



Access to Family Reunification

for Beneficiaries of International Protection in Central Europe

Research and report by Jadwiga Maczynska

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1. Introduction

The present report was drafted based on the findings of a study commissioned by the United Nations High Commissioner for Refugees (hereinafter: UNHCR) Regional Representation for Central Europe (hereinafter: RRCE) concerning access to family reunification by beneficiaries of international protection in Central European countries. The study results from one of the four main regional goals pursued by the RRCE, which is facilitation of durable solutions through functioning integration and resettlement policies and a social climate that is welcoming towards refugees and rejects xenophobic and racist attitudes.¹

Family reunification is defined by UNHCR as “the process of bringing together families, particularly children and elderly dependents with previous care-providers for the purpose of establishing or re-establishing long-term care”.² The concept of family reunification is closely linked to the principle of family unity, which gives effect to the protection of the family as the natural and fundamental group unit of society.³ The process of family reunification is a key and necessary step in achieving unity of the family and thus facilitating the integration of the beneficiaries of international protection into the host society.

Neither the 1951 Geneva Convention relating to the Status of Refugees⁴ nor the 1967 New York Protocol⁵ include the principle of family unity or incorporate it into their provisions.⁶ However, the Final Act of the Conference that adopted the 1951 Geneva Convention recommends governments take necessary measures to ensure the unity of the refugee’s family and the protection of minor refugees.⁷ The UNHCR Executive Committee in its numerous conclusions has also referred to the significance of family unity and family reunification in many respects.⁸ The UNHCR Handbook clearly states that the principle of family unity remains intact where the family unit has been temporarily disrupted, for instance, during flight.⁹

The present report is to be read in close conjunction with the UNHCR document *Refugee Family Reunification. UNHCR’s Response to the European Commission Green Paper on the Right to Family Reunification of Third-Country Nationals Living in the European Union (Directive 2003/86/EC)* (hereinafter: UNHCR’s Response on the Right to Family Reunification).¹⁰ This document was presented by UNHCR during the public consultations launched by the European Commission with regard to its Green Paper on the Right to Family Reunification of Third-Country Nationals Living in the European Union¹¹ (hereinafter: Green Paper). The Green Paper aims to initiate public debate on issues relating to family reunification within the remit of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (hereinafter: EU Family Reunification Directive).¹² From among 14 questions put forward for consultation in the Green Paper, two specifically concerned asylum-related issues, i.e., the exclusion of the beneficiaries of subsidiary protection from the scope of the EU Family Reunification Directive (Question 8)¹³ and the limitations in the application of more favourable conditions accorded to refugees (Question 9).¹⁴

- ¹ The mission statement and operation of UNHCR RRCE can be consulted at: <http://goo.gl/5bl3T>. The regional website provides additional detailed information on UNHCR’s work in Central Europe at: <http://goo.gl/9d8de>.
- ² UN High Commissioner for Refugees, *UNHCR Master Glossary of Terms*, June 2006, Rev.1, available at: <http://goo.gl/zKCHZ>, p. 10.
- ³ UN High Commissioner for Refugees, *UNHCR Master Glossary of Terms*, June 2006, Rev.1, available at: <http://goo.gl/VD3V6>, p. 10.
- ⁴ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://goo.gl/RkJ8t>.
- ⁵ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <http://goo.gl/5lnf3>.
- ⁶ This may be attributed to the fact that under earlier international instruments concerning refugee matters, families, rather than individuals were considered the primary group unit, which was reflected in a consistent practice of assimilating their status as regards the benefits of refugee status and could be the underlying assumption of the drafters, resulting in there being no specific provision in the 1951 Geneva Convention. See: J. Hathaway *The Rights of Refugees under International Law*, Cambridge University Press 2005, p. 541-544.
- ⁷ “The Conference adopted unanimously the following recommendations: (...) B. The Conference, - Considering that the unity of family, the natural and fundamental group unit in society, is an essential right of the refugees, and that such unity is constantly threatened, and - noting, with satisfaction that, according to the official commentary of the ad hoc Committee on Statelessness and Related Problems (E/161, p. 40), the rights granted to a refugee are extended to members of his family - recommends governments to take the necessary measures for the protection of the refugee’s family, especially with a view to: (1) Ensuring that the unity of the refugee’s family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country, (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.” UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 25 July 1951, A/CONF.2/108/Rev.1, available at: <http://goo.gl/6Xllm>.
- ⁸ Most notably conclusions no. 9 (XXVIII) – 1977 and no. 24 (XXXII) – 1981. A selection of Executive Committee conclusions on family unity and family reunification is published in UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions, 6th edition, June 2011*, June 2011, available at: <http://goo.gl/Qa5G1>, p. 220-227. Specific conclusions are indicated and quoted in various parts of the report.
- ⁹ “The principle of the unity of the family does not only operate where all family members become refugees at the same time. It applies equally to cases where a family unit has been temporarily disrupted through the flight of one or more of its members.” UN High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://goo.gl/GkAZ7>, p. 36, para 186.
- ¹⁰ UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR’s Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/Bqcdi>.
- ¹¹ European Commission *Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)* COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/ljVA3>.
- ¹² *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/tsSHL>.
- ¹³ Question 8: “Should the family reunification of third country nationals who are beneficiaries of subsidiary protection be subject to the rules of the Family reunification Directive? Should beneficiaries of subsidiary protection benefit from the more favourable rules of the Family reunification Directive which exempt refugees from meeting certain requirements (accommodation, sickness insurance, stable and regular resources)?” European Commission *Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)* COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/kjn75>, p. 6.
- ¹⁴ Question 9: “Should Member States continue to have the possibility to limit the application of the more favourable provisions of the Directive to refugees whose family relationships predate their entry to the territory of a Member State? Should family reunification be ensured for wider categories of family members who are dependent on the refugees, if so to which degree? Should refugees continue to be required to provide evidence that they fulfill the requirements regarding accommodation, sickness insurance and resources if the application for family reunification is not submitted within a period of three months after granting the refugee status?” European Commission *Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)* COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/RFgu5>, p. 7.

The recommendations made in the UNHCR's Response on the Right to Family Reunification were used in the present study as benchmarks of standards promoted by UNHCR, alongside standards and recommendations on family unity and reunification of the UNHCR Division of International Protection Services.¹⁵ They were further analyzed in the context of the findings of the present study to establish how those recommendations could be best implemented in the Central European countries.

The present study was carried out between March and June of 2012. It covered Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia.¹⁶ The methodology of the study involved desk research of the relevant legal provisions and regulations, as well as pre-existing analyses and reports,¹⁷ including a UNHCR in-house study on family reunification done by the RRCE in 2009.¹⁸ Desk research was combined with a series of semi-structured interviews with beneficiaries of international protection,¹⁹ representatives of non-governmental organizations (NGOs) providing support in asylum matters, and representatives of the national authorities responsible for family reunification issues.

The study took due consideration of and reflected on the work done by the Working Group on Integration operated by the UNHCR Bureau for Europe, in particular the questionnaires completed by the Working Group regarding national legal regulations on family reunification, which formed the basis for legal research done in the framework of the present study.²⁰

Additionally, statements made by stakeholders other than UNHCR in the public consultation process regarding the Green Paper were examined, in particular those provided by the governments of the countries covered by the study.

In line with the methodology adopted for the study, the purpose of the present report is to provide insight into practical aspects of the application of rules concerning family reunification for beneficiaries of international protection in Central European countries. The report intends to assess the impact of the practices concerning family reunification on the lives and integration experiences of those people and indicate possible means of further improvement of the systems in line with international human rights standards. It takes the individual perspective of the beneficiaries of international protection and aims to voice their concerns.

¹⁵ UN High Commissioner for Refugees, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations* (Author: Rosa da Costa) June 2006, Legal and Protection Policy Research Series POLAS/2006/02, available at: <http://goo.gl/XzJBT>, p. 115- 124 (Chapter 8 Family Unity and Reunification).

¹⁶ All of the countries of the region are bound by the provisions of the EU Family Reunification Directive and subject to its application.

¹⁷ Some of the key pre-existing analyses and reports included: (in chronological order) ECRE *European Council on Refugees and Exiles Survey of Provisions for Refugee Family Reunion in the European Union*, November 1999, available at: <http://goo.gl/xZmm1>; J. Hathaway *The Rights of Refugees under International Law*, Cambridge University Press 2005, p. 533-560, Commission of the European Communities *Report from the Commission to the European Parliament and the Council on the Application of Directive 2003/86/EC on the Right to Family Reunification*, Brussels, 8.10.2008 COM(2008) 610 final, available at: <http://goo.gl/0MTnZ>; A. Staver *Family Reunification: A Right for Forced Migrants?* Refugee Studies Centre Oxford, Department of International Development, University of Oxford Working Paper Series no. 51, November 2008, available at: <http://goo.gl/ory5s>; Y. Pascouau in coll. with H. Labayle *Conditions for Family Reunification Under Strain. A comparative study in nine EU Member States*, King Baudouin Foundation, European Policy Centre, Odysseus Network November 2011, available at: <http://goo.gl/lvCHp>; J. White and L. Hendry *Family Reunion for Refugees in the UK. Understanding support needs*, British Red Cross 2011; available at: <http://goo.gl/DHiA8>.

¹⁸ In 2009 a regional in-house study was completed by UNHCR RRCE focusing on selected aspects of family reunification in the countries of the region: the eligibility for family reunification, the application process, including appeal mechanisms, the need for family members to possess valid travel documents and the availability support provided in the process of family reunification by the state authorities and by NGOs. The analysis of the 2009 study shows that its findings regarding the approach towards family reunification in the countries of the region remain mostly valid and there have been no major amendments regarding the scope of beneficiaries of family reunification and the applicable framework of processing the applications. The 2009 study also noted the lack of national schemes of financial support regarding costs and significant expenses borne by persons of concern in the family reunification process.

¹⁹ The information on specific cases as quoted in the report stems from the interviews conducted directly with the persons concerned. In line with the methodology of the study information on individual cases is provided in a fully anonymous manner, with no indication of the identity of the individual or the country of asylum concerned.

²⁰ Out of the seven countries of the region, six (Bulgaria, Czech Republic, Hungary, Poland, Romania and Slovakia) provided their comments. All comments provided in the public consultation process and a summary of contributions are available at: <http://goo.gl/6n16l>.

2. Access to Family Reunification - Key Issues

The present section recounts the information gathered during the study, focusing on three groups of key issues concerning: 1) the application for family reunification, 2) the quality of family reunification procedures as conducted in practice and 3) the integration support available upon reunification. It presents the relevant legal regulations, focuses on their impact on the actual access to family reunification and provides specific individual examples as shared by the interviewees, making an assessment from the point of view of international human rights standards and UNHCR recommendations.

