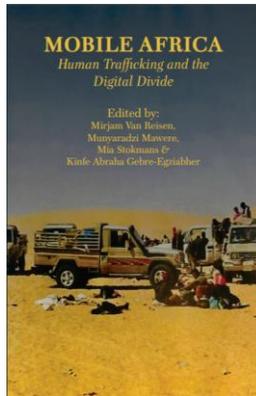


Refugees' Right to Family Unity in Belgium and the Netherlands: 'Life is Nothing without Family'

Mirjam Van Reisen, Eva Berends, Lucie Delecolle, Jakob Hagenberg, Marco Paron Trivellato & Naomi Stocker

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Chapter 16

Refugees' Right to Family Unity in Belgium and the Netherlands: 'Life is Nothing without Family'

Mirjam Van Reisen, Eva Berends, Lucie Delecolle, Jakob Hagenberg, Marco Paron Trivellato & Naomi Stocker

Introduction

The difficulties experienced in family reunification are frustrating the integration of Eritrean refugees in Europe. In addition to traumatic experiences during the journey, family fragmentation is traumatic as well. It contributes to the vulnerability of refugees' mental health and can, thus, pose a problem in the integration process (Berends, 2019). In her master's thesis, Eva Berends (2019) investigated the impact of family reunification on Eritrean refugees in the Netherlands. One respondent shared: "Life without family is nothing". These findings are confirmed by other evidence, including evidence collected by one of the authors in the following late night call:

Although refugees have a right to family reunification, less than a third of Eritrean applications are accepted in the Netherlands. Family reunification is largely inaccessible due to complex legal procedures and the inability of refugees to collect the documents required. This is compounded by the lack of diplomatic relations with Eritrea and the discretionary, and sometimes unjustified, practices of the authorities in both Europe and Eritrea. There is concern that the onerous legal requirements are causing the relatives of refugees to cross borders illegally and make payments for unobtainable documents, as well as fuelling unsafe and dangerous migration trajectories.

You remember me, Professor? I am a friend of your late uncle. I realise it is late and that you are really busy. But I am a support buddy to an Eritrean refugee who has received asylum here in the Netherlands. Professor, I don't know what to do anymore. We have been trying everything to get his wife and children to the Netherlands. He is sick and worried. Now, his wife and children have been taken to prison in Eritrea. His eldest daughter has fled, and she has been abducted in Sudan. She is so young! They are asking for USD 2,000 in ransom. Professor! What should I advise him? I don't know what to do anymore! (Anon., personal communication with Van Reisen, telephone, August 2017, translated and paraphrased from Dutch)

It is impossible to overlook the emotional stress and frustration of the caller. And this situation is not an isolated case. While there are positive examples of families from Eritrea who have been able to reunite in Belgium and the Netherlands, there are also refugees for whom family reunification has failed or not yet materialised. Some lawyers complain of the large number of files of Eritrean refugees in which there has been no progress. When asked for an update on a certain case file, one lawyer shouted into the phone that it is “very, very difficult” (Anon., personal communication with Van Reisen, telephone, 6 March 2018). The family reunification files of Eritrean refugees appear to generate a lot of stress among all those involved.

For those who fail to achieve family reunification, the lives of their relatives is of major concern:

I told you one bad news, dear, my wife has been in prison now for one month and some days – in Adi Abeyeto. There is one person who has offered to help me to give USD 1,500 [a bribe]. [...] Now they are asking for more money. Then I have to send some money for food for my children, EUR 200. [...] Yes, actually I don't have money, but I ask some people for credit and some people if they help me, its ok, and I send it because the children are not ok now. (MT., personal communication with Van Reisen, WhatsApp, 2 July 2019)

In the subsequent conversation, MT, who is in Europe, explains that his wife in Eritrea is being punished by association for his activity on social media, which is not to the liking of the People's Front for

Democracy and Justice (PFDJ), the ruling party in Eritrea, which exercises control over the diaspora through intimidation and threats (Buysse, Van Reisen & Soomeren, 2017).

Although family reunification is well enshrined in international law, it is clear that this right is not accessible for many refugees. In preliminary conversations conducted for this study, it was suggested by knowledgeable resource persons that family reunification was even more difficult to obtain for refugees of Eritrean origin than others. In view of the concerns raised, this research was conducted to understand the circumstances leading to delays in the granting of applications for family reunification and problems with its accessibility by refugees – from the point of view of the refugees.

Living in the diaspora is inevitably a matter of living ‘here and there’ (Ong’ayo, 2019), with the added complexity that the cultures and political structures (what is required, allowed and possible) in both places seldom match. With this in mind, this chapter investigates the difficulties experienced by Eritrean refugees in Belgium and in the Netherlands in accessing the right to family reunification. The main research question is: *Is the right to family unity actually available in practice, through the procedure for family reunification, to Eritrean refugees in Belgium and the Netherlands?* In order to answer this question, this chapter looks at the legal requirements under international law, European law, and the national laws of the Netherlands and Belgium, before looking at how these requirements play out in practice (the constraints on family unification). Finally, some brief conclusions are drawn and recommendations put forward to address the problem.

The right to family reunification

The Universal Declaration of Human Rights defines the family as “the natural and fundamental group unit of society” and goes on to say that it “is entitled to protection by society and the State” (UN General Assembly, 1948). This right is also enshrined in many other European and international human rights instruments, including the International Covenant on Civil and Political Rights, European

Convention on Human Rights, EU's Qualification Directive, and Charter of Fundamental Rights of the European Union.

Right to family life is a human right and it could be argued that it should be guaranteed for refugees especially, as they cannot enjoy this right in their country of origin, due to the risks of persecution that the refugee status encompasses. It is well known that the separation of family members may have devastating consequences for peoples' wellbeing. In this respect, Nils Muižnieks, Council of Europe Commissioner for Human Rights, stated that:

Member states have a legal and moral obligation to ensure family reunification. International human rights standards require that people seeking protection can reunify with their families in an effective and timely manner. States must lift the many obstacles to family reunification and treat all people seeking protection equally.
(Council of Europe, n.d.)

Family reunification is the opportunity given to a foreign national – holding a valid residence permit – to be reunited with the members of his/her family, including a partner or spouse, minor children or the minor children of their partner or spouse. Family reunification is often the only way to guarantee respect for a refugee's right to family unity, after the separation caused by forced displacement and the inability of the refugee to return.

However, depending on the family link between the child and sponsor and the procedures involved, the criteria may be difficult or impossible to fulfil. For instance, if a family reunification process with a non-biological child is initiated, a formal adoption procedure has to be done. As the European Council on Refugees and Exiles (ECRE) report states:

...as adoption is not a formal procedure in many countries, applicants are generally not able to support their file. This overlooks both cultural differences in family composition, as well as the context of forced migration where relatives may take custody of children left behind. (ECRE, 2014, p. 23)

According to the ECRE report, “long separation can also damage the family structure and cause conflict when the family is reunited” (ECRE, 2014, p. 5). This report highlights the positive effects of family reunification, notably for wellbeing, but also regarding professional and personal aspects; family reunification is often considered as “a precondition for rehabilitation and integration” (ECRE, 2014., p. 5). Despite this, the family reunification procedure is often complicated or blocked by local authorities in the host country, or the country of origin, with refugees having to overcome many hurdles from the beginning to the end of the process.

While the rule of law requires that rights are equally available to all, the reality may differ. Hannah Arendt (1958) sets out how the implementation of a legal system depends on recognition of rights as rights. Stateless people or people who cannot rely on the protection of a state are particularly vulnerable in terms of their ability to access rights. However, from interactions with Eritrean refugees and lawyers in Belgium and the Netherlands, it is apparent that many status-holders have suffered from delays in the family reunification process (Various lawyers, personal communication with the authors for this research, Belgium and the Netherlands, 2019).

Research methodology

This chapter looks at the procedures for family reunification, as experienced by Eritrean refugees in Belgium and the Netherlands. The chapter does not aim to provide a legal review, but rather to shine a light on the complexities involved in the way family reunification is applied and how this application affects refugees in practice. The chapter includes an analysis of the literature and laws to present an overview of family reunification internationally, in Europe, and in Belgium and the Netherlands. This overview serves as the background to present the findings on the experiences of refugees with regard to family reunification in practice.

The analysis draws on an in-depth analysis of an extended case study conducted by the first and last authors. One of the researchers drew

up a detailed time-line of events based on all information obtained on this case (Stocker, 2018). The information included emails, documents, social media messages, pictures, transcripts and notes from phone calls and face-to-face meetings. This case study was carried out in order to investigate every aspect of the process. Data was collected from the family members trying to unite, the support persons for the refugee seeking family reunification, members of various administrative bodies, and officials of government bodies and embassies. The case study included a visit to Khartoum in Sudan and meetings with all involved, except family members in Eritrea, as it was not possible to communicate with them without endangering them. The case study and other testimonies presented in this chapter highlight the different interventions and proceedings for family reunification in the Netherlands and Belgium, and show how they shape the actions of refugees.

