

Reuniting Families:

Opportunities
and Challenges
for Refugees in
Turkey



REFUGEE SOLIDARITY
NETWORK

Refugee
Rights
Turkey

Mülteci
Hakları
Merkezi

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Executive Summary

Forced migration takes a heavy toll on families, frequently separating parents from their children, siblings from their siblings, and spouses from their loved ones. With refugee families often spread across various international borders, the difficulty and complexity of reuniting such families often inhibits advocates from offering assistance. However, family reunification plays a critical role in realizing and repairing the right to family unity, and oftentimes represents the only viable durable solution for refugees whose families have been separated.

This report analyzes family reunification opportunities and practicalities in one of the world's largest refugee hosting contexts: Turkey. The report's in-depth examination allows for the identification of a number of important observations and lessons learned, highlighting the complexities involved in providing support for such cases and illuminating opportunities to improve protection outcomes and reduce barriers to accessing the right to family reunification.

Derived from first-hand experience and analysis, RRT and RSN call on stakeholders to consider a number of recommendations that, if implemented, will facilitate greater access to family unity for refugees and the forcibly displaced. In addition to proposing these concrete recommendations, the report aims more broadly to contribute to discussions on support for refugee host communities and mechanisms for international responsibility-sharing by highlighting the critical role that family reunification can play as a durable solution to forced displacement.



Recommendations for Turkish Lawmakers & Authorities

- COORDINATE WITH CONSULATES ON FACILITATION OF DOCUMENTS & STREAMLINING PROCEDURES
- PROACTIVELY TRACE, IDENTIFY AND INITIATE FAMILY REUNIFICATION PROCEDURES
- PROVIDE UAMS ACCESS TO INTERNATIONAL PROTECTION REGISTRATION



Recommendations for Lawmakers and Authorities in Countries of Destination

- MAKE INFORMATION ON FAMILY REUNIFICATION PROCEDURES AND COMPLEMENTARY PATHWAYS ACCESSIBLE TO RELEVANT INTERNATIONAL STAKEHOLDERS
- REASSESS ELIGIBILITY REQUIREMENTS FOR UAMS
- FACILITATE AND EXPEDITE REUNIFICATION OF MINORS WITH THEIR FAMILY MEMBERS
- EXTEND THE DEFINITION OF FAMILY BEYOND THE NUCLEAR FAMILY
- REDUCE BARRIERS TO ACCESSING TRAVEL DOCUMENTATION



Recommendations for Donors and International Organizations

- PROVIDE FUNDING FOR ORGANIZATIONS SUPPORTING FAMILY REUNIFICATION
- CONTINUE TO RAISE AWARENESS OF THE RIGHT TO FAMILY REUNIFICATION
- SUPPORT FUNDING OF TESTING AND ASSESSMENTS REQUIRED FOR FAMILY REUNIFICATION

Glossary of Terms

TERM	DEFINITION
Beneficiary	Within the context of this report, the term 'beneficiary' refers to the individual with a request for family reunification with a sponsor residing in a country outside of Turkey.
Convention refugee	In Turkey, the term (convention) refugee refers to the legal status conferred upon individuals who meet the criteria laid out under the Geneva Convention on the Status of Refugees, are nationals of a European state and have fled events taking place in Europe.
Conditional refugee (şartlı mülteci)	In Turkey, the term conditional refugee refers to the protection status conferred upon individuals who meet the criteria laid out under the Geneva Convention on the Status of Refugees yet are not citizens of European states fleeing conflict in Europe. Due to the Turkish state's geographical limitation reservation to the Refugee Convention, such individuals are only eligible to be conferred the status of 'conditional refugee' and are granted a limited set of rights and entitlements in Turkey while they await long-term resettlement in a third country.
Country of Origin	The country in which an individual was born or originally migrated/fled from.
Destination Country	The country outside of Turkey in which an individual seeks to be reunited with their family member(s).
Exit Permit (çıkış izni)	'Exit permit' refers to the procedures by which local Provincial Directorates of Migration Management (PDMMS) permit a foreigner's legal leave from Turkey. In the case of unregistered individuals and persons under temporary protection and international protection, these procedures may involve the lifting of the relevant administrative code in the Presidency of Migration Management (PMM) system and the issuance of a travel document, if necessary.
Family Reunification/ Family Reunion	The process through which a member or members of a family unit living in separate countries are provided the necessary travel documentation to join one another and take up residence

in the country of residence of one of the family members.