For the purposes of the study, family reunification is analyzed with regard to situations where family members of a beneficiary of international protection seek to obtain right of entry into and stay in the country.²¹ Therefore mechanisms relating to granting protection to family members already present in the country will not be examined in detail, unless necessary to provide the context.

2.1. Application for Family Reunification

For the purposes of the study and in line with the above expressed approach to family reunification, the application for family reunification shall be analyzed by examining what set of rules determines the possibility of filing an initial application which is aimed at obtaining the right of entry into the country for family members of the refugee or the beneficiary of subsidiary protection, and the possibility that the application is further analyzed with regard to its merits. Within that scope, two major aspects were analyzed: the beneficiaries of family reunification (section 2.1.1.) and documentation of family links and tracing mechanisms (section 2.1.2.)

2.1.1. Beneficiaries of Family Reunification

In all countries in the region, both refugees and beneficiaries of subsidiary protection²² have the right to family reunification by law, which is provided for in legal acts concerning asylum and/or foreigners' issues.²³ The right to family reunification is also accorded to resettled refugees in those countries of the region which have introduced legal provisions on resettlement.²⁴

Consequently, both refugees and beneficiaries of subsidiary protection may act as sponsors²⁵ in the family reunification process. UNHCR has been calling for such an approach²⁶ as it is very advantageous for the beneficiaries of subsidiary protection, who have been explicitly excluded from the scope of the EU Family Reunification Directive.²⁷

In Bulgaria, Romania and Slovenia, the conditions for family reunification are the same for both refugees and beneficiaries of subsidiary protection. This is to be assessed as a positive development, as the EU Family Reunification Directive primarily only accords more favourable conditions of family reunification to refugees within the meaning of the 1951 Geneva Convention, as amended by the 1967 New York Protocol.²⁸

In Hungary, the beneficiaries of subsidiary protection or tolerated stay have to prove that they have sufficient financial means (means of subsistence, accommodation, health insurance), whereas refugees are exempt from those requirements, provided they apply for family reunification within six months of being granted refugee status. In the Czech Republic the respective time limit for the application of more favourable conditions is 3 months and those concern only recognized refugees. Similarly in Slovakia, with regard to applications for temporary residence for the purpose of family reunification.

In Poland, the requirement to prove sufficient financial means concerns both refugees and beneficiaries of subsidiary protection, if the application for family reunification is filed after six months of the granting of the respective form of protection.

²¹ From among the countries of the region, Czech Republic employees the term "family reunification" also in the context of "asylum for the purpose of family reunification" (defined in section 13 of the Asylum Act) and "subsidiary protection for the purpose of family reunification" (defined in section 14b of the Asylum Act). Those notions refer to situations where family members of a recognized refugee who has been granted asylum or subsidiary protection, respectively, shall be granted asylum for the purpose of the family reunification or subsidiary protection, respectively, in a case requiring special consideration even if no reason for granting international protection pursuant to Section 12 (stipulating grounds for granting refugee status) or no reasons for granting subsidiary protection, respectively, have been ascertained in his/her case. Those provisions are applicable to family members already present in the territory of the Czech Republic. Similarly in Slovakia, the Act on Asylum provides for "family reunification" within the territory of the country by means of granting family members already present in Slovakia with a derivative status of international protection. This institution reflects the principle of family unity rather than concerns family reunification as defined for the purposes of the present report and shall therefore not be reflected therein in more detail.

²² Subsidiary protection is a form of international protection accorded to people who do not fall under the definition of a refugee as per the 1951 Geneva Convention, but who cannot be returned to their country of origin due to danger to their human rights. At the European Union level, subsidiary protection is regulated by *Directive 2011/95/EU of the European Parliament and of the Council of 13.12.2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)* (Official Journal of the European Union L 337/9 of 20.12.2011), available at: <http://goo.gl/TrSOC>. In Bulgaria subsidiary protection takes the form of humanitarian status.

²³ Bulgaria – Law on Asylum and Refugees, Czech Republic – the Act on the Stay of Foreigners in Territory of the Czech Republic (the Aliens Act), Hungary – Act II of 2007 on the Entry and Stay of Third-Country Nationals, Poland – Act on Foreigners, Romania – Asylum Law and Aliens Law, Slovenia – International Protection Act and Act on Aliens, Slovakia – Act on Asylum and Stay of Aliens.

²⁴ Resettlement of refugees is currently regulated in the legislation of Czech Republic, Poland, Hungary and Romania.

²⁵ The EU Family Reunification Directive defines in Article 2 (b) the sponsor as "a third-country national residing lawfully in a Member State and applying - or whose family members apply - for family reunification to be joined with him/her". *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/l9Grd>.

²⁶ UNHCR Executive Committee conclusion no. 103 (LVI) -2005. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions, 6th edition, June 2011*, June 2011, available at: <http://goo.gl/y8xqz>, p. 221.

²⁷ Article 3 section 2 (c) of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/oYxit>.

²⁸ Article 2 (b) of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/JJyGp>.

As regards the definition of a family member for the purposes of family reunification, and in line with the principles of the EU Family Reunification Directive expressed both in Recital (9) and in Article 4 paragraph 1 subparagraphs 1 and 2,²⁹ in all countries of the region the definition comprises the nuclear (core) family composed of the spouse and minor unmarried children – including common children, children of either the sponsor or the spouse and adopted children. In the case of family reunification with children, there is a requirement that the refugee or his/her spouse actually has custody of the concerned child, and is actually exercising parental authority over him/her. UNHCR regards this composition as the minimum composition of a family for the purpose of family reunification.³⁰

As regards spouses, all countries of the region require that the marriage is officially recognized by the civil law of the country of origin and valid in the country of asylum.³¹ That excludes polygamous marriages, which none of the countries in the region recognize and which are prohibited and prosecuted under national laws.³² The minimum age for marriage is also relevant as regards validity of the marriage in the country of asylum. The minimum age is 18 years; however, in exceptional cases, upon the court's consent, it is 16 years.³³

The legal framework concerning family reunification with partners who are not spouses is relatively limited in the countries of the region. In Slovenia, registered partners and long-term unofficial partners qualify for family reunification, as do partners in proven and stable relationships in Bulgaria.

Concerning the issue of family formation and whether it has to predate the departure from the country of origin or the entry into the country of asylum,³⁴ the practices in the countries are quite diverse. Family formation has to predate the departure from the country of origin for Hungary, Poland and Slovenia. There is no such requirement in Romania³⁵ or Bulgaria, although in Bulgaria there exists a requirement with regard to unofficial partnerships that the relationship is proven to be stable and long-term. The Czech legislation does not have a requirement of family formation before entry into the country of asylum. In Slovakia, family formation has to predate the arrival into Slovakia when family reunification is sought under the Act on Asylum, however for other cases family reunification is still possible under the Act on the Stay of Aliens.

Countries which require family formation prior to departure from the country of origin consequently exclude family reunification where the marriage/relationship was established during flight or while in a transit country. Such an authoritative practice affects the family life of the beneficiaries of international protection, and may deprive them of the support of their family members and limit their prospects for integration.

The situation of minor, separated children who have been granted international protection refugee status is regulated separately. Polish and Slovak law define these cases under the definition of family members, which includes direct ascendants. Slovene law provides for reunification of an unaccompanied minor with parents or guardians. In Hungary, in the absence of the parents, guardians can qualify for family reunification (however not siblings, unless they are acting as appointed guardians). In Bulgaria and the Czech Republic, family reunification of minor, separated children is defined more broadly in a cascading manner and covers: parents, and in their absence other adult family members or any person who is responsible for the child by law or custom (in Bulgaria) and parents, in their absence any relative in ascending line, and in his/her absence a guardian (in the Czech Republic).

In the absence of a universally accepted definition of a family, UNHCR is advocating for liberal criteria to be applied with regard to identifying family members and for the inclusion of a comprehensive family reunification policy embracing extended family members, where dependency is shown between them and the sponsor.³⁶ UNHCR embraces the concept of a dependent person as someone who relies substantially and directly on another person for his/her existence, in

²⁹ Recital (9) of the preamble reads: "Family reunification should apply in any case to members of the nuclear family, that is to say the spouse and the minor children". Article 4 paragraph 1 subparagraphs 1 and 2 state further: "1. The Member States shall authorise the entry and residence (...) of the following family members: (a) the sponsor's spouse; (b) the minor children of the sponsor and of his/her spouse, including children adopted in accordance with a decision taken by the competent authority in the Member State concerned or a decision which is automatically enforceable due to international obligations of that Member State or must be recognized in accordance with international obligations; (c) the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. (...) (d) the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. (...) The minor children referred to in this Article must be below the age of majority set by the law of the Member State concerned and must not be married." Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/4EKZ1>.

³⁰ UNHCR Executive Committee conclusion no. 15 (XXX) – 1979. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, June 2011, available at: <http://goo.gl/sBSWw>, p. 220.

³¹ This is in line with the possibility provided for in Article 6 paragraph 1 of the EU Family Reunification Directive to reject applications for entry and residence of family members on grounds of, i.a., public policy. Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/LWkXN>.

³² Notwithstanding, the EU Family Reunification Directive in Article 4 paragraph 5 clearly prohibits family reunification with further spouses, in cases where the sponsor already has a spouse living with him in the territory of the Member State. Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/ONVHt>.

³³ None of the countries of the region has transposed the provisions of Article 5 paragraph 4 of the EU Family Reunification Directive, which gives the Member States a possibility to set additional minimum age (of a maximum of 21 years) for the sponsor and the spouse before they can join each other. Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/yLv8x>.

³⁴ Although the definition of family reunification provided by the EU Family Reunification Directive in Article 2 (d) states that "family reunification" means the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, **whether the family relationship arose before or after the resident's entry** [emphasis added], at the same time Article 9 gives the Member States the possibility to confine the application of Chapter V (concerning family reunification of refugees) to refugees whose family relationship predate their entry. Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/cPp2x>.

³⁵ Former regulation to the contrary was amended in 2011.