In order to extend the experience from the case study to other situations, additional interviews were carried out with eight Eritrean refugees. The enquiry consisted of questions about the respondents' expectations and prior knowledge of the family reunification process, the legal obligations they need to comply with and the immigration authorities. Special focus was given to the documents required, the respondents' efforts and obstacles in complying with the requirements, the course of action and the information they received about the process, and the challenges and help they received from the authorities and other actors during the procedure, as well as their subjective assessment of the process and suggestions for improvement. The findings were compared with the research findings by Eva Berends, who interviewed 10 newly-arrived Eritrean refugees in the Netherlands on family fragmentation in 2019 (Berends, 2019).

The testimonies were collected as part of a research project carried out by the Brussels-based research organisation Europe External Programme with Africa (EEPA). This project aims to inform policymakers in Europe and Africa by confronting policies with the experiences of refugees and migrants. Thanks to the testimonies and research work, the perspectives and realities of Eritrean refugees

seeking family reunification in the Netherlands and Belgium have been portrayed.

As Eritrean refugees feel vulnerable, even in countries where they have come to seek protection, no voice recordings were made and only written notes taken during the interviews.¹ The interviewees' names have been changed in this chapter to protect their identities. The real names and identities are known to the authors.

Legal background

Family reunification is one of the main legal channels for migration to Europe, and Eurostat data shows that more than 440,000 first permits for family reasons were issued in the EU member states plus Norway in 2015 (European Migration Network, 2016). This right is protected under international refugee and human rights law, European law and the national laws of EU member states, which together make up the legal framework for family reunification. However, the processes in practice are different for each EU member state, adding to the complexity.

International law

Under international refugee law, although there is no direct reference to family rights in the 1951 Refugee Convention, the Final Act of the Conference of Plenipotentiaries (UN General Assembly, 1951) affirms that “the unity of the family [...] is an essential right of the refugee” and recommends that governments:

[T]ake the necessary measures for the protection of the refugee's family, especially with a view to: 1) ensuring that the unity of the family is maintained ... [and] 2) the protection of refugees who are minors, in particular unaccompanied children and girls, with particular reference to guardianship and adoption. (UN General Assembly, 1951)

¹ Many Eritreans fear the ‘long arm’ of the Eritrean regime, including repercussions for their family in Eritrea (ranging from denial of business permits to incarceration), which have been well documented including by Buysse *et al.* (2017) and Van Reisen & Estefanos (2017).

Under international human rights law, the family is recognised as the fundamental unit of society and entitled to protection and assistance under Article 16(3) of the 1948 Universal Declaration of Human Rights; Article 23(1) of the 1966 International Covenant on Civil and Political Rights; and Article 10(1) of the 1966 International Covenant on Economic, Social and Cultural Rights. The UN Human Rights Committee, confirmed, in the case of *Ngambi and Nébol v. France*, that Article 23 of the International Covenant on Civil and Political Rights “guarantees the protection of family life including the interest in family reunification” (UN Human Rights Committee, 2004).

European law

Under European Law, the rights of a refugee’s family are regulated by Directive 2003/86/ EC of 22 September 2003 and protected under Article 8 of the European Convention on Human Rights, which affirms that:

- 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.* (Council of the European Union, 2003)

The EU Charter of Fundamental Rights also protects right to family life under Article 7. The EU Qualification Directive (European Union, 2011) maintains that family members of a person under international protection are entitled to claim the benefits of protection as well, and that member states “shall ensure that family unity can be maintained” (European Union, 2011, Article 23).

Despite this apparently strong international legal framework, in the Netherlands, less than a third (32% in 2015, 27% in 2016 and 29% in 2017) of Eritrean applications for family reunification are generally accepted (compared to an acceptance rate of 78% for Syrians in 2017)

(Sterckx & Fesshazion, 2018). This data is in apparent contradiction with EU Qualifications Directive Article 23 and the Directive 2003/86/EC, which stresses the need to establish more favourable conditions for refugees, taking into account their reasons for fleeing:

Special attention should be paid to the situation of refugees on account of the reasons which obliged them to flee their country and prevent them from leading a normal family life there. More favourable conditions should therefore be laid down for the exercise of their right to family reunification. (Council of the European Union, 2003)

Under the European framework, the national legislation of each member state sets out the conditions under which family reunification can take place, in accordance with the European Directive's purpose, which is "the creation of socio-cultural stability that facilitates the integration of third-country nationals in the Member States, on the other hand allowing economic and social cohesion, a fundamental objective of the Community, to be promoted in the Treaty" (Council of the European Union, 2003; see also: European Union Agency for Fundamental Rights, n.d.). According to the Directive, non-EU citizens who legally reside in EU member states can apply for family reunification for their spouses and underage children. Additionally, member states can allow applications for non-married partners. Article 4(1) of the Directive 2003/86/EC defines the obligation of member states and traces the applicability of the law to the various categories of 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 [...]; (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 [...]. (Council of the European Union, 2003)

The Netherlands

In the Netherlands, family reunification is governed by the Aliens Act 2000 (Ministry of Justice and Security, 2000a), Aliens Decree 2000 (Ministry of Justice and Security, 2000b), Aliens Regulation 2000 (Ministry of Justice and Security, 2000c) and Aliens Act Implementation Guidelines 2000 (Ministry of Justice and Security, 2006). Different procedures exist for refugees and non-refugees, under which there are more strict process requirements for non-refugees. For refugees to benefit from the more lenient process, the applications for family reunification (*'nareis'*) must be filed within three months after the refugee has received asylum, based on their classification as a refugee or beneficiary of subsidiary protection (Section 27, Aliens Act 2000). Either the refugee in the Netherlands (the sponsor), or his or her family member abroad, can file a visa application at the Dutch immigration office in the Netherlands or embassy abroad. The application should be filed within three months, even if the refugee is not currently in touch with their family members, in order to secure the more lenient *nareis* procedure. If the deadline is missed, the refugee has to apply for the regular and much stricter family reunification procedure.

The family members of refugees in the Netherlands who are eligible for family reunification as part of the *nareis* procedure are: partners, underage children, adult children up to around the age of 25 who are part of the core family and are to a larger degree than usual dependent on their parent(s), and the parent(s) of refugees in the Netherlands who are unmarried and younger than 18. In all cases, the family relationship must have existed before the sponsor entered the Netherlands. The partner of a refugee in the Netherlands and his or her sponsor both need to be 18 years or older. They can either be married, civil partners, or unmarried, in which case they need to be in a durable and exclusive relationship. Only one partner can enter the Netherlands by means of family reunification (Article 3.14, Aliens Act 2000). Underage, unaccompanied children can reunite with their parent(s) if they are part of the family and if they are biological, adopted or foster children (Article B7/3.6.4, Aliens Act Implementation Guidelines 2000; Ministry of Justice and Security,

2006). They can only reunite in the Netherlands if they have been part of the family before the sponsor entered the Netherlands (Article C2/4.1, Aliens Act Implementation Guidelines 2000; Ministry of Justice and Security, 2006). Parents of refugees over 18 are not eligible in principle, and have to show that non-reunification would disrupt the existing family structure. In all cases, the family relations have to be proven through official documents. DNA evidence can be used if official documents are not available.

If the procedure is successful, the family members will receive permission to travel to the Netherlands. In order to pick up the visa and to arrange travel for family to the Netherlands, the family members have to report to the closest Dutch Embassy. The family members will receive an asylum residence permit in the Netherlands.

If the application for family reunification is made later than 3 months, it is possible for a refugee to go through the regular procedure for family reunification for those who have not been granted asylum status. The demands under this procedure, however, can be much stricter. Firstly, the sponsor must have sufficient financial resources to support him/herself and his/her family members (Article 3.2, Aliens Act), which means a monthly and gross income of over EUR 1,552. Adult children over 18 are in principle excluded from the procedure, unless it can be shown that children until around the age of 25 are dependent on the family life, for example if they have never lived independently. Through the normal family reunification procedure, the family member must have passed the civic integration examination, regarding a basic knowledge of the Dutch language and of Dutch society, introduced on 15 March 2006 (Ministry of Justice and Security, 2006a); however, for refugees, this condition does not have to be met as long as the refugee still has a temporary residence permit. Other conditions also apply, such as the need for legalisation of documents. Refugees can ask for an exception to these conditions, but it is not given that this will be granted.

Belgium

According to Belgian law (Aliens Act, Belgian government, 1980 - Articles 10, 10bis, 12bis and 13), family members of refugees must apply for a visa for family reunification (*‘gezinshereniging’*) at a Belgian embassy or consulate in the country in which they stay, within a year after their family member in Belgium has been granted asylum based on their classification as refugees or beneficiaries of subsidiary protection. Unlike in the Netherlands, the procedure cannot be started by the refugee in Belgium. After one year, family reunification can still be applied for, but stricter conditions apply to all family members, except for underage unaccompanied refugees. Under these stricter conditions, the applicant must pay EUR 200, have adequate housing for their family, have a sustainable income, and wait at least 12 months. They also need proof of health insurance for their family. In cases where applications for family reunification are filed within 12 months of obtaining an international protection status, but do not have all documents required, the application still falls under the more lenient rules, but in practice this depends on the body processing the application (Myria, 2018). The family members of refugees in Belgium who can apply for family reunification are their partners, underage children, adult handicapped children and, where the refugee in Belgium is underage, his or her parents. Family relations must be proven with documentation (such as marriage certificate, birth certificate, etc.) or when not available, other evidence such as a DNA test.