Within the context of this report, ‘family reunification’ refers exclusively to applications lodged by a family member with the goal of facilitating the departure from Turkey of an individual living there for the purposes of rejoining their family member/ members residing outside of Turkey.

International protection (uluslararası koruma)

In Turkey, international protection refers to the administrative and legislative protection regime under which individuals from all countries other than Syria may seek and enjoy asylum in Turkey. International protection requests are evaluated on the basis of the applicant’s individualized fear of persecution, and individuals who are granted international protection status are considered to be refugees or conditional refugees, depending on their country of origin.

Protection Status

‘Protection status’ refers to the legal status conferred upon a sponsor or beneficiary under any protection regime which recognizes their right to legally remain in their country of residence and to benefit from access to other basic rights and services.

Within the context of sponsors living outside of Turkey, the most common protection statuses are refugee, subsidiary and temporary protection. Among beneficiaries in Turkey, temporary protection status holder (for Syrian nationals), conditional refugee, and subsidiary protection are the most common protection statuses.

Sponsor

The family member of a beneficiary who resides in the destination country and submits a family reunification application for the consideration of the authorities of their country of residence.

Subsidiary protection (ikincil koruma)

The term subsidiary protection refers to the international protection status granted to individuals who are not deemed to meet the criteria for recognition as a refugee or conditional refugee, yet who would face the death penalty, torture or cruel and inhumane treatment, or risk of death due to generalized violent conflict if returned to their country of origin, and are therefore not eligible for deportation. As such, subsidiary protection is among the forms of international protection status that individuals may be afforded under Turkish legislation.

Temporary protection (geçici koruma)

As per Law No: 6458 on Foreigners and International Protection (LFIP), temporary protection is a type of protection that may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and

have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection. The Turkish government declared temporary protection for Syrians who arrived in Turkey after April 2011, due to war and armed conflict in Syria. Temporary protection beneficiaries in Turkey can benefit from access to basic rights and services and protections from refoulement to Syria.

Outside of Turkey, temporary protection may refer to any type of protective regime established as an immediate solution to situations of mass influx of individuals with international protection needs.

Abbreviations and Acronyms

CRC Convention on the Rights of the Child

FR Family Reunification

IOM International Organization for Migration

IP International Protection

RRT Refugee Rights Turkey

RSN Refugee Solidarity Network

TP Temporary Protection

UAM Unaccompanied Minor

Introduction

The hardships experienced by individuals and communities forcibly displaced from their homes are manifold, yet among the most significant challenges are disruptions to the family unit. Family separation not only has serious and detrimental personal effects but also acts as a significant obstacle to refugees' integration in their new country of residence. In order to address these disruptions, states generally provide avenues for individuals living permanently in their territories to access some form of family reunification (FR).

In light of the critical socio-cultural role of the family, the right to family unity and reunification is among the most significant rights afforded to refugees and migrants enshrined under regional and international law. The concept of 'family unity' is prefaced by the notion that the family is a 'group' unit in which members have a right to live together. Therefore, FR in the country of asylum is a fundamental means of ensuring the sanctity of family unity and life.

In addition to protecting family unity, family reunification can also serve a critical function as a complementary legal pathway, providing protection outside of the conventional mechanisms of asylum and subsidiary protection, which require that individuals be physically present in the territory of the asylum-granting state in order to access these protection schemes. Family reunification also serves as a durable solution where current opportunities are insufficient. In fact, UNHCR has estimated that over 1.47 million individuals are in need of resettlement (as of 2022), yet UNHCR submitted only 79,659 applications and recorded only 49,880 departures from January 2021 to March 2022.¹ This means that UNHCR-brokered resettlement addressed only roughly 5% of global needs, highlighting the critical need to provide access to other complementary pathways to long-term resettlement for forcibly displaced populations.

