

A handbook on standards and good practices to restore family links and reunify families

Call for expression of interest

Background

The Council of Europe is committed to assisting its member States to build strategies to respond to the problems affecting refugee and migrant children, with special focus on those who are unaccompanied or have been separated from their families. The SRSG's Thematic Report on migrant and refugee children (22 March 2017) found that children and families often become separated on their long journeys to Europe, while family reunification procedures within the European Union have been heavily criticised as cumbersome. An Issue Paper on family reunification by the Council of Europe's Commissioner for Human Rights (June 2017) identified the restrictive trends affecting family reunification for refugees and made a number of recommendations.

In May 2017 the Committee of Ministers adopted the [Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe \(2017-2019\)](#). It outlines concrete actions to be undertaken by the Council of Europe, grouped around three pillars. Assisting children and families in restoring family links is one of the actions under the second pillar aimed at providing refugee and migrant children with effective protection.

In the framework of the Action Plan, the Office of the Special Representative on Migration and Refugees will prepare and publish **a handbook on standards and good practices to restore family links and reunify families.**

Scope of the handbook

The handbook is expected to summarise in a practical way the legal standards applicable to family reunification (international law, such as the UN Convention on the Rights of the Child, Council of Europe/European Court of Human Rights, EU/European Court of Justice, as well as relevant guidance, e.g. EASO, FRA, IGOs, NGOs), clarifying the different rules applicable to refugees, beneficiaries of subsidiary protection, asylum-seekers and other migrants; the safeguards for inbound and outbound family reunification; the special conditions for family reunification when the sponsor is the child or an adult family member; as well as family tracing procedures.

The handbook is also expected to provide good examples of practices on family reunification. For this purpose the consultants will need to develop criteria on what is to be considered a good practice (e.g. addresses existing practical or legal obstacles, is human-

rights compliant, facilitates integration) and based on them select good examples and compile them for publication.

As an action intended ultimately to provide enhanced protection to refugee and migrant children, the handbook needs to address the special challenges for unaccompanied and separated children arriving in Europe, such as their lack of legal capacity, the assessment of best interest, family reunification where they turn 18 in the course of asylum and/or family reunification proceedings, and married children.

Aim of the handbook

The purpose of the handbook is to assist children and their families to restore family links and reunify, when it is in the best interests of the child and in accordance with existing norms. The handbook is meant to serve as a basis for cooperation and training for relevant authorities in Council of Europe member states. It is addressed to different professionals involved in family tracing and family reunification procedures, including child care professionals, guardians, legal professionals in general, as well as NGOs. It is intended to illustrate the cooperation between different actors involved in family reunification. It will complement the HELP training course on refugee and migrant children, to be launched in June 2018. It may also be a basis for discussions at any future high-level meeting regarding potential or already existing solutions for obstacles and challenges (practical or legal) to restoring family links.

Methodology

The compilation will be prepared by 3-5 consultants, selected on the basis of their knowledge of children's rights, family reunification, human rights, immigration and refugee law. The experts will work with a representative of the Office of the Special Representative on migration and refugees to develop the concept, methodology, structure and content of the handbook. The drafting work will be carried out by the experts, who will:

- i. conduct a desk study and compile the standards relevant to family reunification;
- ii. identify criteria for good practices, as well as draft, issue and widely disseminate a call for good practice examples and compile the examples for publication.

The experts will attend two working meetings in Strasbourg as part of the preparation of the compilation. Travel and per diems for these meetings will be covered by the Council of Europe.

Provisional timetable

The provisional timeline is as follows:

- 30 June 2018: deadline for submission of tenders
- 16 July 2018: notification to successful candidates
- August 2018: first expert meeting in Strasbourg

- 3 September 2018: publication and dissemination of call for good practices with deadline of end-October 2018.
- 16 October 2018: submission by the experts of a first draft on the section on standards
- 14 January 2019: submission by the experts of a first draft of the compilation of good practices
- February/March 2019: second expert meeting in Strasbourg
- 30 April 2019: submission by the experts of the final draft of the handbook.