³⁶ UNHCR encourages Member States to apply liberal criteria in identifying family members in order to promote the comprehensive reunification of families including with extended family members when dependency is shown between such family members. UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/ocYbD>, p. 10. Also, UNHCR Executive Committee conclusion no. 24 (XXXII) -1981, section 5. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, June 2011, available at: <http://goo.gl/NekL5>, p. 221.

particular for economic reasons, but emotional dependency is also considered. It is recognized that the principle of dependency requires that economic and emotional relationships between refugee family members be given equal weight and importance in the criteria for reunification as relationships based on blood lineage or legally sanctioned unions. The application of the dependency principle usually leads to the extension of the family beyond its nuclear members.³⁷

While UNHCR fully supports the concept of dependency in the context of family reunification, it also recognizes that precise rules are needed in that regard (concerning the scope, duration and nature of the dependency), and UNHCR recommends the adoption of guidelines that clearly define what is understood as dependency in relation to a sponsor for the purpose of family reunification.³⁸

As regards the current practice, the notion of dependency is applicable in the countries of the region mostly with regard to parents, yet in diverse manners. In Slovakia, the definition of family members includes parents, if dependent on the support of the sponsor or his/her spouse. In Bulgaria, the dependency of the parents is defined as the inability to support themselves due to old age and serious disease which result in the need to live in one household with their children, which is a wider formulation than the ones presented so far. Also, in Romania, the law states that family reunification is possible if the parents cannot support themselves and do not have adequate family support in the country of origin, without prescribing concrete reasons for that situation.

Concerning the application of the notion of dependency with regard to adult children, according to Romanian law, adult children can be deemed family members for the sake of family reunification if they are dependent on the sponsor for medical reasons. In Slovenia, adult unmarried children can qualify for family reunification based on their dependency due to physical or psychological disabilities and parents of both the sponsor and the spouse/partner can qualify if the sponsor or spouse/partner is obliged to provide for the parents by the law in the country of origin. In Slovakia, family reunification is possible with adult unmarried children, if the dependency stems from a prolonged medical condition.

Hungary and Czech Republic have the relatively widest application of the dependency concept with regard to family reunification. In Hungary dependent parents qualify for family reunification, as do other direct-line relatives, if they are not able to support themselves for medical reasons. In the Czech legislation the notion of dependency is employed with regard to adult dependent children of the sponsor or of the sponsor's spouse, family reunification is also possible for solitary parents over 65 years of age and regardless of age for parents and children who are objectively unable to provide for their own needs on account of their state of health. Polish legislation does not include the concept of dependency into the definition of a family member.

Based on the above summarized legislative framework in the countries of the region, it can be stated that the concept of an extended family is not fully reflected therein. The definition of family members with regard to children tends to dwell on formal requirements, such as the age of the children, instead of focusing on the practical circumstances of the family and their cultural and social contexts and implications thereof. Examples of this include the actual continued social and financial dependency of the children on their parents that is prolonged beyond the child's reaching the age of maturity or the situation of unaccompanied minors whose only relatives are their siblings.³⁹ A further example is the situation of a daughter reaching the legal age of

maturity and being excluded from family reunification, although her situation (social status in the country of origin, continued education, lack of own financial means) made her fully dependent on her parents' support.

The way the definition of the other dependent family members tends to be formulated is non-specific and general. Such definitions may be applied in a flexible manner without being overly restrictive, which allows a better response to the needs of beneficiaries of international protection. However, broad generalized definitions may also lead to discrepancies in practice, as the general terms and conditions may be interpreted in an inconsistent manner and on an *ad hoc* basis.

In Poland an issue was noted with regard to some forms of religious marriages which are not recognized under Polish law (such as the Muslim religious marriage, unless accompanied with a civil law marriage).

Another issue identified with regard to marriage is those marriages which are not recognized by the country of asylum. An example is a marriage concluded through a proxy, where the spouses are at separate locations and one of them is not physically present at the marriage ceremony, but is rather represented by a third person acting as a proxy on the basis of the authorization by the spouse who is represented. The study identified a family reunification case where a marriage by proxy was involved. Although the marriage has full legal effects in the country of origin, Afghanistan (which was proven with a specific formal confirmation of the marriage's validity issued by the state authorities in the country of origin in addition to the original marriage certificate issued at the time of the marriage), at the time of the interview it was still not accepted by the country of asylum for the purposes of family reunification. It needs to be noted that arranged marriages and marriages concluded by proxy may be common traditions in some of the countries of origin (such as Sudan or Pakistan) and should not *per se* be doubted as to their validity. Cultural sensitivity should be a crucial element of the process and comprehensive information on the country of origin's family law practices is also of key significance.

If such doubts do arise or other concerns such as the risk of forced marriage appear, the existing legal provisions and procedural framework of family reunification cases allow for a detailed examination of the case in question.⁴⁰ Therefore, there is an opportunity for a provision of an individualized approach to each case and there is no need for a sweeping refusal policy.

³⁷ UNHCR *Background Note: Family Reunification in the Context of Resettlement and Integration. Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*. Annual Tripartite Consultations on Resettlement Geneva, 20-21 June 2001, available at: <http://goo.gl/EqIB1>, p.5. See also: K. Jastram and K. Newland *Family unity and refugee protection* [in:] E. Feller, V. Türk and F. Nicholson (eds.) *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, Cambridge University Press 2003, available at: <http://goo.gl/gL6Kj>, p. 585.

³⁸ UNHCR recommends the adoption of guidelines defining clearly what is understood as dependency in relation to a sponsor for the purpose of family reunification. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/fsfQy>, p. 10.

³⁹ The absence of the right to family reunification of unaccompanied minors with their minor siblings is a point of concern was stated by specialized NGOs, see: Save the Children *Response of Save the Children EU Office to the European Commission Green Paper on Family Reunification* 1.3. 2012 available at: <http://goo.gl/UODfZ>, p.5.

⁴⁰ In particular, Article 16 paragraph 2 of the Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/YBDHj>.

2.1.2. Documentation of Family Links and Tracing Mechanisms

The documentation of family links is a crucial element of the family reunification process. In the countries of the region, family links are to be proven primarily on the basis of formal documents, such as birth certificates and marriage certificates. Other documents confirming family links (photos, private letters) are also accepted as subsidiary evidence and in cases of doubt. Those provisions are particularly important to beneficiaries of international protection as the circumstances of their departure from the country of origin may have resulted in their access to official documentation being limited or even not possible at all. The EU Family Reunification Directive emphasizes the obligation to take into account other evidence of the existence of family links if a refugee cannot provide official documentary evidence.⁴¹

The findings of the study show that cases can be rejected based on lack of proof of family links in Poland, Romania and Slovakia. In Hungary, this is not the case as the legislation in force explicitly states that family reunification cannot be refused solely for reasons of lack of documentary evidence.

An exception to the formalistic approach regarding documentary evidence was noted in Bulgaria where the applicant (sponsor) has a possibility of making a written statement (declaration) as to those circumstances of his/her case if written evidence is not available. This is in line with UNHCR's advocacy, where UNHCR called upon Member States to ensure that the family reunification requests for beneficiaries of international protection not be rejected based solely on the lack of documentary evidence.⁴² UNHCR is also recommending development guidelines on establishing family links and the provision of relevant training for decision-makers.⁴³

Information obtained during the semi-structured interviews carried out with persons of concern points to the fact that often extensive documentation is required, involving multiple attestations at various levels by state authorities of the country where the document was issued. The documentation may include confirmation of the health status of family members, where dependency was claimed; and confirmation of the actual age where no formal birth certificates were available. Seeking these documents may expose the family members of the refugee to prolonged or repeated contact with the authorities of the country of origin, which in turn may put them in a difficult situation or even in direct danger.

It should be emphasized that the documentation of family links incurs additional, often substantial, expenses on the part of the applicants due to extensive requirements of certified translations and official documents. In practical terms, most of the documentation is required to be presented in original copies to the consular services in the country where the application is filed, which requires posting them by regular mail. The interviewees reported that this is a lengthy and costly process and may easily result in the documents going missing.

As regards family tracing, the majority of cases identified during the semi-structured interviews concerned tracing of family members residing in other EU Member States, either on a permanent basis or during their own pending asylum procedures. The tracing is performed either directly by the asylum authorities concerned or the International Committee of the Red Cross and Red Crescent and the Red Cross National Societies⁴⁴ or by both of them in cooperation. Tracing of family members in the country of origin is not used frequently in the countries of the

region, although the interviewees proved to be generally well aware of this possibility and the Red Cross agencies' competency and expertise in that regard. However, a concern was noted with regard to a lack of established channels of communication between the stakeholders in the tracing process, which results from a small caseload. In particular, with the exception of Bulgaria⁴⁵, the national authorities are not explicitly obliged to contact the Red Cross agencies once a case requiring family tracing is identified.

Concerning the use of DNA testing, the study did not reveal any practical experiences in that regard.⁴⁶ DNA testing is also generally uncommon in other official procedures in the countries of the region.⁴⁷ Where it was available, information on the costs of such testing indicated that substantial expenses are required (amounts ranging from 400 to 800 EUR).

The EU Family Reunification Directive does not specifically mention DNA testing as a means of acquiring evidence in family reunification cases. As regards UNHCR recommendations on that issue, UNHCR has developed specific guidance.⁴⁸ The key elements of the guidance are the following: a rights- and dignity-based approach to DNA testing in the context of establishing family relationships, judicious and careful use of testing, reserved for those situations where there are important operational objectives, as well as preventing the DNA testing from prolonging the procedures and imposing additional expenses on the persons of concern. In the context of the Green Paper, UNHCR recommends that the Member States and the European Commission

⁴¹ Article 11 paragraph 2 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/3o0mg>.

⁴² "UNHCR calls on the European Commission and the Member States to ensure that in law and in practice, family reunification requests for beneficiaries of international protection are not rejected based solely on the lack of documentary evidence (Article 11(2))." UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/gGktE>, p. 13. Also, UNHCR Executive Committee conclusion no. 24 (XXXII) -1981, section 6. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, June 2011, available at: <http://goo.gl/7Ni9B>, p. 221

⁴³ "Guidelines on the evidence required to establish family links should be developed and training for decision makers should be provided." UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/7EpMM>, p. 13.

⁴⁴ For the principles, advocacy and activities performed by the Red Cross National Societies in Central Europe in the framework of family reunification, including family tracing, of beneficiaries of international protection, see: PERCO (Platform for European Red Cross Cooperation on Refugees, Asylum Seekers and Migrants) *The Guidelines on family reunification for National Red Cross and Red Crescent Societies* Geneva 2001, available at: <http://goo.gl/9o3i5>. This material recommends close cooperation of the Red Cross National Societies with UNHCR so as to work more efficiently with family reunification.

⁴⁵ In Bulgaria, according to the law, when the location of the family members is unknown, the State Agency for Refugees shall, in cooperation with the United Nations High Commissioner for Refugees, the Bulgarian Red Cross and other organisations, undertake steps to trace them.

⁴⁶ There were only very sporadic cases reported by the interviewees where the authorities of other Member States (Germany) requested DNA confirmation of family links before allowing the entry of a concerned individual into their territory and accepting responsibility for the determination of his/her asylum claim according to the Dublin II Regulation.

⁴⁷ With the exception of judicial establishment of paternity in family law cases.