Finally, FR can play an integral role in international responsibility sharing, particularly by showing solidarity with those states hosting large numbers of refugees. The Global Compact on Refugees underscores the need for the international community



[RRT] helped me a lot. For example, you provided support while applying for the visa and getting a consular appointment. You were always with me. Thank you very much for this... The things I had to do at the airport were very complicated. I don't think I could've managed the exit and check-in process at the airport on my own.

*UAM Afghan
Male, Age 15*

¹ United Nations High Commissioner for Refugees, "Projected Global Resettlement Needs: 2022," 2022, <https://www.unhcr.org/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022-pdf.html>

to work together to alleviate protracted refugee situations and the concentration of refugees in certain locations around the world, including through expanding access to third-country solutions.²

Since 2015, Turkey has been host to the world's largest refugee population, with more than 3.7 million Syrian nationals and over 400,000 other foreign nationals present in the country as of 2022. In addition, Turkey is both a destination and a transit country for mixed migration flows which consist not only of individuals fleeing persecution but also of persons leaving their countries of origin for other reasons including finding more humane and sustainable employment/education possibilities and in order to reunite with family members.

Refugee Rights Turkey (RRT) is a national civil society actor headquartered in Istanbul providing legal assistance and representation to individuals seeking protection in Turkey. Since 2015, RRT has partnered with US-based Refugee Solidarity Network (RSN) for a series of jointly developed and implemented projects that seek to support the implementation of Turkey's legal framework governing migration and asylum, jointly launching the "Center for Refugee Rights" from which RRT provides a majority of its services to refugees in Turkey.³ RSN and RRT's collaboration has allowed the two organizations to also work together more concretely and in a coordinated and strategic manner on select cases and in developing subject matter expertise, including family reunification. Since 2015, RRT has assisted over 5,000 refugees and asylum-seekers in Turkey, mostly regarding various aspects of the Turkish asylum system and access to rights such as healthcare, education,

and legal representation. Although RRT targets its legal assistance on domestic legal procedures mostly, it also has become involved in select instances with procedures aimed at securing long-term, durable solutions outside of Turkey. As part of RRT's specialized services for minors and within the framework of project partnership with RSN, RRT has provided assistance with family reunification procedures to a select group of unaccompanied and separated minors (UAMs). Due to resource limitations, RRT's supports this profile of beneficiary with FR on an exceptional basis, while maintaining an interest in expanding such services for a wider range of beneficiaries. This experience has enabled RRT to build a comprehensive understanding of the process from the vantage point of UAMs residing in Turkey and seeking to be reunited with family members living in destination countries.

As a demonstrative case study, this report outlines the process for UAMs in Turkey to reunify with family members in other countries and analyzes the outcomes of 48 such cases supported by RRT between 2015 and 2022. Through in-depth examination from the viewpoint of a legal service-provider in a major host country, the report seeks to lay out observations and lessons learned, **highlighting the complexities** involved in providing support for such cases while also **identifying opportunities** to improve protection outcomes and reduce barriers to accessing the right to family reunification. In addition to putting forth recommendations to improve access to family reunification, the report seeks to contribute to the broader discussion on **support for refugee host communities and mechanisms for international responsibility-sharing.**

² UNHCR, "The Global Compact on Refugees," The Global Compact on Refugees, accessed May 5, 2022, <https://globalcompactrefugees.org/article/global-compact-refugees>.

³ RSN and RRT's joint cooperation has been supported by a range of donors including the US Department of State Bureau of Population, Refugees and Migration (PRM) and the Tent Foundation, which have support work on the behalf of UAMs and others seeking family reunification.

Methodology

The findings presented in this report are primarily based on an analysis of case notes relaying the experience of RRT's staff in supporting a total of 48 family reunification cases between 2015 and 2022. Slightly more than half (52%) of these beneficiaries were Afghan nationals. The report's conclusions and recommendations are based on the examination of fact patterns which emerged over the course of these 48 instances of assistance, in addition to a review of family reunification procedures and requirements in relevant countries of destination.

A selection of quotes from former FR beneficiaries are included throughout the report; these quotes were not recorded during the time in which cases were being actively reported. Instead, RRT's staff organized interviews in March-April 2022 with former FR beneficiaries who were successfully reunited with their family members with the aim of understanding better, and in their voices, their experiences with the family reunification system.

