

Written Evidence submitted by Safe Passage International (COR0097)**Executive Summary**

1. This evidence examines how family reunions under the Dublin III Regulation, in which the UK is the accepted 'receiving state', have been impacted by Covid-19.
2. The Dublin III Regulation (EU Regulation No. 604/2013) is the primary mechanism by which individuals seeking asylum can be transferred to the UK from an EU member state for the purpose of family reunion.
3. Under normal circumstances, Dublin family reunion transfers are arranged by the 'sending state', which organise and pay for the transfer via flight or rail using commercial operators.
4. All states are facing exceptional challenges in implementing family reunion transfers at this time and, in circumstances where national governments have imposed population-wide restrictions on movement and travel, transfers have been severely impacted.
5. Many sending states have suspended Dublin transfers entirely, thus preventing UK-bound family reunions from taking place.
6. As the receiving state for these cases, the UK has obligations under EU law¹ to co-operate with sending states to ensure family reunions take place as soon as possible.
7. These obligations are not suspended as a result of the Covid-19 crisis. On the contrary they are enhanced due to the extreme risks that individuals, particularly unaccompanied children, face by remaining separated from their families.
8. Currently dozens of unaccompanied children and vulnerable adults who were due to join their family in the UK are instead facing indefinite separation, often in extremely precarious conditions including in overcrowded and unsanitary camps on the Aegean islands.
9. The Home Office has consistently maintained that the UK remains ready to accept transfers of individuals under the Dublin III Regulation.
10. However, the usual mechanisms by which transfers are implemented under the Regulation have clearly ceased to function in the current crisis. Until and unless the Home Office and sending states find alternative solutions, the numbers of separated families facing indefinite delays will continue to increase.
11. In order to meet its international obligations; limit the detrimental impact of indefinite delays; and ensure the best interests of all the children and vulnerable adults concerned, the Home Office should work proactively and urgently with airlines and the authorities of sending states to arrange family reunion transfers either on commercial routes or on special charter flights as soon as possible.

About Safe Passage International

12. Safe Passage International (SPI) is a strategic legal organisation working to ensure child refugees can access safe and legal routes to asylum.
13. Our legal work focuses primarily on reuniting unaccompanied children with family members in the UK via EU Regulation No. 604/2013, commonly known as the Dublin III Regulation.

Cancellations and delays to family reunion transfers due to Covid-19

14. SPI first became aware that family reunion transfers to the UK were being disrupted as a result of Covid-19 in mid-March, when three cases had their flights cancelled from Greece, Italy and Cyprus respectively.
15. It was quickly established that the Italian authorities had officially suspended Dublin transfers. However, neither Greece nor Cyprus had at this stage taken this step. Commercial flights out of Greece and Cyprus were still available and during this period a number of other Dublin transfers went ahead from Greece. For those who had their flights cancelled, the window of opportunity in which to rearrange transfers whilst commercial routes were open was missed. SPI was unable to secure a reason from the Home Office or Greek authorities as to why some flights were cancelled whilst others went ahead.

¹ Including Dublin III and the Charter of Fundamental Rights (CFR), under the European Convention on Human Rights (ECHR) and under the United Nations Convention on the Rights of the Child (CRC)

16. It was an extremely distressing situation for children whose flights were cancelled, often just a day before they were due to travel. In one case, the sibling of a boy on Samos used online search engines to find numerous flights that could get his brother to safety and contacted the Greek asylum service directly offering to pay for the ticket. The offer was refused, and the boy remains on Samos over month later.
17. Since those initial cancelled flights, many more individuals in numerous EU states have seen their UK-bound family reunion transfers cancelled or suspended, as authorities have reduced or closed their national asylum services².
18. The Home Office has not released information on the total number of family reunions currently affected by delays as a result of Covid-19 but SPI are aware of at least 52 family reunion transfers from Greece (not all of which are being directly supported by SPI) that have been cancelled to date.
19. The numbers of requests and transfers to the UK from EU Member states under the Dublin Regulation's provisions for unaccompanied minors (Article 8) has increased annually in recent years, from 331 in 2017 to 476 in 2019³.
20. If similar numbers of children seek to join family members in the UK in 2020, hundreds could soon be facing indefinite separation.

The impact on those waiting for transfer

21. Delays to family reunion can have detrimental effects on children who have already experienced trauma. Interviews carried out by Safe Passage International and Greek child protection actor Praksis with 80 unaccompanied children seeking to access Dublin III from Greece found all had experienced trauma – in their country of origin, during their journey, or both⁴.
22. Efforts to convince children to have faith in the legal family reunion route can be severely compromised as a result of extended delays – if they lose hope in the system, children may feel they have no choice but to risk

Ahmed explains how it feels waiting for his nephew Abdul to join him*

My nephew Abdul is on Lesbos right now. I feel worried, and anxious and I don't really sleep at night because I am constantly thinking of him. I just want him to be with the family. He told me he's not safe and he could be hurt at any moment. He's young and he has been through a lot. He misses everyone and everyone misses him too. All he wants is come to his family and have a normal life with education. If he keeps waiting, he would lose hope and also it might get worse for him. It would mean the world to be reunited with my nephew. I'm so happy that he's close joining us here, it hasn't been easy for him. I am sure the UK government can do more to bring the people stranded home. Everyone that is stranded in a foreign country have families worried about them. Once Abdul is reunited with us, all the worrying would ease down.

