



Asylum seekers eligible for Family Reunification, at risk of being denied the right to reunite with their families, due to maladministration

June 30, 2020 - Asylum seekers residing in the camp of Malakasa, are at risk of being denied the right to family reunification, since the Asylum Service has not prioritized their registration, despite continuous requests to this end by the lawyers of the applicants.

The asylum seekers in question - amongst them unaccompanied children – arrived in Greece during March 2020, when they were not allowed to apply for asylum.¹ They were initially detained in the horrible conditions of a warship in the port of Mytilene² or elsewhere and then, transferred to the camp of Malakasa, where they remained in detention conditions until the beginning of April.

By then, after the legislative Decree had expired, they were finally allowed to submit their will to apply for asylum. On the day of the submission of the will for asylum a three month deadline to send a request to the Member State, where a family member is residing, was activated.³ In order for the take charge requests to be sent, the Greek Asylum Service must first formally register the asylum seekers. This is the step of the procedure where the problem has arisen, since the Asylum Service, although it was made aware of the situation by HIAS Greece and Equal Rights Beyond Borders on several levels, regularly does neither proceed with the registration, nor does it issue appointments on time. HIAS Greece and Equal Rights Beyond Borders both also submitted reports before the national ombudsman, requesting his

¹ See <https://www.bbc.com/news/world-europe-51695468>

² See <https://www.infomigrants.net/en/post/23352/hrw-slams-greece-for-holding-migrants-on-warship-at-lesbos-harbor>, see also <http://www.avgi.gr/article/10836/10820801/tous-epistrophoun-me-to-etsi-thelo-sten-tourkia>.

³ Under the Dublin III regulation, which determines which member state is responsible for the examination of an asylum application submitted on the territory of a member state, asylum seekers who have family members legally residing in other member states and wish to reunite with them, are entitled for family reunification. By sending a take charge request one state asks another to accept its responsibility for examining the asylum application of an applicant who has a family member residing in respective country. If the preconditions are met, this state has to accept the take charge request and becomes responsible for the asylum procedure of the respective applicant.

intervention in order for the issue to be solved. The ombudsman acknowledged the requests and urged the authorities to fully register the asylum seekers as soon as possible and to proceed with timely submission of take charge requests for family reunification. However, despite this involvement, the Asylum Service has in many cases not yet formally registered the applicants so that the deadline is likely to expire.

This will have devastating consequences for the asylum seekers who will then have to stay in Greece and will be essentially denied the right to reunite with their families – even though they have a right to it and Greece has a legal obligation to facilitate the reunification. The government has been putting forward as its priority, the reduction of migration flows, decongestion of camps and a European solidarity mechanism for a “fairer distribution of migrants” across the EU states. It is ironic, that family members, who have to be transferred to other Member States, are now getting actively kept in Greece due to administrative malpractices. The government shows minimum initiative in prioritizing cases of family reunion that according to the law should be always dealt with priority towards the regular asylum procedures. The omission of the Greek State to protect the rights of asylum seekers with family members in other Member States is not only a violation of the national and EU law - it is a clear proof that the Greek government is responsible for creating and preserving the inhumane living conditions inside the camps and for keeping families apart.