The Right to Family Reunification under International Law

Refugees' right to family reunification is broadly recognized under the principle of the sanctity of family unity and recognition of the 'family' as a protected social structure.⁴ According to the Universal Declaration of Human Rights of 1948 and the United Nations Covenant on Civil and Political Rights (CCPR) of 1966, "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State."⁵ This universal right applies throughout all phases of displacement, including in detention and during the refugee status determination process.

The right to familial unity is expressed particularly strongly in the Convention on the Rights of the Child (CRC), which explicitly defines in Article 9 the child's right not to be separated from her parents⁶ other than in exceptional circumstances that warrant such separation (e.g., when a child faces parental abuse). In addition to this protection from unwarranted separation of child and parent, Article 10 states that "In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner." In other words, the CRC clearly sets out that states parties are obliged to recognize and safeguard children's right not to be unduly separated from their parents, and further to expeditiously facilitate the reunification of children who have become separated from their parents.

Within the legal frameworks of destination countries, the term 'family' is frequently understood to mean the nuclear family (e.g., spouses and their immediate children), and as a result the concept of 'family reunification' may be conceived of as merely encompassing the process of bringing together separated spouses and/or parents and their children. This narrow understanding of the scope of family and family reunification often results in excessively restrictive frameworks that do not adequately take into account the complexities commonly faced by families subjected to forced migration. For example, among minors who are forced to flee their countries of origin as a result of war and/or persecution, reunification with their siblings or other family members (uncles, aunts, grandparents) may be the only viable option for repairing family life, such as in situations where the minor's parents have lost their lives or are living in countries where it would not be safe for their children to join them.

⁴ For a detailed examination of the right to family life and unity under various international law instruments, see: Frances Nicholson, "The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied" (UNHCR, January 2018), <https://www.unhcr.org/5a8c40ba1.pdf>.

⁵ Frances Nicholson, 2–3.

⁶ As defined in Article 5 of the CRC, the term 'parents' when used in the convention must be broadly interpreted to extend to "the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child".

Legal Framework for Unaccompanied Minor Refugees' Protection in Turkey

In Turkey, the Law on Foreigners and International Protection (LFIP) is the core piece of legislation governing the entry, exit and legal stay of non-citizens. Adopted in 2013, the LFIP represented a crucial step in aligning Turkey's national laws with international and EU legislation on the rights of refugees.⁷ The LFIP first came into force in 2014, and simultaneously serves as the core piece of legislation which sets out the rights of refugees and asylum-seekers, defines asylum application and appeal procedures, in addition to regulating the treatment of individuals subject to detention and/or removal. The LFIP defines the protection regimes under which asylum-seekers in Turkey may apply for protective status: temporary protection (a group-based determination issued via government directive, which to date has only been utilized to provide protection to refugees from Syria) and international protection (available to asylum-seekers from all other countries).

Unaccompanied minors are defined by the LFIP as “children who have arrived in Turkey without the accompaniment of their legally or traditionally responsible adult caregiver, or who have lost contact with their caregiver(s) after having arrived in Turkey, up until they have been placed in the effective care of a responsible person.”

As children with protection needs, Turkish authorities are bound by the principle of the best interest of the child in all interactions with unaccompanied children. In accordance with Turkey's 2005 Child Protection Law,⁸ authorities issue protection and support orders regarding counseling and their access

to education, care, health services, and shelter.⁹ This includes issuing a protective injunction (koruma tedbiri), which establishes the state's custody over an unaccompanied child and orders that they be placed in a youth shelter or under another suitable form of care.

The procedures regarding identification, institutional or foster care and the eventual transition out of institutional care for non-Turkish unaccompanied minors is primarily governed by the Regulations on the Implementation of the LFIP, alongside the Directive on Unaccompanied Children issued by the Ministry of Family and Social Policy General Directorate for Children's Affairs.¹⁰ In accordance with these regulations, unaccompanied children who come to the attention of authorities in Turkey are required to have their status as minors, and whether or not they are living with a parent or other legal guardian, assessed and—if verified—are accommodated in a youth shelter or under foster care and provided with all of the rights and protections laid out in the Child Protection Law.