⁴⁸ UNHCR *Note on DNA Testing to Establish Family Relationships in the Refugee Context* June 2008, available at: <http://goo.gl/wsUc8>.

implement this guidance⁴⁹ and consider regulating the maximum costs of DNA testing for family reunification, with an option of the costs being covered by the Member State where the relationship was indeed confirmed to exist.⁵⁰

2.2. Quality of the Family Reunification Procedure in Practice

The issue of the quality of the reunification procedure in practice was analyzed with regard to certain aspects determined to be key and necessary for both the fairness and the efficiency of family reunification procedures. The sections below discuss the aspects of information, support and advice on family reunification that persons of concern to UNHCR can access (section 2.2.1.), access to travel documents for the purpose of family reunification (section 2.2.2.), availability of financial assistance for family reunification (section 2.2.3.), and procedural guarantees in the process of family reunification (section 2.2.4.). This section also looks at two horizontal criteria of quality in family reunification procedures, which are: determining the best interests of the child (section 2.2.5.) and the support available for groups with special needs (section 2.2.6.).

2.2.1. Information, Support and Advice on Family Reunification

In the countries of the region, primary information on family reunification is usually provided during the asylum procedure or upon delivery of a positive decision granting refugee status or subsidiary protection. This information, however, is limited (often to just one sentence in a general leaflet or brochure) and lacks precise indications on the eligibility requirements and other applicable conditions.

No easy-to-use information leaflets or other accessible materials concerning family reunification issues were identified to be in use in the analyzed countries at the time of the study,⁵¹ which confirms the need to make additional efforts in that regard. It was noted that the information provided tends to be general (rather than comprehensive step-by-step guidelines) or it only partially covers the procedure. The selection of available language versions is also limited. This finding is in line with UNHCR's advocacy, which underlines the importance of timely delivered, appropriate information provided in a manner and language understandable to the beneficiaries of international protection.⁵²

As regards the ways and means of providing primary information on the very existence of the right to family reunification, there is an assumption among the interviewees that the interested party is the one to take initiative. The interviewed government counterparts and NGOs expressed their opinion that a person interested in reuniting with his/her family members would normally address the issue early in the process during the refugee status determination procedure and would directly and precisely request relevant support and information. Notwithstanding that is often the case, as confirmed by the interviewed persons of concern, this fact should not be regarded as justifying the absence of precise information being provided to those concerned, in a language and form accessible to them.

On an informal note, some the interviewees shared their opinion that the employees of the national asylum authorities are forbidden to share precise information on family reunification or even support the process, as the arrival of family members may impose a burden on the country of asylum.

Practical support and advice is mostly offered by NGOs providing legal advice in asylum procedures. Those types of activities are usually funded from external sources (i.e., not from national state budgets), most often through European Union funding and on a project basis, which may result in the support being overly dependent on current allocation of funds. There were no identified instances of legal aid being provided by private attorneys on a fully paid basis, probably due to the limited funds available to the beneficiaries of international protection.

Regarding support to persons of concern to UNHCR that is provided by NGOs, certain concerns were mentioned by the interviewed NGO partners in relation to specific project funding being granted for support to either asylum-seekers or refugees. Consequently, individuals may fall outside the scope of a given project as their legal status changes from asylum seeker to refugee or beneficiary of subsidiary protection and their cases need to be transferred to another organization for further support. The obvious time pressure and significant workload of various organizations also leads to miscommunication among them. The study noted some instances where various organizations had inconsistent information regarding the same case (e.g., concerning the actual status of the person of concern or activities already undertaken on behalf of that person). This may lead to conflicting actions being taken by the organization or an overlap of such actions. Both scenarios prevent the NGOs from providing the maximum support to the individual concerned and therefore affect the situation of that person.

The interviewees also frequently mentioned information provided by other beneficiaries of international protection through informal channels of communication and by word of mouth. As much as the support of the community is important to the persons of concern and can be very motivating, the information and advice provided by fellow beneficiaries of international protection may not be accurate, up to date and suitable in that individual's situation. Consequently, such information needs to be carefully filtered and monitored by professional providers of support and legal advice to play a positive role in the process.

⁴⁹ Member States and the European Commission should consider and implement UNHCR's guidance on the use of DNA testing for the purpose of documenting family links. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/KADBU>, p. 13.

⁵⁰ UNHCR recommends that maximum costs of DNA tests for family reunification are regulated and that Member States consider covering such costs where the family relationship is subsequently confirmed. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/Vgjmt>, p. 16.

⁵¹ Although it was noted that a comprehensive guidance instrument was being drafted in Hungary by the NGOs in cooperation with UNHCR.

⁵² UNHCR encourages Member States to ensure that beneficiaries of international protection receive appropriate information on family reunification in a timely manner including on the favourable conditions and in a manner they understand. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/lqVcK>, p. 11.

On a general note, it can be stated that the challenges and shortcomings involved in providing advice, support and information established in this study with regard to family reunification issues reflect those occurring within the overall system of legal information and free legal aid available to persons of concern in Central Europe, in particular the lack of availability of well established state-sponsored systems of free legal aid and representation. The NGOs also tend to be more accessible in major cities and beneficiaries of international protection residing in more remote locations may not be able to benefit from their support. There are no NGOs in the region which specialize exclusively or mainly in family reunification of beneficiaries of international protection; however, the volume of those cases would not make such specialization practical or feasible.

As stated above, the majority of the beneficiaries of international protection who are interested in family reunification are eager to get the information early in the process. The issues identified rested more with the beneficiary actually undertaking the required actions on time (in particular within the time limit to be able to benefit from more favourable conditions, where such are available). For that element, the continued physical, logistical and moral support of the NGOs is of crucial importance.

2.2.2. Access to Travel Documents for Purpose of Family Reunification

The possession of a valid travel document, recognized as such by the country of asylum, is one of the key issues in the access to family reunification. According to the EU Family Reunification Directive, certified copies of family member(s) travel documents shall accompany the application for family reunification.⁵³

One of the major problems identified during the study is the position of those countries whose identification and travel documents are not recognized in the Central European countries. The issue is exacerbated by the fact that there is no alternative regime in place or at best the practice of accepting those documents in individual cases is not consistent or transparent. The problem was brought up most notably by the citizens of Somalia, interviewed in Hungary and Poland, but Somali identification and travel documents are not recognized in other Central European countries either. In the majority of situations, it renders reunification with family members who are citizens of Somalia utterly impossible, regardless of the legal status and the individual situation of the sponsor in the country of origin.

For those occasions where family members do not have the possibility of obtaining national travel documents, UNHCR recommends a one-way *laissez passer* document be issued to them.⁵⁴ However, there is currently no such practice in the countries of the region.

To a similar effect, the legislation in each of the analyzed countries includes provisions enabling various types of travel and identity documents to be issued to foreigners, but such documents can only be issued after the individual concerned has a legal status in the country. This is the predominant practice. However, in Slovenia, according to the law, a positive decision on family reunification is deemed a valid document for the entry into the territory of Slovenia. In addition, the law stipulates a travel document may be issued to foreigners for broadly indicated “justified reasons.” The situation of a person, whose family reunification into Slovenia was authorized but who lacks travel documents, can be deemed to fall under this category. There was a case

reported in Slovenia during the study where travel documents were issued by the country of asylum and physically shipped through official diplomatic channels to the country of origin to enable the family members to travel to Slovenia.

The above-described framework and practice should be considered a good practice and is in line with UNHCR’s recommendation for alternative regimes to be introduced in cases where no valid travel documents are available or accepted, including using the Convention Travel Document (CTD) or the emergency International Red Cross Committee (IRCC) travel documents.⁵⁵ In that respect, it was noted that in Hungary there is a practice of issuing a statement on the eligibility of the CTD and IRCC documents, which actually results in their rejection in the majority of cases. In Slovakia, the IRCC documents are only accepted for temporarily evacuated refugees who arrive at the Emergency Transit Centre in Humenne.

Some of the interviewees expressed certain disorientation and lack of clarity regarding the extent to which UNHCR offices in various locations, including the country of asylum, are able to assist by providing various kinds of documents, including identity and travel documents and various forms of certification. Some of the interviewees also displayed some dissatisfaction regarding the support their family members received from UNHCR in that regard in the country of origin, while in the process of family reunification, stating that it was not sufficient. This is probably linked to the common misconception of the interviewees, that UNHCR offices in Central Europe are in a position to make a binding decision on their family reunification into the country of asylum and can issue the required documentation (while at the same time assisting with the necessary expenses). This issue in particular affects those people of concern who have received direct assistance from UNHCR in the past and do not distinguish between the differing mandates of UNHCR in various regions of the world; UNHCR’s operation in Central Europe is based on advocacy efforts.

It should be noted that the issue of travel documents, alongside the issuance of national visa or residence permits, was identified as the area in the framework of family reunification where most UNHCR interventions are undertaken, as reported by the countries of the region.

⁵³ Article 5 paragraph 1 of the Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/C8iz9>.

⁵⁴ UNHCR encourages Member States to issue one-way *laissez-passer* to family members who do not have the possibility to obtain national travel documents. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR’s Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/8QWdg>, p. 15.

⁵⁵ UNHCR urges all Member States as a minimum to put in place in law and in practice alternative regimes when national travel documents are not accepted or not available, including the use of CTDs or emergency ICRC travel documents. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR’s Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/l3mme>, p. 15.

2.2.3. Availability of Financial Assistance for Family Reunification

UNHCR emphasized the need to provide respective assistance to facilitate family reunification in appropriate cases, with regard to economic and housing difficulties.⁵⁶ None of the analyzed countries operates a formal scheme of financial support for the purpose of family reunification. In the study it was established that limited funding provided by the NGOs may be available in individual cases to assist with costs of translating documents or the costs of their official confirmation (usually in the framework of projects implemented by the NGO, which envisaged translation costs to be covered for the NGO's work). However, this funding was provided on an ad hoc basis and was not systematically performed.

The overall costs of the process quoted by interviewees were very substantial, amounting at times to several thousands of Euros. The costs involved included: administrative charges and visa fees, costs of translating the submitted documents, and costs of travel to the respective embassy/consulate, which may not even be in the country of origin of the family members. Where the procedure took a longer time, the family members needed to cover additional accommodation and subsistence costs in the location of the embassy/consulate.

UNHCR recommended either a reduction or waiver of administrative costs and visa fees for beneficiaries of international protection, in cases where such costs may otherwise prevent family reunification.⁵⁷ Despite UNHCR's advocacy in that regard, the procedures in place in the countries of the region do not facilitate any fee exemption or more favourable conditions in family reunification cases of beneficiaries of international protection, with the exception of Slovenia. In Slovenia, foreigners in the procedure for international protection (which covers persons in family reunification procedures in the context of international protection) are exempt from paying administrative fees, similarly in Slovakia with regard to fees for application for temporary residence, however not the other fees.