For married couples and partners in a partnership equivalent to a marriage², applicants and their spouses must be over the age of 18 if their marriage predates the refugee’s arrival in Belgium or over the age of 21 if they get married after that. A second category for non-married couples is ‘registered’ partners. This refers to couples who have legally registered their partnership abroad³ and can prove this by providing a ‘declaration of legal cohabitation’. Both partners must be

² The Belgian authorities consider partnerships that have been registered in Denmark, Germany, Finland, Iceland, Norway, the UK, and Sweden as equivalent to marriage.

³ However, only few countries have the possibility of registering partnerships.

older than 21 unless they can prove that they cohabited for at least one year before the refugee's arrival in Belgium. In order to prove that their relationship is 'stable and durable' the partners must prove that they legally lived together for at least one year predating the refugee's arrival in Belgium or that they have known each other for at least two years, and that they had frequent contact by phone, post or other communication, and that they met at least three times for at least 45 days in a row within the 2 years before the application for family reunification. Alternatively, if they have a child together, this is also proof of a 'stable and durable' relationship. These partners are also required to live in the same house in Belgium. Belgium does not recognise polygamy, thus allowing family reunification with one partner. However, children from different partners can qualify for family reunification. If the spouses are only married religiously or traditionally, they can apply for family reunification, but the Belgian government will only issue a humanitarian visa, which is different from the visa for the regular family reunification. There may be requirements that need to be met in order to extend the residence permit, such as the requirement to have sufficient income to sustain oneself (Myria, 2018).

Underage, unaccompanied children can join their parent(s) in Belgium on the condition that they will live with their parent(s) in the same house and that they are unmarried. If only one parent lives in Belgium, the child(ren) can join the parent if the parent can prove with a legal document that they have sole custody of the child. If one parent is abroad and the custody of the child is shared, the other spouse has to give written consent that the child may live in Belgium (Ministerial Circular, 2013).

Parents can join their minor child(ren) in Belgium via the family reunification process. Parents of adult refugees in Belgium, can only join by applying for a humanitarian visa. Other family members cannot join their family in Belgium with a family reunification visa, unless a family member has entered Belgium with a family reunification visa and has family members entitled to family

reunification in a fresh family reunification procedure.⁴ Although other family members have the possibility to apply for a humanitarian visa, the requirements for a humanitarian visa are stricter than for family reunification and the issuing of the visa is at the Belgian immigration office's discretion. Applicants need to provide a criminal record certificate, pay EUR 350 in administrative fees (except where the applicant is underage), and their sponsors must prove that they have sufficient living space to accommodate the applicant and that they have health insurance covering themselves and their family members who want to enter Belgium. The issuing of a humanitarian visa can take substantially longer than a visa for family reunification.

Before being able to apply for family reunification, a family member who wishes to live in Belgium must sign a declaration stating that he or she accepts the values and norms of Belgian society and pledges to act in accordance with them. When the application for family reunion is done within the year, the refugee does not face additional conditions that normally apply, such as stable income, adequate housing and a 12-month waiting time. If the application is late, these conditions do apply. After arriving in Belgium, family members must also show that they are willing to integrate and participate in integration classes. Furthermore, the Belgian government only allows the entrance of family members who are not a danger to public health and public safety.

Constraints on family reunification

Although European and the national legislation of EU member states recognise the right to family reunification, it is clear that obstacles and irregularities persist. In addition, from the testimonies of refugees and from other evidence obtained, it is obvious that the process for family reunification for refugee or migrant families differs between member states.

⁴ This is possible when an underage refugee in Belgium has reunited with their parent(s), who in turn can have their other children apply for family reunification.

The story of Haile and Sophia

Haile's case is a perfect illustration of the problems that may occur in a family reunification procedure. He was granted asylum three months after his arrival in the Netherlands (Haile, interview with Hagenberg, face-to-face, Netherlands, 16 November 2018). The Dutch immigration authorities had informed him about the legal possibility of family reunification during the interview for his asylum request and what documents to provide. Vluchtelingenwerk, a Dutch NGO, helped him during this long and slow process. He was asked to bring the official birth certificates of his children and a marriage certificate; however, he and his wife did not have any government-issued documents in Eritrea. Instead, his wife sent a church marriage certificate and baptism certificates for the children. The Dutch Immigration and Naturalisation Service instructed Haile's family to go to Ethiopia or Sudan in order to visit a Dutch embassy, because there is no Dutch embassy in Eritrea. However, the Eritrean border was closed at the time and it was illegal for Eritreans to leave the country without special permission from the government. Consequently, his wife and his three children tried to cross the border to Sudan, but were captured and imprisoned in Afabet by the Eritrean authorities (Haile, interview with Hagenberg, face-to-face, Netherlands, 16 November 2018).

In prison, Haile's wife was harshly treated and threatened that the consequences would be severe if she tried to flee again. Once she and the children were released, she informed Haile that she could not take the risk to leave the country again (Stocker, 2018). Haile's 16-year-old daughter, Sophia, then decided to flee without her mother and two siblings. She reached Sudan, but was then captured and extorted for ransom. Haile was phoned by two men, who demanded payment of USD 5,000 for her release. Haile was severely stressed. He spoke to his daughter briefly on the phone and took down phone numbers of those phoning him with threats to pressure him to pay the ransom (photograph and communication available, Stocker, 2018). He tried three times to report the situation to the Dutch police, who refused to take his report on the grounds that the extortion was taking place in Sudan, disregarding the fact that it was the father, who was legally

residing in the Netherlands, who was being extorted. The police also disregarded information sent by Haile that the police had a legal obligation to accept the report of the extortion (as per Articles 163 (6) and 165 (1) of the Dutch Criminal Code) (Stocker, 2018).

Through friends, his Eritrean network in the Netherlands and Belgium, and through the church, Haile found assistance to pay the ransom. The ransom was paid into a Dutch bank account, and no police report was made of the transaction. In another communication, the police stated that they would connect him to the department of 'human trafficking', but no follow up communication was received (Stocker, 2018).

Meanwhile, Sophia was first admitted to a hospital in Khartoum and then went underground, in fear of further abductions. She did not get access to the Dutch consulate in Khartoum. In the Netherlands, Haile requested family reunification for Sophia as she was now in Sudan, and his wife and other two children were too anxious to travel out of Eritrea. This was refused on the grounds that the earlier application involved the entire family and, therefore, the case of Sophia could not be processed without the entire group. Subsequently, a new request was made. It was then communicated that approval of the mother was needed, but she could not process a formal document with the required certification, as this certification could not be done in Eritrea and the mother was too fearful to leave Eritrea. So, Haile received formal notice that the family-reunification would not be approved (Stocker, 2018).

Contact was taken up with the Embassy in Khartoum, to explain the impossibility of the proposed procedure. The authorities then decided that given the circumstance the approval of the mother would not be required and that the father could process the documents – and this just for Sophia. The family reunification for the mother and other two children was now formally refused. Sophia gained access to the Dutch consulate in Khartoum (Stocker, 2018).

The authorities then suggested that proof was needed that Sophia was the biological daughter of the father (in the Netherlands). To this end, it was decided that a DNA test was needed, which proved Haile was indeed the father (Stocker, 2018). Sophia was cleared just after her 18th birthday to come to the Netherlands, and granted a visa for family reunification, based on the application before her 18th birthday. She boarded a plane, with a stop in Dubai, where she was refused entry on the next plane to the Netherlands as authorities did not accept the papers she carried. For two nights, Sophia stayed at the airport without any money. Urgent interventions from by the Dutch embassy in Khartoum and officials in the Netherlands finally helped clear the situation. A day later, she finally arrived in the Netherlands where she now lives with Haile (Stocker, 2018).

Since the moment of Sophia's extortion for ransom, over a period of more than two years, a large range of actors invested their time and energy to move this single case forward. This included the exchange of dozens of emails, phone calls and other communication, involving Vluchtelingenwerk, the Dutch immigration authorities, local Dutch police, the Dutch embassy in Sudan, experts, lawyers and concerned individuals. Only through direct follow up with the embassy and extensive explanation could the case be moved forward.

In relation to this case, the following main constraints were observed: lack of clear information on, and understanding of, the process; complex, dangerous and onerous requirements, which were not feasible within the actual situation; inability to collect documents; the absence of diplomatic relations and communication between the host and home country; and discretionary and unjustified practices, by host and home country authorities. These problems are investigated in the ensuing sections.

Lack of understanding of the process

In the context of the family reunification procedure, the first problem faced by refugees is lack of understanding of the procedures, including the importance of documents and deadlines, in the host country, and within the European Union (EU) in general. This is

compounded by the legislative and procedural divergence of EU member states in family reunification matters from the EU's principles and treaties:

Family law is the competence of EU countries, and EU rules apply only in cross-border cases. [...] Although family law remains the competence of EU countries, the EU can legislate on family law if there are cross-border implications. A special legislative procedure is in place for such situations: all EU countries have to agree (unanimity) and the European Parliament must be consulted. (European Commission, n.d.)