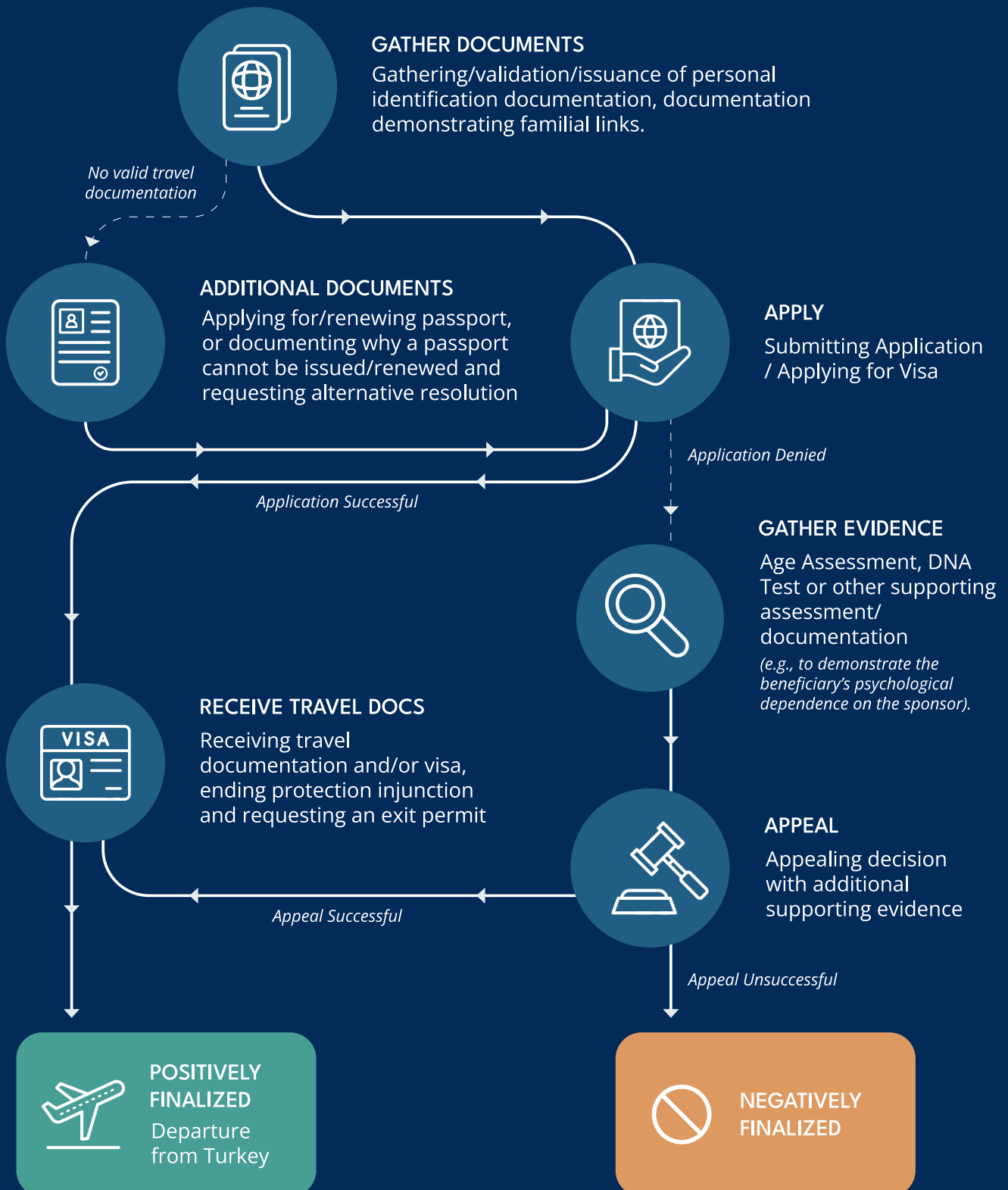
⁷ The Asylum Information Database (AIDA). “Country Report: Turkey,” December 31, 2020. https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf.

⁸ “Çocuk Koruma Kanunu,” Pub. L. No. 25876 (2005), <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5395&MevzuatTur=1&MevzuatTertip=5>.