In addition to the above-listed expenses, which are incurred during the procedure, the applicants are also required (unless a more favourable regulation is applicable) to prove financial means to cover accommodation, subsistence costs and health insurance for the family members concerned. The level of financial means which need to be documented and proven is prescribed by the law, yet the interviewees claimed there were occasional cases where the authorities imposed higher requirements than those prescribed by the law and communicated them informally to the applicants, requiring them to provide additional guarantees.

The interviewees were rather reluctant to describe their strategies of gathering financial means needed for family reunification in more detail, yet the information gathered indicates that most often the funding was either obtained from relatives, in particular those residing in other EU Member States in Western Europe, obtained by selling property in the country of origin, or borrowed from other members of the same ethnic or national community in the country of asylum. The latter solution may clearly become very risky, if the individual concerned is not able to repay the loan and may become dependent on the ones to whom he/she owes money.

Regarding general advice and support by UNHCR offices, some of the interviewees expressed their disappointment with the fact that UNHCR is not providing any financial schemes of support for family reunification for refugees and beneficiaries of subsidiary protection. This sentiment is part of a larger misconception of UNHCR's role in Central Europe, as described in more detail above.

The information obtained from the interviewees, as described above, concerning financial requirements and availability of financial support schemes makes this aspect probably the most crucial impediment. The amounts of financial means needed to successfully complete the family reunification process can effectively bar reunification in a very substantial percentage of cases, thus emphasizing the need to find practical solutions to that problem, as recommended by UNHCR. UNHCR supports the introduction of financial support schemes for family reunification (for beneficiaries of international protection who do not have sufficient resources to cover the costs) and has proposed the inclusion of such schemes into the envisaged Migration and Asylum Fund.⁵⁸

2.2.4. Procedural Setup of the Process of Family Reunification

As regards the lodging and processing of family reunification claims, UNHCR recommends the possibility of the sponsor applying for family reunification in the country of asylum, recognizing that such a solution better serves the interest and safety of the family members in the country of origin or a third country.⁵⁹

Currently there are three differing systems in place in the region.

⁵⁶ UNHCR Executive Committee conclusion no. 24 (XXXII) -1981, section 9. UN High Commissioner for Refugees, A Thematic Compilation of Executive Committee Conclusions, 6th edition, June 2011, June 2011, available at: <http://goo.gl/kKHZf>, p. 221.

⁵⁷ *UNHCR calls on Member States to consider reducing or waiving administrative and visa fees for beneficiaries of international protection where such costs may otherwise prevent family reunification.* UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/Gff0O>, p. 16.

⁵⁸ *The European Commission and Member States could support financial support schemes for the family reunification of beneficiaries of international protection who do not have sufficient resources to cover the costs. Such schemes could be financed in the future Migration and Asylum Fund under the 2014-2020 Multi-annual Financial Framework.* UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/NAQNr>, p. 16.

⁵⁹ *UNHCR invites Member States to facilitate refugees' access to family reunification by providing for the possibility for the sponsor to apply in his/her country of asylum.* UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/IT9kU>, p. 12.

In Bulgaria, Poland and Romania the applications are to be filed in the country of asylum. In Bulgaria, Czech Republic and Romania, the competent authority is the same organ which is in charge of the asylum procedure (State Agency for Refugees, Migration Office and General Inspectorate for Immigration⁶⁰, respectively). In Poland, the application is to be made to the competent regional administration (*voivodship*) office for the issuance of a residence permit for reasons of family reunification.⁶¹ Alternatively, an individual may enter the country on any type of a visa and file an application for a residence permit for family reunification reasons while already in Poland.

In Slovenia, the applications for family reunification are to be made within the country to the Ministry of Interior (Internal Administrative Affairs, Migration and Naturalization Directorate) or outside the country to the consular services. In Slovakia, applications within the country are made to the Police and outside the country to the consular services.

For Czech Republic and Hungary the application has to be made to the consular services of the country of asylum located in the country of origin or in another country, if that particular embassy/consulate covers the country of origin of the applicant.

The time of the procedure pending as prescribed by the law of the countries in the region was not significant, taking approximately between one and three months, with the exception of the Czech Republic where the legally prescribes time limit is 270 days. The persons of concern interviewed claimed much longer time limits, up to one year.

Regarding the forms used in the family reunification procedures, the written decisions on the refusal of visa are usually issued on a regular form used in the Schengen regime framework, in which the reasons for denial are to be selected from a list. The form lacks more extensive information on the precise circumstances of the case and does not specify which specific conditions were not fulfilled.

2.2.5. Aspects of Determination of Best Interests of the Child

All of the countries researched during the study are State Parties to the Convention on the Rights of the Child (CRC)⁶² and are thus bound by the principles of the best interests of the child in all procedures regarding children.⁶³ Relevant in this context is also the guarantee that children should not be separated from their families against their will,⁶⁴ which is closely linked to specific provisions on family reunification matters that prescribe dealing with the applications for family reunification in a positive, humane and expeditious manner.⁶⁵

The EU Family Reunification Directive concurrently states that Member States shall have due regard to the best interests of minor children when examining applications for family reunification,⁶⁶ thus making the best interests of a child a mandatory horizontal clause to be paid due regard throughout the process.⁶⁷

UNHCR emphasized particular needs of children in the context family reunification in multiple conclusions of the Executive Committee.⁶⁸

The CRC itself is a binding legal document, putting obligations on the States party to it. However, the principle of the best interests of the child is not explicitly voiced in a precise manner in the legislation concerning family reunification and therefore, there is no precise criteria to determine the best interests of the child in that specific context and its weight against other considerations (such as state security concerns in immigration policies). In practice, based on the findings of this study, it can be stated that the best interests of the child are not always protected in family reunification cases, prompting concerns on the full realization of the respective rights. This is of particular concern since - according to the data gathered during the study - the majority of cases in Central Europe are family reunifications with a spouse and minor children or only with minor children.

Some of the interviewees shared their opinion that at times the procedures are excessively prolonged, so that the children concerned reach the age of maturity in the meantime and then therefore fall outside the provisions for family reunification.

It is particularly worrying that high requirements regarding financial means for the subsistence of the family members often indirectly force the parents in larger families to choose to only apply for family reunification with some of their children, leaving the other children behind. Such instances were mentioned by the interviewees in the study and raise serious concerns.

⁶⁰ Formerly: the Romanian Immigration Office.

⁶¹ Once a permit is granted an application for a visa to execute the residence permit is to be made to the respective consular services.

⁶² Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by UN General Assembly resolution 44/25 of 20 November 1989, entered into force on 2 September 1990. Full text available at: <http://goo.gl/7X3pQ>.

⁶³ Article 3.1. *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.* [emphasis added] 2. *States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.* 3. *States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.* UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://goo.gl/hLIWm>.

⁶⁴ Article 9.1. *States Parties shall ensure that a child shall not be separated from his or her parents against their will (...).* UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://goo.gl/BFVJp>.

⁶⁵ Article 10.1. *In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.* UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://goo.gl/EmT4J>.

⁶⁶ Article 5 paragraph 5 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/zjwOf>.

⁶⁷ European Commission *Green Paper on the right to family reunification of third-country nationals living in the European Union* (Directive 2003/86/EC) COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/DGxEO>, p. 8.

⁶⁸ In particular: Conclusion no. 47 (XXXVIII) -1987, conclusion no. 74 (XLV) -1994, conclusion no. 107 (LVIII) -2007. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, June 2011, available at: <http://goo.gl/1btXX>, p. 221.

UNHCR has developed comprehensive guidance on the subject matter gathered in the *UNHCR Guidelines on Determining the Best Interests of the Child*,⁶⁹ which enclose a Family Reunification Checklist (aimed at determining if a best-interest determination is required in a particular case). The guidelines are accompanied with a Best Interests Determination Children - Protection and Care Information Sheet.⁷⁰ The issue of the best interests of the child determination in family reunification cases is also addressed in the *UNHCR Field Handbook for the Implementation of UNHCR BID Guidelines*.⁷¹ Given UNHCR's leading expertise with issues of forced migration, these documents can be deemed authoritative guidance on the subject matter and should form a basis for country-specific standard operating procedures in family reunification cases.

2.2.6. Support Available to Groups with Special Needs

The procedures regarding family reunification are conducted under the regular requirements applied in visa and legalization procedures. Support available to groups with special needs in those kind of cases tends to be very limited, if any. This concerns sponsors and family members who are in a vulnerable position due to their special needs stemming from characteristics such as advanced age or very young age, physical disabilities, state of health, cognitive challenges, lack of foreign language skills or illiteracy and psychological conditions such as post-traumatic stress disorder and depression. A major challenge in this regard includes the use of regular visa and immigration forms, which may not be accessible to persons of concern due to the structure and layout of the forms and language used, already identified as a concern by UNHCR,⁷² and the need to often travel long distances to where the nearest consular services of the country of asylum are located.

The special needs of the sponsor and the family members are not sufficiently taken into account in the family reunification procedures. Such characteristics can indeed qualify as dependency, and therefore give access to family reunification for family members who would not otherwise be eligible. However, there are no further favourable conditions regarding family reunification with family members belonging to groups with special needs in the process itself, such as expedited procedures being conducted in those cases.

2.3. Integration Support upon Reunification

Family members who are reunited with the refugee or the beneficiary of subsidiary protection can, upon application, be granted protection status, either of a derivative nature based on the protection status of the sponsor⁷³ or based on their own protection grounds. In either scenario, they should be able to benefit from integration support, as advocated for by UNHCR. UNHCR puts forward a recommendation for Member States to grant family members the same status, rights and integration entitlements as those granted to the sponsor.⁷⁴ However, the residence of the family member should be independent of those of the sponsor, in order to avoid dependency between family members, with regard to possible cases of domestic violence.⁷⁵

Protection status would not be granted to a family member of a refugee where that would be incompatible with his/her personal status, that is, where the family member would enjoy the protection of a country of which the family member is a national.⁷⁶ Protection status would also

not be granted where the family member of a refugee falls within the terms of one of the exclusion clauses.⁷⁷

Family members who have been granted protection status, either with refugee status or subsidiary protection, have all rights stemming from that status, regardless of the fact that international protection was granted upon family reunification. However, Slovakia maintains a practice where, in cases of family reunification, refugee status is granted to family members for a period of three years and not indefinitely. Only after three years lapses, if the conditions for refugee status still exist, is it prolonged for an indefinite time.

Access to integration support is in practice usually hindered by the usual challenges faced by beneficiaries of international protection in the countries of the region, including differentiated treatment of refugees and persons with subsidiary or other humanitarian protection status with regard to access to specific integration assistance and certain rights and access to affordable housing, schooling and education opportunities.⁷⁸

⁶⁹ UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, available at: <http://goo.gl/xB5RA>.

