [seemingly arbitrarily] transferred to a Safe Zone, meaning that the case had to be taken on by a new lawyer, causing significant delays.

Case study 4

Application- unsuccessful

Reason- Withdrawal of family consent

A 17-year-old boy from Bangladesh arrived in Greece alone and hoped to be reunited with his uncle in Ireland. While always very cooperative, the complicated nature of the process and the insecurity of his situation made him anxious and stressed. His uncle began voicing doubts about the reunification, and one month before the application's deadline declined to proceed as he feared that the expiration of his legal documents in Ireland could place his nephew's status at risk. Despite the legal team's efforts to explain the critical timing of his nephew's application and the possible solutions to arranging his own legal status, the uncle withdrew his support. As a result, the child was referred by the Greek Dublin Unit to the asylum process. The child is now living in a shelter, traumatised by his uncle's decision, and awaiting the result of his asylum application.