



Recommendations

Family reunification processes in Europe are complex, which hinders rehabilitation and integration. To ensure access to this right, the following recommendations are made:

- Review the legislative framework for family reunification at the EU level.
- Improve the clarity of procedures and reduce arbitrariness in EU member states.
- Prioritise the protection of refugees and their family members, including by improving the accessibility of embassies to family members in Eritrea.
- Be more realistic about the proof required from Eritrean refugees to establish identity and intentions for family reunification.
- Ensure privacy during the family reunification process to protect the security of those involved.

Family Reunification for Eritreans

The **right to family reunification** is a fundamental human right and recognised under European law. Accordingly, **member states have an obligation to ensure that refugees can enjoy this right**. However, the family reunification procedure in Belgium and the Netherlands is complicated and often difficult or impossible to complete. This is especially the case for Eritrean refugees: **less than a third of their applications for family reunification are accepted**. For Eritreans, the procedure for family reunification often fails, causing stress, impeding rehabilitation and integration, and even endangering the applicant and his or her family. **This policy brief gives an account of the issues involved in the family reunification process for Eritrean refugees in Belgium and the Netherlands and provides recommendations to improve the procedure.**

The issues

- **No clear understanding of the process:** Eritrean refugees often do not fully understand the procedures for family reunification, particularly the importance of documents and deadlines. Because of the oppressive regime in Eritrea, they are reluctant to reach out to anyone in authority and ask for information. Furthermore, the information provided by Belgian and Dutch authorities is not easy for a layperson (let alone a non-native speaker) to follow and there are few services to assist them with the application process.
- **Excessively demanding requirements:** The reunification process can cost the refugee a lot of money and time, as they need to pay for their family members to travel to an embassy in a third country. Other expenses include DNA tests (in Belgium), visa costs, translation expenses and the cost of legalisation of documents.
- **Difficulties obtaining documentation:** Documents that prove the applicant's status and family ties have to be collected from the home country and handed over to the Dutch or Belgian embassy. This is challenging when the state from which the refugee has fled is oppressive and uncooperative. Family members must approach Eritrean authorities to obtain the requested documents, but may fear persecution as a result of this. Moreover, there are

examples of documents being required that are not available in Eritrea or have never been issued. This obstructs family reunification. Such pressure can cause psychological harm and may put refugees and their family members in danger as they are exposed to the regime from which they are trying to flee.

- **Obstacles in relation to home country authorities:** In order to obtain documents from an Eritrean embassy, Eritrean refugees are required to pay a 2% diaspora tax on their income from the time they left Eritrea (a tax that is by all accounts illegal, as it is collected using coercion and extortion) and sign a 'regret form' if they fled Eritrea to avoid National Service. When refugees obtain papers from Eritrean authorities it makes them vulnerable to surveillance and to attempts to control refugees in the diaspora, putting refugees and their families in danger.
- **Contradictory benchmarks for documentation:** The requirements for the substantiation of documentation differ among EU member states and are often contradictory. This undermines the reasonableness of these requirements and the limited alternatives offered.

- **Unrealistic demands in the absence of diplomatic relations:** Requirements that can only be fulfilled when diplomatic representation is available are impractical and unreasonable. The absence of EU diplomatic representation in countries such as Eritrea can make it impossible to obtain the documents that are required. This situation has resulted in Eritrean families crossing the border illegally to reach diplomatic representation and fulfil the requirements, putting them in harm's way, especially considering the shoot-to-kill policy that is in place at the border of Eritrea.
- **Arrangements through diplomatic representations away from home country:** In Belgium, an additional difficulty is that the family reunification procedure has to be initiated in a third country (e.g., in a neighbouring country like Ethiopia). However, it is difficult for regular citizens to obtain an exit permit from Eritrea, which means that family members must leave Eritrea illegally (sometimes with the help of smugglers) to submit an application for family reunification, incurring significant expense and risking their life in the process. This contravenes the obligation to protect asylum seekers and their families and makes those applying for family reunification highly vulnerable. In addition, the embassy in the third country performs interviews, gathers information on private relations and conducts DNA tests, raising questions about privacy concerns.
- **Need for alternative proof:** Documents that are legitimately used in Eritrea, such as church documents or children's growth and health cards, are not always admissible, despite the veracity of such documents. Other procedures, such as silent marriage, are not recorded in documents, and proof should be provided through other means (interviews, photographs, and statements).



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