As well as lack of information, lack of understanding of family reunification procedures causes administrative problems that can prevent reunification. Refugees or migrants are largely unaware of European and national laws when they arrive. This unawareness may prejudice the refugee/migrant and his family, particularly if they miss the time limit for applications (which for the more lenient procedure is only three months after asylum status has been granted in the Netherlands). A smooth and timely procedure is, therefore, largely dependent on adequate support for the refugee, in the form of a knowledgeable lawyer, NGO, case worker or other individual. If such support is not sufficiently present, or communication between the support person and the refugee is not successful, it is practically impossible for a newly-arrived refugee to complete the procedure successfully.

As part of this research, we asked respondents about their awareness of the family reunification procedure. The respondents (with the exception of Haile) all had no knowledge of the possibility of, and legal requirements for, family reunification in the host country. A lawyer explained that the common practice of issuing a leaflet in Tigrinya upon granting asylum seems to have stopped in the Netherlands as of 2015. This leaflet, issued pre-2015, contained information on the rights and obligations of the refugees. Three of the interviewees stated that their first priority had been their personal safety, one of whom had fled directly from prison. All of the refugees intended on seeing their families again, even though they did not

know how or when this would happen. Mebrahtu, an Eritrean refugee, said: “I primarily fled for my security. I wasn’t even thinking of my family when I fled. Only about my own security” (Mebrahtu, interview with Hagenberg, face-to-face, Amsterdam, 9 November 2018).

Fleeing Eritrea, which has a shoot-to-kill policy at the border and whose citizens cannot travel freely within the country or across the border, is a very dangerous task. It can also endanger family members left behind, who, by association are fined and sometimes punished for the flight of their relatives (Van Reisen & Mawere, 2017). The first concern for refugees is their own safety during the flight and how to cope with the consequences of flight. The idea of family reunification and family reunification policies is rarely, if ever, considered at that stage. For instance, respondent, Yohannes, said that he had no intention of going to Belgium specifically before leaving Eritrea. This statement is reflective of the general situation among Eritrean refugees (Yohannes, interview with Hagenberg, face-to-face, Gent, 17 November 2018) (Van Reisen & Mawere, 2017). From the interviews of Berends (2019) in the Netherlands, the same conclusion emerged. For instance, one person responded the following to the question of whether the Netherlands was his intended destination:

No, my plan to reach a safe country. Not good Italy. Some friends told me Italy is not good. Some friends told me is better in the Netherlands. From Libya, when we stayed there, they said, no, don't stay in Italy. Go maybe France or Belgium or... other refugees told me. But I chose the Netherlands, I don't know. (Participant 3, interview with Berends, face-to-face, Lutteleest, 7 June 2019).

The concern of refugees for family members left behind in Eritrea is agonising. Knowing the difficulties faced by family members left behind increases feelings of worry and guilt. Refugees continue to assist their families back home as well as they can, often facing severe difficulties and challenges, including the imprisonment of family members as punishment for their own flight (MT, personal communication with Van Reisen, WhatsApp, 2 July 2019). Every so often a picture of the family back home emerges in conversations

with Eritrean refugees and their body language expresses the emotional hardship they are going through. Not knowing how to adequately support their families and the uncertainty of the possibility to unite with them, can cause severe stress (Berends, 2019). This stress can contribute to feelings of depression, which can have a severe impact on the daily life and integration process of refugees. Examples of this can be found in the research of Berends (2019). One interviewee expressed:

It is a worry, it is difficult to... I am here and in Eritrea they [family] are in National Service – over 18 years you are waiting for National Service. It is difficult and I think about my family a lot. I think a lot. Sometimes when I want to sleep I think a lot. (Participant 9, interview with Berends, face-to-face, Luttelgeest, 7 June 2019)

Another interviewee stated: “I am depressed too much. I do not want to be with someone [alone]; I feel some loneliness”. She indicates that because of this: “I do not want to attend the class at all. Because I do not feel well. I do attend class, but just my body is present, but my mind absent” (Participant 7, interview with Berends, face-to-face Luttelgeest, 6 June 2019).

More refugees experience this struggle:

I worry too much. Sometimes I cannot sleep, it is getting a bit better every day. Sometimes when I am in Dutch class I do not understand what the teacher is saying, even when it is in English, there are just too many things in my head. Still I try very hard to learn Dutch. (Participant 10, interview with Berends, face-to-face, Luttelgeest, 7 June 2019)

Another example is Haile, 34, who fled Eritrea in 2014 and now lives in the Netherlands.⁵ He left his wife and his three children behind in

⁵ Haile’s story is presented above as the main case study in this research, for which interviews were conducted with him, his support person in the Netherlands, and with the people involved in the case in Sudan. The case study is further based on in-depth analysis of the email correspondence and other communications

Eritrea because he was concerned about his own safety after he had been forced to serve in the national army for 11 years. He did not plan to leave his family forever and hoped to find a way to be reunited with them. However, before fleeing, he had no idea that in the Netherlands he could apply for family reunification and how the whole process worked (Haile, interview with Hagenberg, face-to-face, Netherlands, 16 November 2018). A lawyer contacted for this research also indicated that Eritrean clients often did not realise that there would not be a second chance if they did not apply for family reunification in time.

A report by the NGO network European Council on Refugees and Exiles (ECRE) states that support for family reunification or access to information on the process for family members abroad is almost non-existent. This is especially true in the case of Belgium, where family members have to apply at an embassy abroad. “The obligation to apply from abroad means that family members may not be able to access reliable information or find adequate support for the procedure. Often family members are in countries where such support simply does not exist” (ECRE, 2014, p. 22). This report also claims that diplomatic establishments (embassies and consulates) do not “have the competence or the resources to inform and assist applicants”. According to the report, basic information such as where an application can be made, the opening hours of the embassy or consulate, its contact details, and so forth are missing and “constitute barriers to accessing the procedure” (ECRE, 2014, p. 22).

During the interviews, four respondents expected their families, i.e. their spouses and children, to be able to come to the host country rather easily, after being informed about the possibility of family reunification. Dan, a refugee living in Israel, had high hopes of moving to the Netherlands, to join his family (Dan, questionnaire administered by Hagenberg, 7 November 2018). Tedesse initially believed that the Belgian government would assist him to bring his

concerning this case between the different actors involved, resulting in a detailed time-line of events, actions taken and analysis of actors involved (Stocker, 2018).

family to Belgium (Tedesse, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018). These initial hopes were replaced with frustration as the process seemed set up to fail. They all shared their deep disappointment in the family reunification processes in Europe. Some interviewees in the Netherlands expected that, once granted a status, their family could come immediately. It is expressed as top priority for most, but the details and amount of time the process takes are not known. For instance, an interviewee stated: “after a year I really want to go to my mother in Sudan. She can come to the Netherlands, my mother” (Participant 6, interview with Berends, face-to-face, Luttelgeest, 5 June 2019).

Onerous family reunification requirements

Family reunification is a long and tough process. Refugees often have to wait for years before seeing their families, even if they have been granted asylum seeker status. According to ECRE (2014), the family reunification process is difficult and strenuous. Theoretically, refugees and migrants benefit from international and European protection with regard to family reunification. However, they have to deal with member states’ laws and procedures, as the member states have a margin of freedom to apply European legislation on family reunification, especially in relation to what proof of family relations is required. The report of ECRE lists several national hindrances to family reunification: timing issues, lack of clear information and legal advice, and the financial implications of the process. Expenses include fees for translation and verification of documents, visa and embassy fees, and the cost of staying in the host/home country or a third country (ECRE, 2014). When regular documentation is not available, the procedure in both the Netherlands and Belgium is to offer a DNA test. In the Netherlands, the costs of this are covered if offered by the Dutch Immigration and Naturalisation Service if the test results have confirmed the family relation, but in Belgium, the costs are carried by the refugees and are EUR 200 for every person that must be tested. As a result of such fees, family members can end up spending thousands of euros to have their family reunited.

Tedesse and Yohannes, two of the interviewees who took part in this research, stated that they had encountered high costs during the family reunification process in Belgium. They were both with their families in Sudan originally. They did not know that there was no Belgian embassy in Sudan, so when they learnt that the Belgian embassy was involved in the process, Yohannes sent his wife to Uganda, which cost him USD 800. After his request for family reunification was denied, he could not afford to pay EUR 1,000 for a private lawyer and his public lawyer failed to appeal the decision, making a formal mistake in the procedure (Yohannes, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018). Tedesse stated that he faced substantial financial constraints, as he had to pay EUR 180 for the processing fee at the Belgian embassy in Khartoum while he was unemployed and rent for his family in Sudan (Tedesse, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018).

Some official documents (like the visa) represent a significant cost for refugees and family members: for instance, the Belgian embassy requires EUR 180 per person for each visa application for family reunification (Myria, n.d.). In the Netherlands, translation costs for documents must be paid. If the application for family reunification is late, the costs for family reunification through the regular process increase, as the Dutch Immigration and Naturalisation Service states that applicants “must pay the fees when [they] submit the application. If [they] do not pay the fees, the IND [Dutch Immigration and Naturalisation Service] will not process [the] application. [Applicants] will not be refunded your money if the application is turned down” (Immigration and Naturalisation Service, n.d.).