**Names changed to protect identities*

their lives with smugglers in an effort to reach their loved ones.

The response of the Home Office

23. SPI first contacted the Home Office regarding our concerns about Covid-19 on 17 March 2020. In this correspondence we asked the Home Office to take proactive steps to identify any UK-bound Dublin cases that were pending transfers, and to work with the relevant authorities to get children booked on flights whilst commercial routes remained open.
24. Since 17 March 2020, SPI has written to the Home Office on five occasions, both directly and via the British Red Cross, most recently providing full details of 27 cases in which transfers from Greece, Cyprus and France have been cancelled or remain in limbo.
25. In this period, SPI has engaged positively with several Home Office officials, who have taken steps including contacting their Greek counterparts to confirm that the UK remains open to receiving transfers.
26. We are aware from most recent communications with the British Red Cross that the Home Office continues to maintain regular engagement with key counterparts in EU Member States, working through practical solutions for facilitating transfer when it is safe and practical to do so for all involved.

² <https://mailchi.mp/ecre/elena-weekly-legal-update-20-march-2020?e=989a4aebdd#8>

³ Home Office Quarterly Immigration Statistics, Dublin Regulation Datasets Dec 2019

⁴ <http://safepassage.org.uk/wp-content/uploads/2019/03/Caught-in-the-Middle-Unaccompanied-Children-in-Greece.pdf>

27. The Home Office has also pointed out that facilitating transfers entails a number of different steps and legal procedures that must be followed.

Safe Passage International recommendations

28. Whilst we acknowledge the many steps required to facilitate transfers, SPI believes the UK government can and must take a more proactive role in reuniting children and vulnerable adults with their families.
29. It is not sufficient for the UK to depend solely on action by the sending state – such a position risks unacceptable and indefinite delays to transfers.
30. In cases which have had their transfers cancelled, or where transfer arrangements have been suspended, the UK government should seek alternative arrangements, in line with the best interests of the child.
31. Where transport routes, even if limited, remain open between sending states and the UK, the Home Office should engage with counterparts with a view to identifying appropriate commercial routes by which individuals waiting for family reunion can travel.
32. In circumstances where commercial routes are not available, or not appropriate, the UK government should consider the possibility of chartering a flight, in line with its ongoing work to repatriate UK nationals and their dependents.
33. From Greece in particular, a chartered evacuation is clearly a viable solution given that two charter flights, to Luxembourg and Germany have evacuated children from the Aegean islands to safety in recent days⁵. More such flights are expected to follow to other countries, including non-EU member state Switzerland.
34. These flights are clear proof that even in current circumstances, it remains possible to implement Dublin transfers and bring children and vulnerable adults to safety.

Mitigating against long-term delays for families seeking reunion

35. SPI are aware that the functioning of asylum services in many countries have been severely impacted by the pandemic. In Greece, for example, asylum offices have been closed since 13 March 2020 and are currently scheduled to re-open on 15 May, whilst in France regional Dublin units are currently closed.
36. Individuals are only able to start the Dublin family reunion procedure after making an initial claim for asylum in the country where they currently reside. Upon registering the claim for asylum, the country in question has three months in which to contact a receiving country (in this case the UK) and request a transfer for family reunion purposes⁶. If this three-month window is missed, accessing family reunion becomes much more difficult.
37. Even before Covid-19 began to have an impact, many people faced serious delays in accessing the asylum and Dublin family reunion procedures. Reductions in capacity and closures of asylum services as a result of Covid-19 have only increased these delays. There is a significant and growing risk that children could miss the three-month deadline to apply for family reunion, and could lose their right to join their family members in the UK as a result.
38. The potential risks are heightened by the fact that the UK will be revoking the Dublin Regulations as of 31 December 2020. This means that any child who has not been able to access asylum services before this date will lose their right to family reunion under the Regulation, and the Home Office has yet to confirm any contingency plans or mechanism to replace the Regulation.
39. Given the extraordinary circumstances, the Home Office must acknowledge the barriers people face in applying for family reunion via the normal channels, and seek to put in place alternative procedures that protect their rights.
40. Any such procedure must ensure claims for family reunion will be eligible even if they are received after the three-month deadline laid down in the Dublin Regulation, and/or if individuals lose their rights as a result of the planned revocation of the Regulation on 31 December 2020.

April 2020

⁵ <https://www.unicef.org/press-releases/un-agencies-welcome-first-relocation-unaccompanied-children-greece>

⁶ The time limits and steps involved in this procedure, known as sending a 'take charge request' are laid down in the Dublin III Regulation