⁷⁰ UN High Commissioner for Refugees, *Best Interests Determination Children - Protection and Care Information Sheet*, June 2008, available at: <http://goo.gl/48KZv>.

⁷¹ UN High Commissioner for Refugees, *Field Handbook for the Implementation of UNHCR BID Guidelines*, November 2011, available at: <http://goo.gl/wEaPY>, p. 33-35.

⁷² *UNHCR recommends that Member States make available specific family reunification application forms adapted to the specific needs of beneficiaries of international protection*. UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/whEaN>, p. 12.

⁷³ Under this principle of family unity, refugee status may be granted to the spouse and dependents of a person who meets the refugee criteria (so-called "derivative status"). See: UN High Commissioner for Refugees, *UNHCR Master Glossary of Terms*, June 2006, Rev.1, available at: <http://goo.gl/0YK7D>, p. 10.

⁷⁴ *UNHCR recommends that Member States grant the same status, rights and integration entitlements to family members as those granted to beneficiaries of international protection*. UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/DgWaF>, p. 18. Also, UNHCR Executive Committee conclusion no. 24 (XXXII) -1981, section 8. UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, June 2011, available at: <http://goo.gl/mbSYr>, p. 221.

⁷⁵ *In order to avoid dependency between family members, in particular for victims of domestic violence, the residence of the family member should be independent of those of the sponsor*. UN High Commissioner for Refugees, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/9Wle>, p. 18.

⁷⁶ UN High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://goo.gl/YT7ry>, p. 36, para 184.

⁷⁷ UN High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://goo.gl/20m6m>, p. 36, para 188.

⁷⁸ UN High Commissioner for Refugees, *UNHCR Note on Refugee Integration in Central Europe*, April 2009 provides a comprehensive overview of the framework and challenges regarding refugee integration in Central Europe. Available at: <http://goo.gl/4HvPY>.

In addition, there are specific challenges which family members being reunited face and which tend to be neglected. Services targeting those specific challenges, including psychological support for families which face reuniting after a prolonged separation or induction into the host society and dealing with cultural shock are mostly lacking and there is limited recognition as to their necessity by state institutions.⁷⁹

None of the countries of the region utilize any integration tests of any kind, such as language tests, performed either before family reunification is granted or upon arrival to the country of asylum. The only tests are the ones routinely performed in the international protection procedures, such as a medical checkup, for those family members who have filed their applications for protection.

The fact that the arriving family members are subject to additional procedures regarding their protection status may lead to practical differentiation in their treatment as opposed to the sponsor and at times may lead to physical separation of the family members. The study identified a case where a recognized refugee residing in an integration center could not stay with her minor children and elderly parents, who joined her in the country of asylum within the framework of family reunification, because they were placed in another facility in another town. This arrangement deprived the children and elderly parents of their mother's and daughter's support, required the refugee to spend substantial amount of time to travel and visit her family, and possibly took her focus away from looking for employment and a means to support herself once the integration support was over and put significant additional pressure and strain on her.

It needs to be noted that family members who do not qualify for family reunification under international protection law may still be able to fulfill conditions for family reunification under general immigration rules, whereby they would be provided with a residence permit.⁸⁰ In such cases, no integration support is envisaged. Similarly, those family members who arrive under family reunification under international protection law who decide not to file their own application for international protection, have a resident status (equal to other third-country nationals residing in the country of asylum and that encompasses equal rights), but no specific integration rights.

⁷⁹ ECRE (European Council on Refugees and Exiles) acting on behalf of over sixty-five NGOs active in matters of asylum and international protection in Europe confirmed the necessity of such services in its position paper *Position on Refugee Family Reunification by the European Council on Refugees and Exiles* July 2000, available at: <http://goo.gl/lxkZg>, p. 16.

⁸⁰ Such a system is employed in Slovakia.

3. Assessment of Situation and Its Implications

3.1. Volume of Family Reunification Caseload in the Region

Currently, with the exception of Bulgaria, the countries of the region analyzed during the study do not maintain specific statistics concerning family reunification of refugees or beneficiaries of subsidiary protection readily available. Those data are usually collected with regard to all types of family reunification of third-country nationals. Therefore, no quantitative analysis of the practice on family reunification was possible within the framework of the study. However, according to information obtained during the interviews with government counterparts, the volume of those cases is not significant.⁸¹

This finding runs parallel to the more general one made by UNHCR in the *UNHCR's Response on the Right to Family Reunification*, where it was stated that there are no reliable figures for family reunification in the European Union for beneficiaries of international protection, but the numbers are low.⁸²

Due to the relatively small caseload, family reunification of beneficiaries of international protection remains quite an isolated issue in the practice of the countries in the region. This results in a lack of standardized procedures and protocols, a relatively *ad hoc* approach, a lower priority of such cases and less internal capacity and expertise, prompting the need for a more streamlined approach.⁸³

3.2. Uniformity of Practice Across the Region

The EU Family Reunification Directive (Chapter V concerning family reunification of refugees) leaves a margin of appreciation for the Member States regarding certain aspects of the subject matter; such as the required moment of family formation,⁸⁴ the authorization of family reunification with further family members based on their dependency,⁸⁵ family reunification of unaccompanied refugee children with their guardian or family member other than the ones in a direct ascending line in the absence of the latter,⁸⁶ requirements for evidence of accommodation, sickness insurance and stable and regular resources where family reunification would be possible in a third country⁸⁷ and finally the requirement to meet the conditions of accommodation, sickness insurance and stable and regular resources if the application for family reunification was not submitted within three months of the granting of refugee status.⁸⁸

Other crucial provisions of that type in the remaining parts of the EU Family Reunification Directive include the matter of family reunification with adult unmarried children dependent on account of their health status,⁸⁹ unmarried or registered partners,⁹⁰ and the minimum age limits for spouses.⁹¹

Those so-called “may clauses” (as opposed to the so-called “shall clauses”) allow the Member States in the process to transpose the provisions of the EU Family Reunification Directive into their national legal orders to shape their national framework for family reunification in a manner tailored to the specific circumstances in the given country, yet leaving room for more favourable provisions to be adopted.⁹²

As the Member States take advantage of that option, it results in some discrepancies among the legal frameworks of the countries of the region, as described in detail above. Such discrepancies remain within the margin of appreciation stipulated by the EU Family Reunification Directive; however, they do lead to the differentiation of legal situations of persons of concern to UNHCR in the region.

⁸¹ The statistical data was not included in the UNHCR 2009 report of family reunion, therefore an analysis of a possible increase or decrease in the number of family reunification cases since 2009 was not feasible.

⁸² UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/K3DFW>, p. 4.

⁸³ UN High Commissioner for Refugees, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations* (Author: Rosa da Costa) June 2006, Legal and Protection Policy Research Series POLAS/2006/02, available at: <http://goo.gl/9AqgR>, p. 123.

⁸⁴ Article 9 paragraph 2 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/T23zD>.

⁸⁵ Article 10 paragraph 2 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/0H872>.

⁸⁶ Article 10 paragraph 3 (b) of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/giweg>.

⁸⁷ Article 12 paragraph 1 subparagraph 2 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/6wYOZ>.

⁸⁸ Article 12 paragraph 1 subparagraph 3 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/fqOaD>.

⁸⁹ Article 4 paragraph 2(b) of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/dJly2>.

⁹⁰ Article 4 paragraph 3 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/J7gKX>.

⁹¹ Article 4 paragraph 5 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/kvrv9>.

⁹² The Directive states in Article 3 paragraph 5 that it should not affect the possibility for the Member States to adopt or maintain more favourable provisions. *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/yqa4u>.

The findings of the study presented in thematic sections above show that there are significant discrepancies among the countries of the region when it comes to national practice on family reunification, both on aspects covered by the EU Family Reunification Directive and matters regulated outside its scope but relevant and applicable in the context. As illustrated above, discrepancies were identified in particular with regard to the eligibility of family members, rules on admissible evidence and access to travel documents.

Consequently, there remains ample room for advocacy efforts to promote best practices and aim for uniform, high legal standards across the region, so that the beneficiaries of international protection can benefit from family reunification to an equal extent, regardless of the country where they have received protection. This is not the case at the time being, as even the visa fees required in the countries having family reunification procedures vary significantly (the quoted visa fees ranged from 33 EUR in Slovakia to 180 EUR in Romania).

In addition to the above listed discrepancies in national practices and regulations, the interviewees also reported problems of internal discrepancies manifesting in diverse approaches being adopted by various agents within one jurisdiction – most notably diverse approaches adopted by various embassies of the same country, depending on their location. This issue raises serious concerns as it affects the fairness of the process hindering the right to family reunification and needs further monitoring. It also points to the need for continued advocacy by UNHCR to ensure consistent practices, in line with UNHCR Executive Committee conclusions on promoting the reunion of refugee families through appropriate interventions by UNHCR.⁹³

3.3. Summary of the Main Identified Barriers to Access

3.3.1. Tailoring the System to Specific Situations of Persons of Concern

The Green Paper puts forward comments pointing to the particularities of the situation of refugees, linked to their specific situation, which are of a different nature than those faced by other third-country nationals, with a view to judge whether the limitation of the application of more favourable conditions with regard to refugees should be deleted.⁹⁴

In that context, the study confirmed that the systems in place in the region are fairly insensitive to the specific situations of refugees and beneficiaries of subsidiary protection, where the requirements are the same as for all other categories of migrants. The legal regulations do not take due regard of the fact that refugees and beneficiaries of subsidiary protection are forced migrants who arrived to the country of asylum due to specific dangers to their well-being and not solely out of their own volition. This is closely linked to the fact that their access to official documents and certificates may be hindered due to the circumstances of their departure from the country of origin and their limited means and possibilities to contact the national authorities of those countries, and includes a lack of a possibility to travel to support family members in the family reunification application process.

Family reunification of both refugees and beneficiaries of subsidiary protection is seen more as an immigration issue rather than a human rights issue. UNHCR's Agenda for Protection, as a part of its Goal 2 ("Protecting refugees within broader migration movements"), sets an objective of better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management. In that context, the onus is on the states to develop a coherent policy agenda on migration and asylum that strikes a proper balance between migration control priorities and refugee protection imperatives, and which might include transparent and equitable immigration policies for the purposes of employment and family reunification.⁹⁵ Such a balance should also be achieved in family reunification cases so that the human rights of beneficiaries of international protection are secured through the immigration law mechanisms rather than restricted and curbed.