Another problematic aspect is the difference between the European legislation and national legal systems. It is noted by ECRE that countries’ proceedings are “complex and not always adequate”, because of the legal inconsistencies between member states (ECRE,

2014, p. 12). According to the report, the Belgian procedure is long and tedious:

A decision on an application for a family reunification visa generally takes six months after submission of the file to the embassy. This is the legally fixed term within which a decision must be taken. This term can be prolonged twice by three months at a time if there is a need for DNA testing (which takes up to eight weeks), or a perceived need for investigating the authenticity of the marriage. The time needed to prepare the file prior to submission should also be considered (collection of documents, getting an appointment with the Embassy, reaching the Embassy, gathering the necessary funds, etc.). There is a different procedure for reunification with “other” family members, who must obtain a humanitarian visa for which there is no time limit on the decision. In addition, appeals against refusals may take several years. (ECRE, 2014, p. 12)

In addition, the deadline for a government to make a decision on the procedure, normally nine months, can be extended under ‘exceptional circumstances’, such as in cases where the proving of family relations is more complex, which can cause undue delays (ECRE, 2014). This is especially true for Eritrean refugees, who often face trouble in obtaining official documents, as addressed in the next part of the chapter.

Hence, it is clear that the complexity of the process, the lack of information, and the intricacies of free legal assistance can seriously obstruct the (timely) reunification of a family.

Inability to collect documents

Applicants for family reunification in Belgium and the Netherlands need to prove their status and family ties to the authorities, which in theory seems to be an easy task, but can be difficult in practice. Papers and documents from their home country have to be collected and handed over to the host country’s embassy. However, this process may be impossible, especially when the issuing of original documents or issuance of information required is dependent on an oppressive or uncooperative state, or when the EU member state is in conflict with the country of origin – or not represented diplomatically – or even

when an administrative delay arises. In the case of Eritrea, the necessary documents often have never been created or issued. In this case, documents have to be issued from scratch. Family members in Eritrea are often afraid of going to the authorities to request documents. These barriers diminish the chances of reuniting a family.

The report by ECRE explains how difficult or even impossible it can be for refugees to obtain official documents from their national authorities, notably because of the political instability, fear of persecution, conflict or violence. The report states that:

It is often difficult or even impossible for refugees and family members to obtain the necessary official documents from their national authorities. This may be due to the fear of persecution which has originally led the family to leave the country of origin. Family members may also already be in a third country when they apply, and therefore unable to go back to the country they fled because of ongoing conflict and violence. (ECRE, 2014, p. 17)

Citizens of Eritrea often avoid dealing with the government out of fear of persecution. For example, a lawyer contacted for the research indicated that it was common knowledge for Eritrean girls to avoid getting an identity card, as they did not need it and it requires registration at the central government, which would result in recruitment into the indefinite National Service. For many other official documents, Eritreans also did not see the need to obtain them as they often served no purpose for them in Eritrea. As a result, the high level of importance placed on documents by the Dutch and Belgian governments can lead to misunderstandings with Eritrean refugees who are not used to this.

ID cards or passports are documents that are often required, both for family reunification and for primary asylum claims. In the Netherlands, one case studied for this research showed that the Dutch government pointed to the legal requirement in Eritrea to possess an ID card. However, for reasons such as the one mentioned above, some people do not have one. In addition, in October 2014, Eritrea announced it would retire the old ID card and would

implement a new one; however, it seems that these ID cards are often not issued in practice. A document which can be used to prove the identity of an Eritrean refugee is the ‘family residence card’. On this document, the names of any children are mentioned with the personal ID card number of the parent following letters, such as ‘B’ or ‘C’, indicating that the child never possessed an individual ID card. This can be used by lawyers to prove that indeed, despite the official requirement to possess an ID card, especially young Eritreans may never have possessed one.

Official documentation

When asked about the family reunification’s application, all respondents said that the compiling of documents was a major obstacle. None of the interviewees knew which documents were required before entering the Netherlands or Belgium. As possessions are hard to protect during the journey, most individuals do not take anything with them; thus, documentation needs to come from within Eritrea. Both the marriage certificates for the spouses and the birth certificates for the children are problematic for immigration authorities, because they are issued by the Eritrean Church and not by the official Eritrean State.

Eritrean law recognises customary law, which is described in great detail (see, for instance Hagos, 2014), as well as the Eritrean civil code. According to Hagos “Customary laws are deeply engraved and embedded in the mind and soul of the Eritrean people. The majority of the Eritrean society has been applying customary legal frameworks in daily life and in dispute resolution” (Hagos, 2014, p. 4). Customary law recognises the differences among different ethnic populations within Eritrea. In addition to customary law, the Civil Code is a recognised legal framework. Within the pluralistic legal system of Eritrea, a number of forms of marriage are recognised. The Civil Code stipulates that a marriage contract is valid once it is in written form and attested by two witnesses (guarantors) each for the bride and groom (Hagos, 2014, p. 121). However, according to Hagos, traditional or customary marriage is the most frequent type of marriage (Hagos, 2014, p. 139):

Every traditionally marriage must be solemnized through clergies, save the Nara and the Kunama ethnic groups practices. The traditional marriage is often accompanied under a temporarily made grass shelter. The groom, accompanied with friends, family members and kin, attend the wedding ceremony performed in the bride's home or a permanent residence. The families of the bride and groom, seated facing each other, conduct the marriage ceremony that includes blessings, appointment of guarantor, settlement for account of expenses, dowry and finally, either a written or an oral marriage contract is performed. (Hagos, 2014, pp. 139–140, referring to the Customary Codes of the Sahel)

Hagos adds that: “The Civil Code and customary codes expressly stipulate a contract of marriage may be concluded according to the prevailing tradition or custom” (Hagos, 2014, p. 140). In situations of distress or emergency the customary code also foresees a ‘silent marriage’ which is not written in official record (Hagos, 2014, pp. 141–142).

In relation to paternity, the Civil Code recognises maternal filiation from the sole fact of birth and paternal filiation based on the presumption that the father of a child conceived or born in wedlock is the husband of its mother (Hagos, 2014, p. 199). Other instances are described in detail by the Civil Code and under customary law. The provisions do not require a child to be registered at birth.

Haile and Mebrahtu, both residing in the Netherlands, had initially left their families behind in Eritrea. Their relatives were asked to send their Eritrean marriage certificates and children's birth registration and certificates to the Dutch authorities (in one case, official birth certificates, in the other a certificate of baptism) (Haile, interview with Hagenberg, face-to-face, Netherlands, 16 November 2018; Mebrahtu, interview with Hagenberg, face-to-face, Amsterdam, Netherlands, 9 November 2018). Most Eritreans do not register the birth of their child with the authorities, because they already have a baptism certificate. According to the respondents, the making of a baptism certificate is easier than the official national birth certificate: it is indeed signed by the parents (sometimes only by the mothers when fathers are conscripted) and the priest (Mebrahtu, interview

with Hagenberg, face-to-face, Amsterdam, 9 November 2018). However, Dutch and Belgian authorities demand official birth certificates. Concerning the certificates, one of the respondents said “the [Belgian] embassy cannot accept [the Church certificate], so I have to legalise it with the government of Eritrea” (Tedesse, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018). However, another option exists if a child was born in the hospital in Eritrea, where it would usually receive a ‘growth chart and vaccination booklet’ or ‘child health and growth promotion card’. This document essentially fulfils all requirements for a formal birth certificate, as it carries the name of the child, which includes the names of the father and grandfather due to the Eritrean naming system, and the name of the mother, as well as date and place of birth.

The requirement of a certificate and other official documents from the Eritrean State puts undue pressure on applicants, especially given the repression by the State, which is the cause of refugees fleeing their country, and the role of Eritrea’s diplomatic missions in exercising control over the refugee communities abroad (Buysse, *et al.*, 2017). The presumption that refugees will be assisted by diplomatic missions is, therefore, unreasonable and can be a cause of harm to the applicants (Buysse *et al.*, 2017).

Other procedural inconsistencies have been identified as causing delays or thwarting family reunification processes; for example, the wrong spelling or transposition/translation of a name can jeopardise the process. Dan, a family reunification sponsor living in Israel, only had a copy of his son’s baptism certificate and the date of birth of his son. However, the name given to his son did not match the information the Dutch authorities had. An erroneous date of birth could not be corrected and this was the end of his family reunification procedure (Dan, questionnaire prepared by Hagenberg, 7 November 2018).

Inconsistent requirements

While there are a range of similar challenges faced by Eritrean applicants for family reunification in Belgium and the Netherlands, it

is interesting to note the differences in documents required by the two countries. Table 16.1 lists the documents required by the Dutch or Belgian authorities regarding family reunification, with the commonalities between the Belgium and the Dutch system indicated in bold font.

