Webinar

Launch of the Handbook on **Family reunification for refugee and migrant children - standards and promising practices** by the Special Representative of the Secretary General on Migration and Refugees, Ambassador Drahoslav Štefánek

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**Observations by Jutta Seidel, Officer in Charge,
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Thank you very much for having invited UNHCR to contribute to this webinar and let me start by congratulating you for this publication that we see as a very important effort to contribute to finding solutions and removing obstacles to family reunification in Council of Europe Member States.

As part of the solutions, the Global Compact on Refugees provides a strategy on resettlement and complementary pathways, among which family reunification. It sets a 10-year goal of having 2 million refugees reach third country solutions through complementary pathways by 2029. It calls on States to put in place effective procedures and referral pathways to facilitate the family reunification of refugees.

I have structured my today's observations around three topics. The first topic is the impact of the COVID-19 pandemic on family reunification; then I will move to a very important family reunification project that UNHCR is coordinating in Libya, Egypt, Sudan and Ethiopia and to give an illustration of the barriers that refugees are facing when trying to access family reunification; and finally I will conclude by looking at the future and what opportunities we see under the Pact on Migration and Asylum which is currently being elaborated by the European Commission.

I.   Impact of COVID-19 on family reunification

Coming to the first aspect, we have all seen that in times of the COVID-19 pandemic family reunification was heavily impacted, as a result of the impact on the asylum procedure, as a result of travel restrictions, of border closures, and as mentioned earlier on the problems to pick up visas in Embassies and Consulates as consequences of the lockdowns.

Under international law, States have indeed the sovereign power to regulate the entry of non-nationals. However, international law also provides that measures to this effect may not prevent them from seeking asylum from persecution.

At the end of April 2020 nearly two thirds of European countries had found ways to manage their borders effectively while allowing access to their territories for people seeking asylum.

It is legitimate that States take certain measures, such as medical screening at the border, testing, health certification and, if need be, temporary quarantine, to ascertain and protect public health. Such measures are in the interest of all including asylum-seekers and refugees, but these measures must be non-discriminatory as well as necessary, proportionate and reasonable to the aim of protecting public health.

It is really important here to underline that public health concerns cannot justify the halt of family reunification procedures for extended or long periods.

UNHCR has seen many innovative and good practices in Europe when it comes to remote interviewing and remote processing of asylum claims. These are reflected in UNHCR's Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic.

I would also like to inform you that UNHCR's Headquarters is currently preparing guidelines which specifically address the right to family life and family unity in the context of family reunification.

Allow me to also mention that you have all seen that in April the first refugees were relocated from the Greek islands. A very limited number, but still it was possible to relocate even in times of lockdown and border closures, it was possible to relocate children from the islands.

As the Commissioner for Human Rights of the Council of Europe pointed out, the relocation goes on very slowly. So far there are more than 5000 children which have been identified as being in need of being relocated from the Greek islands.

II.   Family reunification project by UNHCR and International Refugee Assistance Project (IRAP)

Now moving on to this important family reunification project which UNHCR is running together with its partner the International Refugee Assistance project, **in Libya, Egypt, Ethiopia, and Sudan**. This project is aimed at enhancing access to family reunification for children and youth at risk, who are seeking to reunite with biological parents who are mainly residing in Europe and in North America.

Under this project **so far already 828 children and adolescents have been identified and profiled out of which 357 underwent a Best Interest Determination Procedure. Unfortunately, so far only 10 children could be reunited with their parents.** Of course, this low number is also linked to the effects of the COVID-19 pandemic and the fact that the borders were closed and travel restrictions were placed.

But I would also like to mention a few **obstacles** for which we really hope that Member States will find solutions.

Among the many obstacles is that vulnerable cases are not fast tracked simply because Embassies and Consulates do not have the staff to meet the demand.

Then limited time frames apply for family reunification, it usually is three months. These short time limits mean that it is practically impossible to apply within the deadline,

- particularly where Embassies in the country of origin can only provide family members with an appointment several months later,

- documentation is not readily available,

- a sponsor needs time to trace his family members or save up for their journey to Europe.

Furthermore, many refugees are unaware of the consequences of not meeting this deadline to apply for family reunification. This is why UNHCR keeps calling upon European countries to address the frequent lack of information and assistance available to beneficiaries of international protection in a language they can understand. Although NGO support and assistance during the family reunification process exists in several European countries, the capacity of these organisations to provide such assistance varies significantly from one country to another.

Another challenge that we see, is that certain States apply very **strict evidentiary requirements** to prove family links. On this aspect allow me to stress that UNHCR's Executive Committee has issued Conclusions stating that the **absence of documentary proof** of the filiation of children should not per se be considered as an impediment to family reunification. Many European countries only accept official documents. For some refugees, obtaining a passport, a criminal background check, marriage or birth certificate means approaching the national authorities of the country which they fled, which might expose them, or their family members in the country of origin, to risk.

Then there is also another main issue which is that of **accessing Embassies abroad**.

Several European Embassies in key regions, including the Middle East, do not process family reunification applications and instead refer applicants to another Embassy in the region. Onerous visa requirements and logistical, financial and security challenges make it very difficult for family members to travel to another country to submit their application.

One solution to this could be for European countries to establish bilateral arrangements to represent each other for the purposes of collecting visa application and issuing visas.

III.   Opportunities under the European Commission's Proposed Pact on Migration and Asylum

UNHCR sees that the European Union's Commission proposed Pact on Migration and Asylum presents an opportunity to tackle some of these obstacles by proposing some innovations including:

• Proposing the streamlining of family reunification procedures and facilitating access to procedures, information, legal advice and support. This could include from EU Member State Embassies and Consulates where the family members of the refugees are located;

• Ensuring that beneficiaries of subsidiary protection also have access to family reunification without long waiting periods. As you know, many European Member States have a three-year waiting period if they are allowing family reunification for beneficiaries of subsidiary protection

• and finally, to avoid excessive legal requirements which go beyond what is necessary to preserve the right to family unity.

UNHCR stands ready to continue providing its expertise and assistance and we will make available to all participants the documents, notably on the family reunification project that I just mentioned.

We thank you for your continued attention and work on this matter of joint concern.

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