The findings of the study further reinforce the recommendation made by *UNHCR's Response on the Right to Family Reunification* encouraging the abolishment of the time limit in the application of more favourable conditions regarding family reunification of refugees.⁹⁶ It was established during the study that the application of the more favourable conditions only within a certain time period effectively limits their positive impact on the situation of refugees. The more favourable conditions generally mean that if the application for family reunification is filed during a specific period of time since the award of refugee status, the sponsor does not have to prove financial means to support his/her family members upon their future arrival to the country of asylum. However, even if there is no formal requirement to prove those means, most of the persons concerned still attempt to have a certain level of financial stability (e.g., stable employment and some savings) before bringing their families to the country of asylum to be able to offer them appropriate living conditions. This level of financial stability, albeit often minimal, usually cannot be established during the short period of time when the more favourable conditions apply.

As noted by the Red Cross, which is the main facilitator of family tracing in the region, the three-month period is also unrealistic from the point of view of time often needed to locate the family members in the country of origin or in a third country and restore contact with them.⁹⁷

The Green Paper also looked at the issue of the exclusion of beneficiaries of subsidiary protection from the scope of the EU Family Reunification Directive, referring in that context to the

⁹³ UNHCR Executive Committee conclusion no. 9 (XXVIII) – 1997 – Family Reunion (b). UN High Commissioner for Refugees, *A Thematic Compilation of Executive Committee Conclusions, 6th edition, June 2011*, June 2011, available at: <http://goo.gl/AgDhC>, p. 220.

⁹⁴ European Commission Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) COM (2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/LrFfm>, p. 6-7.

⁹⁵ UN High Commissioner for Refugees, *Agenda for Protection*, October 2003, Third edition, available at: <http://www.unhcr.org/refworld/docid/4714a1bf2.html>, p. 48.

⁹⁶ *UNHCR encourages Member States not to apply time limits to the use of the more favourable conditions granted to refugees (Article 12(1) last indent), in recognition of their specific situation*. UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/HM6b2>, p. 6.

⁹⁷ Red Cross/EU Office Response to the European Commission on the Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) Brussels February 2012, available at: <http://goo.gl/olS86>, p. 9.

uniform status of protection as one of the main objectives for the completion of the Common European Asylum System and the approximation of the rights of beneficiaries of subsidiary protection to those provided to refugees.⁹⁸ The findings of the study further confirm that there are no justified reasons to distinguish between the legal situation of refugees and beneficiaries of subsidiary protection with regard to their right to family reunification. This finding is in line with UNHCR advocacy regarding provision of more favourable conditions of family reunification accorded to refugees as well as to the beneficiaries of subsidiary protection.⁹⁹ No issues were reported by the countries of the region which offer equal family reunification opportunities to refugees and beneficiaries of subsidiary protection.

The full realization of that right should be ensured for all forced migrants, in view of its crucial impact on their wellbeing and integration perspectives. Additionally, the beneficiaries of subsidiary protection do not have access to Convention Travel Documents, which is only provided to recognized refugees. This can significantly limit their possibilities to travel and meet their family members outside the country of asylum, unless they have a valid travel document issued by the country of asylum.

3.3.2. Approach to Family Reunification Cases

The opening section of the present report spoke of the background and sources of the right to family reunification in the asylum context, linking them to the principle of family unity and indicating the respective declarations to that effect made in the international instruments concerning asylum.

At the same time, the right to family reunification of beneficiaries of international protection is and must continue to be seen as a vital element of the right to family life as a basic human right. As such, the right to family life is enshrined in Article 16(3)¹⁰⁰ of the Universal Declaration of Human Rights¹⁰¹ and in Article 17(1)¹⁰² of the International Covenant on Civil and Political Rights.¹⁰³

At the European level, the right to family life is also protected by Article 8¹⁰⁴ of the Convention for the Protection of Human Rights and Fundamental Freedoms.¹⁰⁵ The Council of Europe emphasized the relevance for family reunification in the context of asylum-related questions.¹⁰⁶

Similarly, the European Union places the EU Family Reunification Directive in the broader context of fundamental rights protected by the legal order of the EU, in particular, (in addition to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms) pointing to the Charter of Fundamental Rights of the European Union.¹⁰⁷ The EU Family Reunification Directive further reflects the human rights dimension of family reunification, putting forward the mandatory horizontal clause of Article 17, which forms an obligation for the Member States to make individual examinations of each case.¹⁰⁸

It flows from the above-mentioned considerations that the right to family reunification should be seen as an element of family life guaranteed by the system of international human rights law. The EU Family Reunification Directive should in that context be seen as an instrument prescribing the mode of the execution of that right, which at all times needs to be interpreted and realized not in a self-confining manner, but rather in recognition of its broader human rights and humanitarian context.

The countries of the region all recognize the right to family reunification by beneficiaries of international protection in their legal framework. The study revealed that the perception of the right to family reunification as a human right vested upon forced migrants and its close links to their right to family life and dignity is fairly narrow. This is further reflected in the practical limitations as regards the access to this right by the beneficiaries of international protection and is visible in the approach of the national authorities, whereby the right to family reunification is at times perceived as a privilege granted by the country of asylum.

There was also a certain element of moral reproach noted with regard to some comments made by some of the government counterparts, where, for example, the fact that a refugee or a beneficiary of subsidiary protection left some of the family members, most notably children, behind

⁹⁸ European Commission Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/oXQxe>, p. 6.

⁹⁹ UNHCR recommends that all Member States provide beneficiaries of subsidiary protection access to family reunification under the same favourable rules as those applied to refugees. UN High Commissioner for Refugees, Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), February 2012, available at: <http://goo.gl/dbZJH>, p. 6.

¹⁰⁰ Article 16 (3) *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.* UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://goo.gl/nTZ56>.

¹⁰¹ Universal Declaration of Human Rights adopted by United Nations General Assembly Resolution 217 A(III) of 10 December 1948. UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://goo.gl/CA8cR>.

¹⁰² Article 17. 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://goo.gl/G0HoL>.

¹⁰³ The Covenant was adopted by the United Nations General Assembly Resolution 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976. Full text available at: <http://goo.gl/fjKAE>.

¹⁰⁴ Article 8: *Right to respect for private and family life.* 1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Convention for the Protection of Human Rights and Fundamental Freedoms, available at: <http://goo.gl/xcBN0>

¹⁰⁵ Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, entered into force on 3 September 1953, available at: <http://goo.gl/Oz5Jy>. See also a handbook published by Council of Europe on the implementation of Article 8: U. Kilkelly *The right to respect for private and family life. A guide to the implementation of Article 8 of the European Convention on Human Rights* Council of Europe Human Rights Handbooks, No. 1 2003, available at: <http://goo.gl/Urjkg>

¹⁰⁶ Parliamentary Assembly of the Council of Europe - Committee on Migration, Refugees and Displaced Persons *Position paper on family reunification* 2.2.2012. Available at: <http://goo.gl/hDoXw>. The position paper calls for the beneficiaries of subsidiary protection to benefit from the more favourable rules foreseen by the Directive to achieve the aim of creating a uniform status of protection. It also discourages the limitations of the application of more favourable provisions of the Directive to refugees, e.g. the requirement for the applications to be submitted within 3 months of being granted refugee status. Finally, the broadening of the categories of family members of refugees is supported, based on the principle of dependency.

¹⁰⁷ Article 33 *Family and professional life* 1. *The family shall enjoy legal, economic and social protection.* Charter of Fundamental Rights of the European Union, Official Journal of the European Union C 83/389 of 30.3.2010, available at: <http://goo.gl/9hPg3>.

¹⁰⁸ European Commission Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) COM(2011) 735 final, Brussels, 15.11.2011, available at: <http://goo.gl/2BXOj>, p. 9.

in the country of origin, was assessed as “incomprehensible” or “hard to imagine for someone who is a parent” without any analysis of the facts of the case.

Interestingly, none of the analyzed countries reported a problem with abuse of the right to family reunification with regard to family reunification of refugee and beneficiaries of subsidiary protection. Certain issues involving fake applications being made was noted with regard to other categories of migrants or with regard to marriages being concluded between citizens of the given country and foreigners. This, together with the fact that both refugees and beneficiaries of subsidiary protection have been subjected to fairly detailed procedures in order to verify the circumstances of their cases before protection was granted to them, should inspire trust and willingness to support their cause. However, this is not always the case.

It should be emphasized in that regard that well functioning, transparent and efficient family reunification mechanisms remain in the best interest of the countries of asylum as well, and allows for a reduction of operational costs, a clearer picture of immigration flows and integration processes (as people would not use alternative channels to circumvent the applicable legal provisions) and a more structured approach at the European level.

3.3.3. Logistical Issues

It stems from the findings of the present study that access to family reunification is often rendered ineffective or even invalid due to logistical issues of often merely a technical nature.

In the countries of the region, cases of family reunification are often processed by consular services of the country of asylum, which are in charge of either the whole procedure or the issuance of the entry visa once the positive decision is issued. Depending on the diplomatic representation of the given country, the respective consular service where the application is to be filed or entry visa issued may not be in the country of origin/residence of the persons concerned or a neighboring country, but those services may be only available at a very distant and inaccessible location.

At times the territorial competency of a given consular service is disputed, leading to the applicants having to travel back and forth among various locations multiple times with no consideration of the ordeal faced by family members and the financial burden experienced. The study revealed an example where the sponsor's pregnant wife had to travel subsequently to the embassy in Tehran, Iran and New Delhi, India due to conflicting information being provided regarding the competencies of both embassies (the interviewee claimed that at some stage both embassies declined their competency).

The Central European countries have consular services in a relatively limited number of the countries of origin of persons of concern. This is due to various reasons, mainly the lack of significant historical or present links with the country or the country having few of its citizens residing in or visiting the particular country of origin. In those situations, there is a visible absence of possible closer cooperation between consular services of the countries. The study revealed only very isolated *ad hoc* occasions of such cooperation.

All of the above-listed issues do not remain in line with the provisions of the EU Family Reunification Directive, which prescribes in its preamble that the procedures for both examining the applications for family reunification and for entry and residence of family members should be effective and manageable, taking into account the normal workload of the Member States' administrations.¹⁰⁹

The vulnerable situation of refugees and beneficiaries of subsidiary protection, as well as their family members, is further aggravated by the fact that the support, advice and information regarding family reunification is only available in the country of asylum, and thus to the sponsor. The family members, while in the country of origin and/or the country where the visa application is processed by the consular services of the country of origin, do not have similar support and advice at hand.

Some of the above-mentioned challenges could be addressed in line with UNHCR advocacy guidelines that clearly encourage states to use the possibility of consular representation offered by EU legislation to issue visas for the purpose of family reunification where there is no embassy of the country of asylum in the family member's country of residence.¹¹⁰

Notwithstanding, the optimal solution, as suggested by the Bulgarian practice and in line with UNHCR advocacy, could be to conduct the family reunification procedure in the country of asylum upon the application of the sponsor. UNHCR recommends the possibility for the sponsor to apply in his/her country of asylum¹¹¹ as the solution, which best addresses the specifics of family reunification in international protection cases.¹¹² In such a scenario, the visa can be issued by the respective consulate, once a positive decision is reached or, alternatively, upon arrival at the border of the country of asylum or within its territory.¹¹³

Alternatively, a combination of the two regimes could be explored, with the possibility of conducting the family reunification procedure directly in the country of asylum, for cases in which the persons concerned have particular special needs, thus making the decision on their case particularly urgent.