Table 16.1. Comparison of documents required for family reunification in Belgium and the Netherlands

Belgium	The Netherlands
<p>Every family member has to provide the following main documents:</p> <ul style="list-style-type: none"> - A valid travel document (national passport or equivalent) - The visa application form (duly completed and signed) and recent identity photographs - A birth certificate: For spouse, registered partner, minor children and children aged 18 or over with a disability - The marriage certificate or proof of partnership along with proof of a lasting relationship (such as pictures) - For minor children reuniting with one parent, a copy of judgment of sole custody is required, or declaration of consent of the other parent 	<p>Documents must prove family ties and fulfil the admission requirements; in the case of a family reunification application within three months of obtaining status (<i>nareis</i> procedure); examples of evidence include:</p> <ul style="list-style-type: none"> - A copy of passport of sponsor and those of the family member or relative - The marriage certificate or certificate of registered partnership - An unmarried status declaration for children between 15–25 years of age - Documents that demonstrate parental custody (in case of a divorce) or a declaration of consent from the parent remaining behind - A translated birth certificate (this is also necessary in order to register in the Municipal

<p>for the child to travel to Belgium.</p> <ul style="list-style-type: none"> - A copy of sponsor's residence permit in Belgium and a copy of the decision granting refugee status or subsidiary protection status - A medical certificate no more than six months old, obtained from a physician designated by the Belgian embassy or consulate <p>Other documents may be requested if the Belgian government requests them. This can include, for example, an extract proving the applicant does not have criminal record or an equivalent document (if you are aged 18 or over), which is normally not required in the case of refugees.</p>	<p>Personal Records Database in the Netherlands)</p> <ul style="list-style-type: none"> - A declaration from all family members over 15 that they do not have a criminal record
<p>Note: The highlighted text indicates the common requirements between the Netherlands and Belgium concerning the family reunification process. Requirements may differ in some circumstances. Source: For Belgium, see Myria (n.d.); for the Netherlands, see Immigration and Naturalisation Service (n.d.)</p>	

This comparison of required documents not only shows the lack of consistency of procedures within Europe, more importantly, the differences undermine any logical justification for the need for one or other of the documents. The differences in systems seem to be arbitrary and it is argued that if it is impractical (or harmful) to prove family bonds in one way, acceptable alternatives should be considered.

Once the required documents are collected, the procedure is still not finished. The documents need to be legalised in the case of Belgium (that is, verified and signed) by the foreign government and the host country embassy. This step creates yet another hurdle for refugees in Belgium.

There are a multitude of problems with the documents required for the procedure. Firstly, there appears to be a wide difference between what documents are needed in the context of the procedures in Belgium and the Netherlands. In addition, the documents required may not fit the actual circumstance in Eritrea: they may not be available due to the severe repression in the country and, if available, officials may have to be bribed to obtain them, which undermines the reliability and relevance of these documents to ascertain a situation. Hence, the procedures may be over-relying on documents that carry limited meaning for Eritreans, or may even have been dangerous to obtain in Eritrea. This is a serious problem, particularly when people need to come to an embassy outside Eritrea to verify documents, as such travel from Eritrea is not allowed and the border is heavily guarded. The need to obtain formal documents from embassies or consulates of the Eritrean government puts refugees fleeing Eritrea in further danger (Buysse *et al.*, 2017). Eritrean embassies abroad furthermore require most Eritreans to sign a regret form and pay 2% of their income as tax in order to obtain consular services, as will be elaborated on later in the chapter (Buysse *et al.*, 2017).

Absence of diplomatic relations

Sometimes, EU member states are not represented in the country of origin of the refugee or the refugee's family. Because of war and conflict in certain regions of the world, especially in Africa, some countries have closed their embassy or consulate in certain countries. Where diplomatic services are not available, some embassies in neighbouring countries offer to deliver the visas, but refuse to initiate the application; others limit access to the embassy and forbid non-nationals from entry; or others still only deal with people holding a visa or passport (ECRE, 2014). The absence of diplomatic representation between countries is a major obstacle. These technical

and administrative gaps in consular services have a direct impact on people and can hinder the start of the family reunification process.

Yohannes and Tedesse explained the problems they had because that there is no Belgian or Dutch embassy in Eritrea and that their families had to go to another country to contact the Belgian or Dutch embassies (Yohannes and Tedesse, interview with Hagenberg, face-to-face, Gent, 17 November 2018). In order to prove their family relationship, nationals have to obtain certificates from their country of origin and send them to the host country. However, as explained earlier, most Eritreans only have a baptismal certificate and no official birth certificate. One of the interviewees said: “You have to give [the baptismal certificate] to the [Eritrean] embassy in Khartoum and they can send it to Asmara or somewhere, I don’t know” (Tedesse, interview with Hagenberg, face-to-face, Gent, 17 November 2018). Others said they were given the choice to make use of consular services either in Egypt, Ethiopia or Uganda, but all of this carried considerable risks to their safety.

In Haile’s case, the absence of a Dutch or Belgian embassy in Eritrea had two effects: First, Haile and his family were unable to retrieve the necessary certificates in their own country and the Dutch government services urged them to travel to a neighbouring country with a Dutch representative office in order to make an application. Second, by compelling them to go to Sudan or Ethiopia, the Dutch authorities inadvertently encouraged Haile’s family to cross the border illegally putting his wife and children, in a dangerous situation. In the end, Haile’s wife and children were imprisoned and threatened and Haile’s daughter Sophia (16) was abducted and extorted for ransom (Haile, interview Hagenberg, face-to-face, Netherlands, 16 November 2018; Case study, NS, 8 June 2018). Hence, it is clear that requirements concerning official documents pose are a real danger to refugees and their families. As families have to cross the border in order to make the application or to arrange the DNA test in case documentation does not suffice, returning to Eritrea for any missing documents is not possible.

In Belgium, the process to start family reunification needs to be done by the family in the country in which they stay, which for Eritrean refugees means travelling to a third country. The need to be near an embassy may also extend the refugee's time in a third country, which is expensive as well as potentially dangerous. This causes further stress to the applicant of family reunification in the host country, as they know the dangers present on the journey that the family face (Berends, 2019). In addition, issues concerning travel documents can present a problem for refugees and their families. The ECRE report states that: "Belgian authorities deliver a 'laissez-passer' to family members who are in a third country and cannot obtain a passport" (ECRE, 2014, p. 18). However, in order to obtain a laissez-passer, Eritreans have to already be in a third country, which means that they have to escape the country in order to travel onwards. Legal exit is not possible as all exits are dependent on government authorisation and are generally not available to families of people who have fled the country, as they are seen as traitors and defectors and their families punished by association (see also, Van Reisen & Mawere, 2017).

Discretionary or unjustified practices

While asylum seekers or refugees may seek international protection in the EU, their family members still in the country of origin (in war zones, camps or other unsafe environments) often experience great insecurity. Indeed, the members of a family may be "exposed to retaliation from the authorities as a consequence of the refugee's flight" (ECRE, 2014, p. 21). According to the report by ECRE and the testimonies of respondents to this study, family separation exposes relatives, in particular children, women or the elderly people, to great vulnerability. This is exacerbated by the fact that embassies or consulates have full authority to accept or refuse an application for family reunification: "Through recent restrictions in legislation EU Member States have shifted the administrative burden of family reunification procedures to family members abroad" (ECRE, 2014, p. 21).

This quotation highlights that embassies and consulates have become the main place for family reunification proceedings, where the

presence of family members is required. Interviews with the authorities concerning the private life of married or unmarried people, DNA tests and official registration are performed by the embassies, with varying degrees of appropriateness and respect for privacy, according to the testimonies of the respondents. It is important to stress that both the applicant in the host country and family members residing abroad have to deal with embassy related issues in the host and home countries.

Many of our respondents mentioned the fear instilled in them by the local authorities, especially by the Eritrean forces, when they tried to go to another country's embassy. Mebrahtu, recounted that the Eritrean security forces visited his wife after he had escaped from prison, to ask her about her husband's intentions:

During my escape from 2013–2015 we talked on the phone, but she didn't tell me she was being persecuted. We didn't talk about her escape because we feared the Eritrean security service. When I left, they asked her many times where I was. (Mebrahtu, interview with Hagenberg, face-to-face, Amsterdam, 9 November 2018)

Moreover, our research shows that the Eritrean document release process is not comparable with the administrative process of a European member state. Mebrahtu and Tedesse stated that many Eritreans do not possess a passport and that the process of obtaining one is difficult, as covered in the previous section. However, Mebrahtu received an identity document because he had a good relationship with his superior in the army, who helped him to get a clearance that he had completed National Service. This allowed him to get a privileged access to official documents:

I was able to obtain a clearance that I did my duties well, so I had gotten an ID. [...] Not everybody has a marriage certificate from the municipality. If you have a clearance that you fulfil your duties, you get that document. (Mebrahtu, interview with Hagenberg, face-to-face, Amsterdam, 9 November 2018)

As part of family reunification, Mebrahtu was told that his wife, who was still in Eritrea, was asked by the Eritrean embassy to pay money and sign a regret form – admitting guilt and accepting punishment for him leaving Eritrea without completing the National Service – in order to obtain official documents from the state.