⁹ “Çocuk Koruma Kanununa Göre Verilen Koruyucu ve Destekleyici Tedbir Kararlarının Uygulanması Hakkında Yönetmelik,” accessed March 16, 2022, <https://cigm.adalet.gov.tr/Resimler/SayfaDokuman/232020113231%C3%87ocuk%20Koruma%20Kanununa%20G%C3%B6re%20Verilen%20Koruyucu%20ve%20Destekleyici%20Tedbir%20Kararlar%C4%B1n%C4%B1n%20Uygulanmas%C4%B1%20Hakk%C4%B1nda%20Y%C3%B6netmelik.pdf>.

¹⁰ Refugee Rights Turkey, “Refakatsiz Çocuklar Yönergesi (20/10/2015),” Avukatlar İçin Mülteci Hukuku Bilgi Platformu, accessed March 10, 2022, <https://multecihukuku.net/ulusal-mevzuat/refakatsiz-cocuklar-yonergesi/>.

Applying for Family Reunification as a UAM in Turkey



Key Procedural Steps

Family reunification is a complex process, and each case presents a unique set of challenges and requirements. The following provides a simplified outline of the major steps involved in a FR case from the perspective of a UAM beneficiary seeking to be reunited with family living in a third country.

The first step towards submitting an application for FR is to gather necessary documentation to prove the legal identity of the prospective beneficiary, and to demonstrate their familial link to the sponsor. These documents typically include national IDs or birth certificates, and depending on the beneficiary's country of origin, they may also require further validation. This is especially the case of Afghan tazkira national IDs, which a number of countries do not consider sufficient documentation in their own right due to concerns with forgery, given that these documents are hand-written.

In some cases, the authorities of countries of destination may also require that the prospective beneficiary prove their relation to the sponsor via a DNA test. Where there is doubt regarding the age of the beneficiary, they may be required to undergo an age assessment. For family reunification cases involving a non-minor beneficiary, a further requirement involves providing evidence of particular economic and/or emotional dependence on their sponsoring family member, in which case additional psychosocial evaluations may also be necessary.

Because most UAMs living in Turkey do not have a valid passport, the next necessary step is typically to either apply for a passport or for the renewal of their passport. Alternatively, it may be necessary to demonstrate to the authorities of the destination country that it is not possible for the beneficiary to receive a passport (e.g., in the case of a stateless individual or a person who fled or fears state persecution), therefore requesting that the destination country issue alternative travel documentation.

While the procedure varies from state to state, applications for family reunification are typically submitted by applying for a family reunification visa on behalf of the

beneficiary via the local consular offices of the destination country.

If the application for family reunification is successful, the beneficiary is issued a visa or other travel documentation allowing them to travel to the country of destination. In cases where the application is denied, the regulations of each country typically provide an opportunity to appeal this decision by supplying additional supporting documentation.

Once the beneficiary has been issued travel documentation, including necessary visas, the Turkish authorities must be informed so that the Children's Court may annul the state's protective injunction, essentially ending state custody over the minor. The Turkish Presidency of Migration Management (PMM) must also issue the beneficiary an exit permit which entitles the permit holder to leave Turkey.

The final stage of the process is to arrange for transportation to the point of departure and to the country of destination.



RRT's Support for FR Requests: The Role of a Legal Assistance Provider

As a legal assistance service-provider, RRT comes into contact with UAM beneficiaries through a number of different activities and engagements with refugee communities. RRT's support in the context of family reunification most commonly begins when an unaccompanied minor beneficiary, who is receiving other services, informs RRT of their desire to be reunited with family members living in a third country, or occasionally when a family member living in a third country reaches out to RRT to request this type of support.

Upon receiving this information, RRT establishes contact with the sponsoring family member in order to outline the basic roles and responsibilities of the parties involved. RRT subsequently gathers the information necessary to initiate procedures in Turkey, such as copies of the sponsor's identification documents and other materials demonstrating the sponsor's relationship to the beneficiary in Turkey.

