



Urgent information for family reunifications from Greece to other EU countries

Last update: January 2020

During the last months giving advice in Greece, we have seen many family reunification cases failing due to a lack of knowledge about procedures and deadlines that must be complied with when requesting to be reunited with family elsewhere in Europe. This is especially true for people with relatives in Germany. Also, many people have asked us about changes for family reunification to the UK due to ‘Brexit’ – the UK’s departure from the EU on 31/01/2020.

There are more than 100,000 refugees in Greece and most currently survive in bad living conditions. There is a lack of legal aid, so most people remain without information on their right to family reunification. The bad conditions in Greece force people to leave the country, continuing their journeys in search of protection, hoping to reach somewhere safer and where one may actually build a future.

This information sheet was written to share information on how to join your family members in other EU-countries. To counter the lack of access to proper information and legal aid and add specific information on current problems to the more general information given already here: <https://w2eu.info/greece.en/articles/greece-family.en.html>

Read the following advice carefully!

GENERAL WARNINGS

CAREFUL! If you have close relatives in another EU-country (i.e. Germany, UK, Switzerland, Sweden, France etc) with whom you wish to be reunited, you have to be very careful not to miss deadlines (3 months from the registration of your asylum claim in Greece) and to file your application including all necessary documents. Get informed and build your case. Seek help as soon as possible from organisations with lawyers.

CAREFUL! Some EU-countries such as Germany and Switzerland now consider that living conditions in Greece have improved enough to send people with fingerprints in Greece back to Greece (the law used to do this is the Dublin III Regulations, so such cases are known as Dublin returns). If your family member has been in Greece but continues their journey into Europe, upon arrival to the other country they may first undergo a “Dublin procedure”, where the country examines whether or not he/she could be returned to Greece (i.e. also to join their family). Your relative should be prepared to show proof of the inhuman conditions he/she faced while staying in Greece and also to hand in documents that prove any form of vulnerability, he/she may have (psychological problems, medical problems, disability, pregnancy, being a victim of violence such as torture or sexual abuse etc). As soon as the Dublin Return procedure in the country of arrival is finished, the asylum procedure there will begin and your application for family reunification will be proceeded. In case they have to go to court to overcome the problem this may last many months.

How can I apply for family reunification?

There are two procedures based on which you can apply for family reunification, which in short are:

- A. **Dublin III Regulation / Greek Asylum Service:** Based on this EU-law you can apply at the Asylum Service in Greece to be re-united with your close relative, who has started an asylum procedure in another EU-country. You can apply through this way also if the person has received *international* protection status (refugee status or subsidiary protection). According to law, your application must be granted a positive answer if you don't miss the deadlines in the following constellations:
- a. husband = wife; b. parent(s) = underage kids (younger than 18), c. underage kids = brothers / sisters.
 - b. In other constellations it can be answered positively: a. underage *unaccompanied child* (travelling alone) = uncle / aunt / grandparent(s), if this is in the best interest of the child and the relative agrees and can take care of it; b. for *humanitarian reasons* also adults can apply to join adult relatives, but it must be clear in written evidence, that the persons depend on each other, that the person in Greece is alone and without help and cannot survive.
- B. **Embassy procedure:** If your close relative has received a positive answer to his/her asylum claim in another EU-country, namely, refugee status, you can apply before the embassy of that country in Greece for a family reunion visa. Close relatives are:
- a. husband = wife
 - b. underage kids = parents.
- CAREFUL!** In the case of Germany, the underage brothers and sisters of an underage child in the other country, are not included in the same part of law. Their visa application is processed under another part of law and will not necessarily be accepted. (read more on this [here/link](#))

This info sheet is focusing on the procedure through the Dublin III Regulation where applications are made at the responsible Greek Asylum Service.

When should I make my Dublin family reunification application?

If you apply for family reunification based on Dublin III Regulation / EU law at the Greek Asylum Service (procedure A.), you should not miss the **deadline** of 3 months! Greece, as the country who should send the application for family reunification in your case, has three months to send your application with all necessary documents of proof that you are relatives (such as marriage certificate, birth certificate, family book, photos, personal statements etc.) and the written consent of your relative who lives in another EU country.

In fact, the three months start to count from the moment you register your asylum claim in Greece – which is the day you receive the asylum seeker card (also called ‘Ausweis’ or in Farsi/ Dari ‘se barge’). You can find the registration date of your claim on your asylum seeker card here. (see marked area on the photo bellow)



Όνομα/ Name
Επώνυμο/ Surname

Όνομα πατέρα/ Father's name
Όνομα μητέρας/ Mother's name
Ημερομηνία γέννησης/Date of birth
Τόπος γέννησης/Place of birth
ΑΦΓΑΝΙΣΤΑΝ
Υπηκοότητα/Nationality
ΑΦΓΑΝΙΣΤΑΝ
Διεύθυνση διαμονής/Residence address

Ημερομηνία έκδοσης/Date of issue

Ημερομηνία Υποβολής αιτήματος/Date of application

Αριθ. Υπ./Case No:
Αριθ. Δελτίου/Card No:
Αριθ. Φακ. / Folder ID:

Ημερομηνία συνέντευξης ή εξέτασης προσφυγής/
Date of interview or examination of appeal

Γραφείο Συνέντευξης Α' Βαθμού/
Interview Office

Ημερομηνία λήξης/Date of expiry

Υπογραφή αιτούντος / Υπογραφή υπαλλήλου
signatures

If your application is sent to the other EU-country, this country has 2 months to answer your application. If it does not answer in the given period, your application gets automatically accepted. Greece then has another 6 months to transfer you to the country where your relative is. In total the procedure from the moment your family reunification procedure should not last longer than 11 months.