As the DSP-Groep Amsterdam and Tilburg University specified in its report, family members who are seeking to leave the country must obtain an ID card. To that end, they need to pay the 2% tax set up by the regime, even if they have a passport issued by the host country. An ID card is, therefore, only available if nationals sign a regret form, otherwise, they will not have access to administrative, legal or consular services (Buysse *et al.*, 2017). The report states that:

The 2% Tax is collected as a critical part of a system of surveillance, with specific references to coercion in view of mental and social pressure, extortion, intimidation, fraud and/or blackmail. The specific organisation and modalities relate specifically to the diaspora, but also involves family members by association. (Buysse et al., 2017, p. 11)

Tedesse's wife started the four-to-five-month long process for a passport at the Eritrean embassy in Khartoum, and finally received an Eritrean passport for herself and her son, which the embassy of Khartoum rejected at first (Tedesse, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018). Yohannes, another refugee dwelling in Belgium, applied for family reunification with his wife who initially also resided in Sudan. They had lived together and had gotten married in Sudan. However, he stated it was not possible to register their marriage with the Sudanese authorities (Yohannes, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018).

Lack of alternatives to documentation

As already stated, host countries and embassies sometimes have problems adapting to the documents issued by the home country. Moreover, host administrations do not always recognise official documents that are considered to be legitimised by state institutions

(such as the Church for instance). ECRE (2014) stresses that the family reunification process is frequently threatened:

The documents required (birth, marriage or fostering certificates) might be impossible to get either because the administrations in countries of origin do not provide such documents or because of the impossibility to return or even contact the relevant administration for safety reasons. Although Article 11 of the Directive stresses that Member States have the obligation to take “other” evidence into account when applicants are unable to provide official documents, in practice there are few procedural safeguards to ensure applications are not rejected on the basis of an absence of official documentation. (ECRE, 2014, p. 23)

Indeed, Article 11, paragraph 2 of the EU Directive on family reunification states that if:

[...] a refugee cannot provide official documentary evidence of the family relationship, the Member States shall take into account other evidence, to be assessed in accordance with national law, of the existence of such relationship. A decision rejecting an application may not be based solely on the fact that documentary evidence is lacking. (Council of the European Union, 2003)

In a 2014 communication from the European Commission and European Parliament, the discretion of member states was further clarified (European Commission, 2014). It stated that, although right to family reunification must be respected, the member states were granted a margin of appreciation when applying the rules in their own justice system.

They may decide to extend the right to family reunification to family members other than the spouse and minor children. MSs [member states] may make the exercise of the right to family reunification subject to compliance with certain requirements if the Directive allows this. They retain a certain margin of appreciation to verify whether requirements determined by the Directive are met and for weighing the competing interests of the individual and the community as a whole [...], in each factual situation. (European Commission, 2014)

This clearly shows that the acceptance and admissibility of documents, pieces of evidence – and, therefore, the launch of the procedure – depends on the goodwill of states and their administrations, especially in absence of official documents. According to the testimonies, it is clear that family reunification can be thwarted by the services of the host country. Original marriage certificates of the country of origin can be rejected or not recognised by EU member states, so that the sponsor and his/her spouse have no chance of having their case heard, despite other evidence proving a marital relationship.

National authorities of host countries, such as Belgium and the Netherlands, seem to ignore the Directive's criteria. Hence, this unawareness leads to ineptitude, which often leads to misconduct. Indeed, this study found that consular services may ask intrusive questions and for private information from the sponsors and their family members. For instance, about the couple's life or information concerning biological or non-biological children can be required:

Consulates and embassies may impose certain requirements on family members that are neither compatible with the Directive nor with their own national legislation. Practitioners report discrepancies and a lack of transparency in how embassies and consulates interpret and apply the rules for family reunification. They also point to misinformation and requests for documents which are not in fact necessary in the context of the family reunification procedure. This can lead to significant delays and additional costs for family members or even rejections. (ECRE, 2014, p. 22)

A March 2019 preliminary ruling by the European Court of Justice underlines that a rejection of a decision based on absence of official documentation is not in line with the Directive (European Court of Justice, 2019). In this decision, the Court ruled on the rejection of family reunification in the case of an Eritrean aunt and alleged guardian of a minor residing in a third country. The rejection of family reunification by the Netherlands was based on the absence of official documentation. However, the Court stated that the absence of official documentation cannot be the sole reason for rejection of the application, as was done in this case, “without taking into

consideration the specific circumstances of the sponsor and the minor and the particular difficulties they have encountered, according to their testimony, before and after fleeing their country of origin” (European Court of Justice, 2019).

In the case of Yohannes, it is apparent that the Belgian authorities (e.g., the police) exceeded the limits of discretion, by asking him about his wife, his sex life and to provide photographs of his wedding, which he refused to do. He said that the police in Gent made him feel uncomfortable. According to his statement, the police were investigating whether his marriage was a marriage of convenience or not and ultimately denied his request for family reunification. The interviews conducted for this study show that this also happened to three other Eritrean refugees (Yohannes, interview with Hagenberg, face-to-face, Gent, 17 November 2018).

In accordance with the testimonies of refugees, authorities and embassies from Belgium and the Netherlands did not support them and did not understand their situation sufficiently. Haile said:

They didn't understand me, otherwise it would not have taken such a long time. My daughter wasn't safe while she was kidnapped. Nobody understood me except my Dutch friend. They asked for too many documents that were impossible for me to get. (Haile, interview with Hagenberg, face-to-face, Netherlands, 16 November 2018)

This process was also complicated for Tedesse, who needed to find a house in Belgium, without any support from the authorities and without any money. He complained that the embassy failed to provide him with proper information and did not respond to his calls under the pretext they were busy. In several cases the person on the phone did not speak English, but answered when someone translated his requests into Dutch (Tedesse, interview with Hagenberg, face-to-face, Gent, Belgium, 17 November 2018).

As for Yohannes, whose pictures with his wife were rejected by the Belgian authorities, his social worker in Belgium told him that the

final decision for family reunification was made by the embassy in Uganda, advising him to contact the embassy online. However, the embassy was unable to help him with the process and assigned the responsibility to Brussels:

I don't know who decides. I asked the Belgian embassy of Uganda for the decision. So I travelled to Uganda to the embassy to ask and they said the decision has actually come from Brussels, and I don't know how. (Yohannes, interview with Hagenberg, face-to-face, Gent, 17 November 2018)

Concerning Haile, as the kidnappers held his daughter captive in Sudan and asked for USD 5,000 in ransom. He went to the police station giving all the evidence he had (contact, telephone number and photos) (Stocker, 2018). However, the police did not take any action, indicating that they could not register a report or a complaint because the legislation only applies to the Netherlands territory and/or to Dutch citizens, although, articles 163 (6) and 165 (1) of the Dutch Criminal Code states that the police are obliged to receive the report or complaint. Moreover, although Sophia was in Sudan, her father was being extorted in the Netherlands. The criterion of territoriality was, therefore, met, but not applied in practice (Stocker, 2018).

Conclusion

Those who flee Eritrea, often do so in extremely difficult circumstances and without consideration of what they may need later on. As they flee, the first objective is to reach safety. It is sometimes only after a long and arduous journey across the Mediterranean Sea that the refugees decide (voluntarily or not) to seek asylum in Europe. It is only then that the refugees turn their mind to the family reunification process.

Although the right to family reunification is available *de jure*, the lack of understanding of the process by refugees and the inflexibility of the systems for reunification to accommodate the realities that dictate what is possible for refugees, make it very difficult for Eritrean refugees to realise this right. Indeed, this research found many

obstacles to family reunification: lack of clear information on, and understanding of, the process; complex and onerous requirements; inability to collect documents; the absence of diplomatic relations and communication between host and home countries; and discretionary and unjustified practices by host and home country authorities. These obstacles highlight the direct and indirect impact of state and government policies on refugees and their families. For the researchers, who are not legal experts, the requirements and procedures are often confusing. Refugees who come from traumatic situations and who do not speak the language, however, are expected to quickly understand what steps they need to take. This illustrates that successfully completing the process of family reunification is highly dependent on support available from lawyers, case workers and NGOs. This adds a strong element of arbitrariness to the process and undermines the sense of justice. The case of Haile and Sophia illustrates that the procedures may be inadequate for individual cases, which can cause such cases to become time-consuming processes involving multiple experts, support staff, and other individuals in the legal and diplomatic procedures. The rigid regulations, therefore, do not help to improve the legal processes, but undermine them. This is detrimental to the right of family unity.

This regrettable state of affairs is not without consequence. This study confirms findings by Berends (2019) that family fragmentation causes stress and frustrates integration. This study found that the complications around family reunification further compound the stress of refugees. There is also reason for considerable concern that the requirements set by authorities are causing the relatives of refugees to undertake dangerous journeys, including crossings borders illegally, making payments for unobtainable documents and other actions, such as the signing of the regret form and payment of the 2% tax to seek the help of the Eritrean embassy to provide required documents.

Improving access to, and communication with, the embassies of EU member states is vital and remains an essential point of reform. At the same time, EU member state authorities should provide

institutional support to refugees whose family members are at risk abroad. Access to the judicial system, as well as a psychological help, should be provided for refugees. The cooperation of the authorities with applicants for family reunification would facilitate understanding of the process and could prevent abuse and indifference on the part of reception services.