Due to the conditions under which most UAMs have left their countries of origin, their age at the time of departure, and the reality that many such individuals have faced multiple displacement across multiple countries, RRT's beneficiaries frequently lack identifying documents and/or travel documents such as a passport. As such, a primary function that RRT carries out in FR cases is assistance in validating, renewing or receiving such documentation from the consular offices of the beneficiary's country of origin.¹¹

As UAM beneficiaries are individuals living under the protective custody of the Turkish state, RRT must also serve as a liaison between a network of different actors including: the application sponsor (and any organizations supporting their application),

relevant Turkish authorities including the Presidency of Migration Management and the Ministry of Family and Social Services, and in some cases other supporting actors such as UNHCR/IOM.¹² RRT must inform the authorities of youth shelters about the family reunification process in order to be given permission to accompany beneficiaries to the consular offices of their country of origin and to complete other necessary procedures. In addition, RRT must also frequently coordinate with the relevant Provincial Directorate for Migration Management (PDMM) office to request the issuance of a travel permit enabling the UAM beneficiary to leave the province where their shelter is located in order to attend appointments at consular offices or other service providers. Due to the complexity of family reunification procedures, sponsoring individuals commonly choose to enlist the support of an NGO or private lawyer working in the destination country. In these cases, RRT team serves as a critical liaison and point of contact for such supporting NGOs/lawyers to discuss the necessary procedural steps in both the destination country as well as in Turkey.

This process of gathering documentation, waiting for appointments and interfacing with shelter and migration authorities typically takes many months to complete. For beneficiaries living outside of Istanbul or Ankara where consular offices of destination states are located, RRT must not only assist in applying for travel permits and consular or other appointments at service providers such as hospitals specializing in age assessments or familial DNA testing facilities, but also typically arranges for inter-city transport and local transit and accommodation for the beneficiary.

Once basic identification documents and other supplementary materials are gathered,

¹¹ In some cases where it is not possible or impractical for a personal ID or passport to be acquired, RRT assists in documenting this fact in order to request alternative solutions from the authorities of destination countries.

¹² International organizations and UN agencies often provide support in the form of arranging transportation, consular appointments and/or assisting with the retrieval of documents.

RRT arranges for these documents to be translated into the appropriate language depending on the destination country and to be notarized so that they can be submitted as part of the beneficiary's FR request. In some cases, such as when beneficiaries lack access to a dependable internet connection or struggle to read and understand written instructions for submitting their application, RRT also assists in the application submission process itself.

If the FR application is denied by the destination country and the sponsor wishes to appeal this rejection, RRT continues providing support where additional documentation is required on the part of the beneficiary living in Turkey, for example

by assisting the beneficiary in undergoing a DNA test in cases where the validity of identification documents is called into question, or by arranging for a psychological examination to demonstrate the beneficiary's dependency on the family member(s) with whom they seek to be reunited.

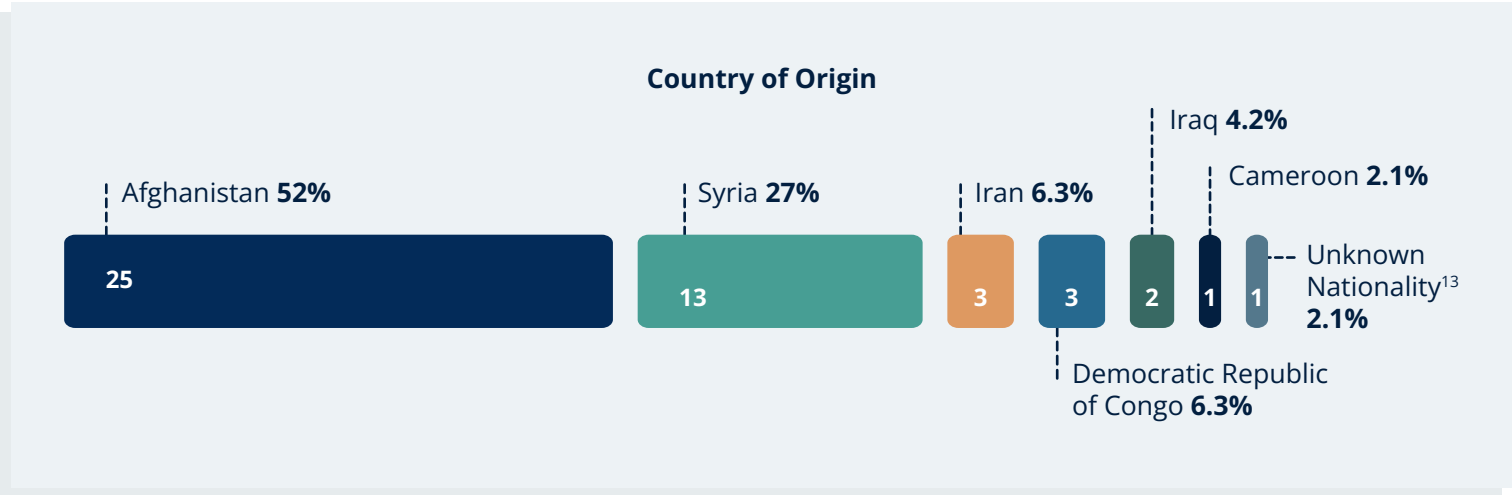
Upon receiving confirmation of a beneficiary's successful FR application from the sponsor, RRT accompanies the beneficiary to the necessary consular appointments to apply for or receive their visa for travel to the destination country and, thereafter, to receive an exit permit from the Turkish authorities authorizing the beneficiary to leave Turkey.