What about family reunification to Germany?

Over the past four years, most family reunification applications to Germany come from Greece. Since 2017, the German authorities have begun to issue more and more rejections in family reunification cases. Therefore, you need to be very careful and well prepared to overcome the problems and avoid the reasons for rejection. About 70% of family reunifications from Greece to Germany were rejected in 2019, but the majority of these rejections could have been avoided with the correct information. For this reason, we decided to write an update on the family reunification procedure with a focus on Germany and recent problems, so that you can prepare yourself better and struggle in the best way possible for your right to be with your beloved.

How can I do my best to prevent a rejection from German authorities?

Read here the reasons German authorities mostly use to reject family reunification applications based on the procedure through the EUs' Dublin III Regulation (A. application at Greek Asylum Service):

a. "3-month deadline missed".

If your relative is living in Germany, you should know that since almost two years a stricter rule is applied by German authorities, according to which the 3 months start to count earlier. They begin at the moment you express your will to apply for asylum – before you get the asylum seeker card. If you have arrived on an **island** and got registered in the camps on Lesbos, Chios, Samos, Kos or Leros, your will to apply for asylum may have been registered the very first days upon arrival. It should be noted on your police note ('tarke khak'), on the left upper side of the document. If you have arrived to Greece through the **land**

border or the sea near **Alexandroupoli**, and you got registered in **Fylakio** camp, your will to apply for asylum is usually registered on the date of your release. You can find the date on your police note.

If you have passed the 3-months-deadline, the Greek Asylum Service is not obliged to send your family reunification application. Practically, and due to the very strict position of German authorities specifically, they are likely to deny to even send your application if you've missed the deadline. The Greek Asylum Service does not necessarily send applications where it is not obliged to do so by law, if the chances of receiving a rejection is too high according to their recent experience with the specific country your application is going to. If your relative lives in an EU-country other than Germany, it is more likely that the Greek Asylum Service will send your application despite missing the deadline.

b. “The family split voluntarily”.

This concerns cases where the family originally arrived to Greece together and later some family members moved on, leaving part of the family in Greece. Here the German authorities say in their rejections that the German state is not obliged to reunite them. If this happened to you it is important to document and explain, how it came that you were forced to separate in Greece or how you were accidentally separated during your attempt to leave Greece together. NOTE – in such family split cases, the 3-month deadline explained above is usually also passed.

c. “The relative in Germany has received a negative answer to his/her asylum claim”.

Many family reunification cases are rejected on the grounds that the relative in Germany has received a negative answer to his/her asylum claim. If your relative received an ‘Abschiebeverbot’, you should know that this 1-year-status is a national humanitarian status and not an international protection status. People who hold this status are considered to have concluded

their asylum procedure in Germany with a negative answer, even if they hold a residence permit. Also, after renewing their residence permit the first time, when they receive a 2-year-residence permit, the status remains the same. You can understand what status your relative has by looking to his/her asylum decision ('BESCHEID'). For this reason, it is very important that your relative in Germany prepares their asylum claim in Germany as well as possible in order to receive protection status. Prepare the asylum claim before arrival, as interviews may be taken within the first days. Instruct a good lawyer to assist you and accompany you to your interview. It is worth the money. Make sure you name your relatives who are in other EU-countries and give their correct data (names and birthdates) during your interview in Germany.

d. "It is not proven that you are family members."

Hand in as much evidence as possible as soon as possible to prove your family link. Evidence could be documents such as birth certificates, Taskiras etc or photos, phone or social media records showing contact, witness statements... These documents should be translated into English or German.

e. "It is not in the best interest of the child, that the relatives are reunited."

If you are an unaccompanied minor in Greece, or you apply to join an unaccompanied minor in Germany, add from the beginning a written consent of the relative in Greece/Germany to your file and as many documents as possible from social workers, psychologists, legal guardians and others taking care of the minor, that state why family reunification is good for the child. For unaccompanied minors in Germany it is also important to emphasize how well they have integrated in Germany, i.e. how school is going, how well he/she speaks German etc. as German authorities in some cases may consider to send back a child to Greece if the family is in Greece. German authorities have made applications to Greece to take back minors, but they have all been rejected due to the reason that it is not in the best

interest of the child to be uprooted one more time and to be exposed to the inhuman conditions in Greece.

f. “Information given about the names, birthdates, address of the relative are incorrect.”

Be careful to write your names and birthdates correctly in both countries and in the exactly same way. Be careful to provide the Greek and the German authorities with the correct address and telephone number of your relative in Germany and of yourself.