Considering the cultural, political and bureaucratic contrast between 'here' and 'there', it is clear that an inter-state homogenisation of procedures is impossible. However, immigration authorities should accept alternative forms of identification (such as Catholic or Orthodox baptismal certificates), as originally provided for in the 2003 Directive, free of charge, or at least at a lower cost, given that the cost of travel (i.e., airfare, passport and visa) is very high for a refugee and their family members and refer to available in-depth written knowledge of legal procedures and customary law, such as for instance documented by Hagos (2014). Also, a reassessment of the information systems and pressure tactics used by the police or law enforcement agencies is recommended, in order to avoid situations that are particularly humiliating and degrading for applicants and their families. It is important not to confuse decency (i.e., defending privacy) with opposition and resistance to the authorities, meaning that a refugee's silence does not necessarily mean that he/she is unwilling to comply with requirements for family reunification. Instead, questions should be limited to non-invasive questions in order to ensure that the refugee's right to privacy and family life is respected.

Finally, the legal and legislative framework for family reunification, as laid down in European law, should also be reviewed. In practice, the right to family unity is far from protected. As the European law on the issue is a Directive, member states are free to adapt and implement the objectives set out. Thus, member states have a considerable margin of discretion on certain essential provisions of the Directive, allowing them to interpret the conditions and implementation of family reunification as they see fit. Our research indicates that this discretion has been consistently used to establish

more restrictive conditions. In 2014, the implementation and harmonisation of the Directive was the subject of a specific communication from the Commission European Commission (Commission European Commission, 2014) and the recent ruling by the European Court of Justice (2019) illustrates that countries are obliged to rely on more than just official documents. But despite these efforts, the protection of the right to family unity is far from being coordinated between EU member states. The reform of the Directive, the removal of administrative obstacles, the curtailing of abuse of power by executive services, and the easing of conflicting relations between the administration and services from one country to another appear to be necessary for the optimisation of the family reunification process.

References

- Arendt, H. (1958). *The origins of totalitarianism*. Cleveland, OH: Meridian Books, World Publishing Company.
- Berends, E. (2019). *Expectations travel beyond borders. The role of expectations in the integration process of Eritrean refugees in the Netherlands*. Master's thesis, Tilburg University.
- Belgian Government. (1980) Officiëuze Coordinatie van de wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen. Available from: https://emnbelgium.be/sites/default/files/publications/vreemdeling_enwet.pdf (accessed 17 September 2019).
- Ministerial Circular. (15 December 2013). Omzendbrief betreffende de toepassing van de artikelen van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, wat betreft de voorwaarden totgezinshereniging, die door het Grondwettelijk Hof in het arrestnr. 121/2013 van 26 september 2013 geïnterpreteerd werden. Ed. 5. Available from: <https://dofi.ibz.be/sites/dvzoe/NL/Documents/20131213.pdf> (accessed 4 September 2019).
- Buysse, W., Van Reisen, M., & Soomeren, P. (2017). *The 2% tax for Eritreans in the diaspora: Study on the levying and collection of the tax in seven European countries*. Brussels: DSP-Groep & Tilburg University. Available from: <https://www.dsp-groep.eu/projecten/the-2-pct-tax-for-eritreans-in-the-diaspora/> (accessed 25 July 2019).

- Council of Europe. (n.d.). Ensuring family reunification for refugees in Europe. Available from: <https://www.coe.int/en/web/commissioner/family-reunification%20> (accessed 7 May 2019).
- Council of the European Union. (22 September 2003). *Council Directive 2003/86/ EC on the right to family reunification*. Available from: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32003L0086> (accessed 25 July 2019).
- ECRE. (November 2014). *Disrupted flight: The realities of separated refugee families in the EU*. European Council on Refugees and Exiles. Available from: <https://www.refworld.org/docid/58514a054.html> (accessed 29 July 2019).
- European Migration Network. (2016). *EMN synthesis report for the EMN focussed study 2016. Family reunification of third-country nationals in the EU plus Norway: National practices*. The Netherlands: European Commission, pp. 4—43. Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_synthesis_report_final_en_print_ready_0.pdf (accessed 7 May 2019).
- European Commission. (March 2014). *Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification*. Available from: http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com%282014%290210_/com_com%282014%290210_en.pdf (accessed 25 July 2019).
- European Commission. (n.d.). Overview of family matters. International families. Available from: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/civil-justice/family-law/overview-family-matters_en (accessed 7 May 2019).
- European Court of Justice. (March 2019). *E. v Staatssecretaris van Veiligheid en Justitie (C-635/17) (request for preliminary ruling)*. ECLI:EU:C:2019:192. Available from: <http://curia.europa.eu/juris/document/document.jsf?docid=211670&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=4966459> (accessed 28 August 2019).
- European Union. (2011). Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011. Available from: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF> (accessed 17 September 2019).
- European Union Agency for Fundamental Rights. (n.d.). Family reunification procedures. Available from: <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/family-reunification> (6 May 2019).
- Hagos, M. B. (2014). *Customary versus modern laws of Eritrea on gender equality*. Atlas Graphic Printers.

- Immigration and Naturalisation Service. (April 2019). *Enabling a family-member or relative to come to the Netherlands*. The Netherlands: Ministry of Justice and Security.
- Immigration and Naturalisation Service. (n.d.). Lack of documentary evidence. Immigration and Naturalisation Service, Ministry of Justice and Security, the Netherlands. Available from: <https://ind.nl/en/Pages/Lack-of-documentary-evidence.aspx> (accessed 6 May 2019).
- Lagarde, P. (25 April 2014). *Un droit européen de la famille : bilan et perspectives*. Salzbourg.
- Ministry of Justice and Security. (2000a). *Netherlands: Aliens Act 2000*. Available from: <https://wetten.overheid.nl/BWBR0011823/2019-02-27> (accessed 7 September 2019).
- Ministry of Justice and Security. (2000b). *Netherlands: Aliens Decree 2000*. Available from: <https://wetten.overheid.nl/BWBR0011825/2019-07-01> (accessed 9 September 2019).
- Ministry of Justice and Security. (2000c). *Netherlands: Aliens Regulation 2000*. Available from: <https://wetten.overheid.nl/BWBR0012002/2013-02-01/1> (accessed 9 September 2019).
- Ministry of Justice and Security. (2004). *Parliamentary papers II 2003/04, 29 700, no. 3 (Memorie van toelichting)*. Available from: <https://zoek.officielebekendmakingen.nl/kst-29700-3.html> (accessed 7 September 2019).
- Ministry of Justice and Security. (2006). *Aliens Act implementation guidelines 2000*. Available from: <https://wetten.overheid.nl/BWBR0019791/2006-12-01> (accessed 7 September 2019).
- Ministry of Justice and Security. (2006a). *Integration Abroad Act*. Available from: <https://zoek.officielebekendmakingen.nl/stb-2006-28.html> (accessed 14 September 2019).
- Myria. (n.d.). Where to apply and what documents to provide? Federal Migration Centre. Available from: <https://www.myria.be/en/fundamental-rights/family-reunification/child-entry/chapter-2> (accessed 7 May 2019).
- Myria. (January 2018). *Family reunification with beneficiaries of international protection in Belgium*. Brochure of the former Belgian Refugee Council. Available from: <https://www.myria.be/en/publications/brochure-family-reunification-with-beneficiaries-of-international-protection-in-belgium> (accessed 6 May 2019).
- Ong'ayo, A. (2019). *Diaspora organisations, transnational practices and development: Ghanaians in the Netherlands*. PhD thesis, Tilburg University.
- Sterckx, L., & Fessehazion, M. (16 November 2018). *Eritrese statushouders in Nederland*. Available from:

- https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2018/Eritrese_statushouders_in_Nederland (accessed 7 May 2019).
- Stocker, N. (8 June 2018). *Feiten op een rij – gezinshereniging*. Overview of the Case Study.
- UN General Assembly. (10 December 1948). *Universal Declaration of Human Rights*. Available from: <http://www.unhcr.org/refworld/docid/3ae6b3712c.html> (accessed 7 May 2019).
- UN General Assembly. (25 July 1951). *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*. Available from: <https://www.unhcr.org/protection/travaux/40a8a7394/final-act-united-nations-conference-plenipotentiaries-status-refugees-stateless.html> (accessed 25 July 2019).
- UN Human Rights Committee. (16 July 2004). *Benjamin Ngambi and Marie-Louise Nébol v. France*. CCPR/C/81/D/1179/2003. Available from: <https://www.refworld.org/cases,HRC,4162a5a46.html> (accessed 29 July 2019).
- Van Reisen, M., & Estefanos, M. (2017). The exodus from Eritrea and who is benefiting. In: Van Reisen, M., & Mawere, M. (eds), *Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea*. Bamenda, Cameroon: Langaa RPCIG, pp. 95–158.
- Van Reisen, M., & Mawere, M. (eds). (2017). *Human trafficking and trauma in the digital era: The ongoing tragedy of the trade in refugees from Eritrea*. Bamenda, Cameroon: Langaa RPCIG.