¹⁰⁹ Recital (12) of the preamble to the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/bA3vH>.

¹¹⁰ *UNHCR encourages Member States to use the possibility for consular representation offered by EU legislation for the issuance of visas for the purpose of family reunification where there is no embassy of the country of asylum in the family member's country of residence*. UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/7a7zx>, p. 15.

¹¹¹ Envisaged as an option in Article 5 paragraph 1 of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/wA9qj>.

¹¹² *UNHCR invites Member States to facilitate refugees' access to family reunification by providing for the possibility for the sponsor to apply in his/her country of asylum*. UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/BN4ba>, p. 12.

¹¹³ *UNHCR invites Member States to provide the possibility for visas for family members of beneficiaries of international protection to be issued in the country of asylum upon presentation of a valid travel document*. UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/t7ebM>, p. 15.

3.4. Impact of Situation on Beneficiaries of International Protection

The identified challenges in access to family reunification as described above have a major impact on the quality of life and integration opportunities of persons of concern to UNHCR. The interviews conducted for the purpose of this study revealed a high level of frustration on the part of applicants, who commented on the lack of clear and transparent rules concerning family reunification.

Interviewees also mentioned prolonged waiting periods which caused the concerned individuals to be left in limbo, not being able to move on with their lives while the decision on the family reunification was pending. It may also prompt secondary movements of beneficiaries of international protection who seek to achieve better prospects for their family members to be able to join them. UNHCR advises against this, emphasizing the needs to manage family reunification applications in the fastest possible way.¹¹⁴ The plethora of institutions and stakeholders involved in the family reunification process and the fact that applicable legal provisions may be scattered among various legal acts adds to the general confusion of the beneficiaries of international protection about the process and the rules which govern it. Such a state of affairs is not in line with the objectives of the EU Family Reunification Directive, which in its preamble envisages transparency and fairness as the crucial elements of the appropriate legal certainty for those concerned by family reunification procedures.¹¹⁵

Another substantial challenge lies in the high costs involved in the process, consuming a larger part of the financial means available to refugees and beneficiaries of subsidiary protection. The process of family reunification requires substantive expenses. Often the main source of subsistence of beneficiaries of international protection is the financial assistance provided to them by the country of asylum within the framework of an individual integration programme, especially in the first period after international protection is granted. When the beneficiaries of international protection are obliged to cover administrative costs of the family reunification process, visa fees and other expenses such as the cost of official translations, the support is practically redirected to the state budget. It defeats the purpose of the financial assistance provided by the state to the beneficiaries of international protection and affects the sustainability of their integration process.

It seems that the general understanding of UNHCR's primarily advocacy role in Central Europe is not sufficiently established among the persons of concern, leading them to have unrealistic expectations and contributing to their overall frustration. Securing that understanding is crucial to ensure the confidence of the persons of concern in UNHCR's work for their cause.

It has to be stated that the complex nature of the family reunification framework and a large number of practical impediments seem to prompt some of the persons of concern to explore other immigration venues available for their family members, such as student visas or tourist visas, which are pursued without any element of the protection concern being indicated in the application. This practice is disconcerting as it affects the legal right of persons of concern and their families to be duly recognized in the context of international protection.

¹¹⁴ *Efforts should be made to process family reunification applications as quickly as possible.* UN High Commissioner for Refugees, Refugee Family Reunification. *UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://goo.gl/SSTCR>, p. 18.

¹¹⁵ Recital (13) of the *Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification* (Official Journal of the European Union L 251/14 of 3.10.2003), available at: <http://goo.gl/6nFSF>.

4. Identification of Opportunities and Promising Practices

Some elements of the existing framework on family reunification could be possible opportunities to further develop high standards of the system. A significant opportunity is linked to the fact that five out of seven countries of the region belong to the Schengen Zone and thus share a common visa and entry regime. Closer cooperation among consular services of those countries would be possible in that framework, for example, by jointly handling family reunification cases to facilitate the process and make it more fair and efficient. That would be particularly important as regards handling cases of beneficiaries of international protection coming from the countries of origin where diplomatic services of EU Member States are limited.

Another opportunity to provide more efficient support for beneficiaries of international protection regarding family reunification matters is linked to the existing integration support structures. In particular, in those countries which maintain individual integration programmes for beneficiaries of international protection, the presence of social workers who are closely following up on integration activities of the persons of concern presents a valuable asset. Social workers would be in a good position to advise the persons of concern on family reunification issues, link them with available providers of legal aid, as needed, and support the overall process from their side.

Regarding specific legal and procedural solutions in the countries of the region presented above, several of them merit acknowledgement and promotion of promising practices:

- The setup of the family reunification procedures in Bulgaria reflects the particular situation of beneficiaries of international protection in a commendable manner. The procedures for family reunification in Bulgaria are initiated with an application filed by the sponsor with the State Agency for Refugees (SAR), directly in **Bulgaria as the country of asylum**. An expert employee of the SAR fully examines the case, interviewing the sponsor and requesting additional information, as applicable. Once a positive decision on family reunification is reached by the SAR, it is notified to the sponsor and forwarded to the Ministry of Foreign Affairs (MFA), which liaises with the respective consulate/embassy through an electronic system. The family members, with regard to whom the decision was issued, may then directly contact the relevant consulate/embassy regarding their entry visa to be issued on the basis of the positive decision issued by the SAR. This mechanism allows for the smooth processing of the case, as the SAR is already familiar with the applicant's background and his/her situation. The electronic means communication with the MFA and the relevant embassy/consulate also contribute to the efficiency of the process and limit additional costs and difficulties of having to exchange original documents, which also takes up a longer time. In addition, the volume of travel needed to be undertaken by the family members to follow up on their application can be effectively limited to the necessary minimum, allowing for less time and financial effort needed from their side. The practice of accepting and processing family reunification applications within the country rather than through consular services is in place in other countries of the region, which could be a starting point to further develop those services to better address the needs of beneficiaries of international protection, like the model described above.
- Concerning the documentary evidence required in the process of family reunification, a promising practice was established in Bulgaria regarding the possibility for the sponsor to make an official written declaration regarding the facts of the case, where documentary evidence is not possible. This solution responds to particular difficulties faced by refugees and beneficiaries of subsidiary protection in substantiating their case with official written and documentary evidence.
- Regarding travel documents and entry visas to facilitate arrival into the country of asylum of the family members, the legislation in Slovenia, which treats a positive decision on family reunification as a valid document to entry the country, demonstrates recognition for legal and practical difficulties, which the beneficiaries of international protection face in that area.
- The definition of family members applied by some countries in the region also include unmarried partners (in Slovenia – registered partners and long-term unofficial partners, in Bulgaria – partners in proven and stable relationship), which reflects the concept of extended family in a more comprehensive manner and allows for family reunification with people who have in fact the closest link to the beneficiary of international protection.
- In view of the identified practice of refusing applications due to lack of documentary evidence in some of the countries of the region, the Hungarian legislation, which explicitly states that family reunification cannot be refused solely for reasons of lack of documentary evidence, should be deemed a good practice.

5. Recommendations Regarding Established Challenges

Based on the findings of the study, the following recommendations are made in the context of Central Europe, complementing the recommendations made by UNHCR in *UNHCR's Response on the Right to Family Reunification* and responding to the specifics of the region:

- Raising awareness of UNHCR guidance and advocacy in the field of family reunification, possibly by wide distribution in the countries of the region of the relevant materials and documents, such as *UNHCR's Response on the Right to Family Reunification*, *UNHCR's Note on DNA Testing to Establish Family Relationships in the Refugee Context* and UNHCR's guidance on the determination of the best interests of the child and facilitating their translation in the relevant languages to make them more accessible to the stakeholders.
- Promoting a structural and consistent approach to family reunification cases, through supporting the drafting of standard operating procedures on family reunification to be applied in a uniform manner. The standard operating procedures should include rules on approaching the Red Cross agencies on matters of family tracing to ensure timely action in all relevant cases.
- Drafting country-specific proposals on the means of including the best interests of the child determination in family reunification procedures by all relevant stakeholders, based on UNHCR's position on the Best Interests of the Child Determination (BID).
- In the case of those countries which do not maintain specific detailed statistics regarding family reunification of beneficiaries of international protection, the collection of such specific statistics should be secured. Once specific and detailed statistics are available, they should be monitored and closely analyzed on a permanent basis to establish current trends and timely address possible challenges.
- Strengthening the cooperation between UNHCR offices in the countries of origin and UNHCR offices in the countries where applications for family reunification are made to provide necessary support in facilitating communication and exchange of documents, as needed.
- Disseminating the knowledge and awareness of the role of UNHCR in the Central European region among persons of concern regarding UNHCR's mandate in the region and its focus on advocacy efforts, as well as rules regarding direct assistance (inclusive of financial assistance) to refugees and beneficiaries of subsidiary protection.

Possible supporting activities in the context of family reunification of beneficiaries of international protection may include:

- Targeted advocacy aimed at addressing the established challenges, in particular through drafting and putting forward concrete legislative proposals for specific amendments to the family reunification regime.
- Strengthening the working cooperation among NGO partners in the region, possibly leading to the establishment of a region-wide advocacy effort in the NGO sector to lobby for both legislative amendments and introduction of high operational standards in family reunification procedures.
- Supporting information and expertise exchange on promising practices in the field of family reunification of refugees and beneficiaries of subsidiary protection, through a seminar or a roundtable meeting among experts involved in the family reunification procedures.

6. Closing Statement

The right to family reunification of refugees and beneficiaries of subsidiary protection is embedded in the legislation of the countries researched, yet its practical application seems to remain a relatively new and limited phenomenon. There is a visible need for continued advocacy for the right to family reunification to be perceived in a human rights perspective rather than an immigration law perspective. Practical issues faced by the refugees and beneficiaries of subsidiary protection in reuniting with their family members are closely linked the overall challenges relevant to the integration perspectives of those groups in Central Europe – access to the labour market, ability to support oneself and be economically self-sufficient, availability of specialized support in terms of legal aid and information, psychological assistance and developing intercultural competencies. The willingness to provide for the wellbeing of one's family in a safe environment is a powerful drive in the integration process of forced migrants in the country of asylum. To that end, efforts need to be continued to ensure that the right to family reunification is ensured in a fair and efficient manner.