I think my chances of success are low. Does it matter if I miss the three-month deadline?

Even if your chances of success are low, you should try to get your application sent by Greek authorities to Germany within the three-month deadline.

Even if the German authorities reject your application for family reunification, you can ask the Greek Asylum Service to send a re-examination request to the German authorities within twenty one (21) days! Most importantly, you can also appeal against the decision before a German court. For this, you have to instruct a German lawyer who is experienced in this procedure. There is no deadline, but it's best if you move fast. This kind of appeal in the courts has until now had a good success rate, but you should first check with a lawyer if it's possible to bring your case to court.

Where can I find legal help and an experienced lawyer to appeal before a German court against a rejection?

If you want to appeal before a German court you need to take a private lawyer there, who needs to be paid. Some organizations provide legal funds (money) to cover the expenses of a lawyer for these cases, IF they consider your case to have good chances to win.

PRO ASYL / Frankfurt (Germany)

PRO ASYL is a German organization with one of the most experienced advise offices based in Frankfurt but reaching out to all over the country. Note that you should call with an English or German speaking person, as translation is not provided.

If you cannot find a solution to communicate in one of these languages, contact w2eu.greece here for our translator: <https://www.facebook.com/w2eu.gr/>

PRO ASYL

Telephone: +49 (0)69–242 314 20 (Monday to Friday 10–12 & 14–16)

E-Mail: proasyl@proasyl.de

Fax: +49 (0)69–242 314 72

EQUAL RIGHTS BEYOND BORDERS

EQUAL RIGHTS is a small German-Greek organization with offices in Berlin, Chios, Athens and Kos. They have a strong focus and expertise in cases of family reunifications to Germany that got rejected and co-operate with German lawyers to bring such cases before the courts.

E-mail: athens@equal-rights.org

Emmanouil Mpenaki 69A (1st floor), Exarheia area, Athens

Referral form: [https://750025df-472c-4390-a6e1-](https://750025df-472c-4390-a6e1-210ba5963d02.filesusr.com/ugd/c7db89_4aa475d3271b4d9cbd084e5168787176.pdf)

[210ba5963d02.filesusr.com/ugd/c7db89_4aa475d3271b4d9cbd084e5168787176.pdf](https://750025df-472c-4390-a6e1-210ba5963d02.filesusr.com/ugd/c7db89_4aa475d3271b4d9cbd084e5168787176.pdf)

Opening hours:

Thursday: 16-18 (Farsi and French)

Friday: 16-18 (Arabic and English)

What is the current situation for family reunifications to the UK?

Note: Many refugees in Greece have family members in the UK. On 31/01/2020 the UK left the European Union – this is known as Brexit. Due to Brexit, many people are concerned that family reunification based on Dublin (which is European law) will stop. The fact is, Dublin family reunification to the UK will stay exactly the same until the end of 2020. It is not yet clear if there will be new procedures and legal possibilities replacing the Dublin family reunification procedure.

Embassy procedures for family reunion visas will also persist after Brexit and after 2020.

Where in Greece can I seek advice for family reunifications to the UK?

Refugee Legal Support (RLS) – Athens (Greece)

RLS is a small organisation with roots in the UK, which provides legal advice in Athens. The main focus of their work is to support family reunification cases to the UK. If you call, contact RLS with an English-speaker. Otherwise send a text or voice message in your own language on WhatsApp.

Telephone & Whatsapp: 6940-66.25.83

Email: coordinator@refugeelegalsupport.org

General advise for people aiming to join their relatives abroad:

CAREFUL! Many Greek legal aid organizations do not take family reunification cases that have seemingly low chances of success. Despite this, first try all Greek NGOs, because only a lawyer with a Greek Lawyers license will be able to support you adequately.

CAREFUL! If you are advised repeatedly by Greek lawyers that a family reunification based on Dublin Law will not work in your specific case and/or if the Greek Asylum Service has refused to send your application, then do not lose time pursuing this avenue. Instead focus on your asylum procedure in Greece and/or a visa application at an embassy. (these two procedures can be carried out in parallel)

CAREFUL! Seek advice from lawyers in the country where your relative lives in order to understand whether applying for family reunification in your case makes sense. Try to understand from the lawyers of that country the procedures and conditions you will face. National law is different in each EU-country and there might be different opportunities for different constellations: for different forms of relatives and different forms of asylum status of the relative abroad (subsidiary, humanitarian). Note: Do not avoid an asylum procedure in Greece in order to try to get a family reunion visa. You can do both at the same time and you will just lose time.

CAREFUL! In general, never forget to renew your Greek papers in time. Do not cancel appointments for asylum registration or your asylum interview without proper reasoning - this reasoning should be submitted on the same day. According to the new law from 01/01/2020, your asylum procedure should be concluded negatively and your file closed, if you do not renew your documents or attend interviews as requested by the Greek Asylum Service.

WARNING! Don't miss the deadlines! Avoid reasons of rejection by being well prepared!

We wish you good luck for your application!

For further questions please contact us here:

<https://www.facebook.com/w2eu.gr/>

<http://w2eu.info>