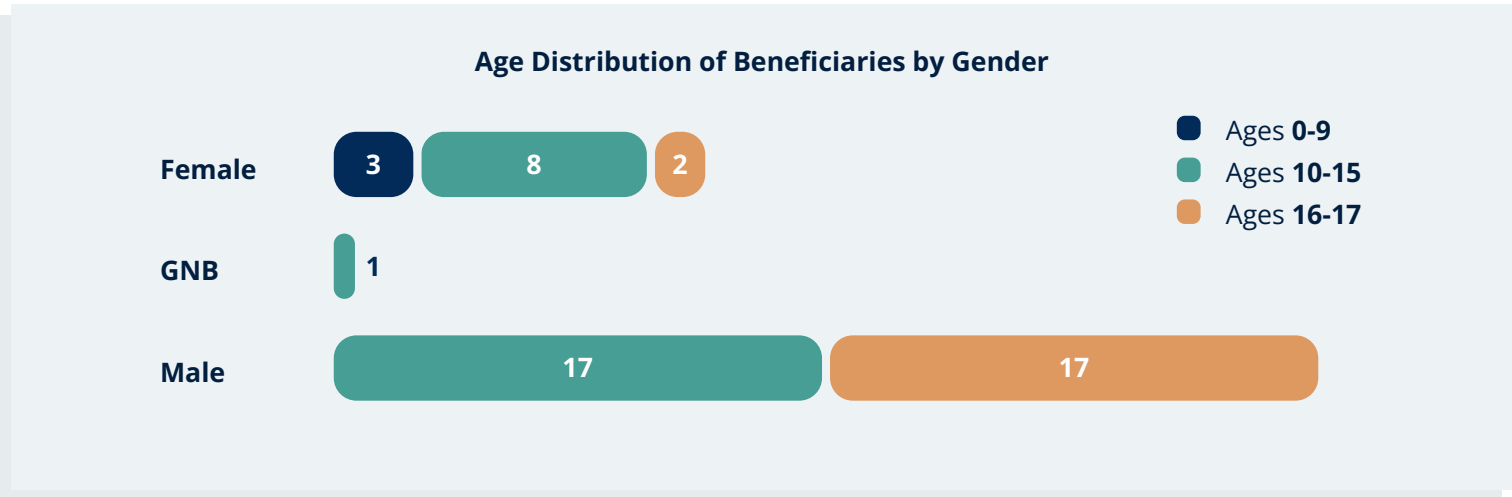
Mahdi was successfully reunited with his brother Reza (names have been changed to protect beneficiary privacy) in Paris after receiving support from RRT.

Summary of Beneficiary Demographics

This report is based on the experience of RRT team supporting a total of 48 family reunification cases between 2015 and 2022. Slightly more than half (52%) of beneficiaries RRT supported with FR were Afghan nationals, generally corresponding to the demographics of all unaccompanied minors who RRT has provided assistance to (including with matters other than family reunification), more than 60% of whom were Afghan nationals.



The majority (34, or 71%) of beneficiaries were males, while 13 female and 1 gender non-binary (GNB) beneficiary also received support from RRT. This too correlates with the overall demographic profile of UAMs in Turkey, the majority of whom are Afghan males.¹⁴

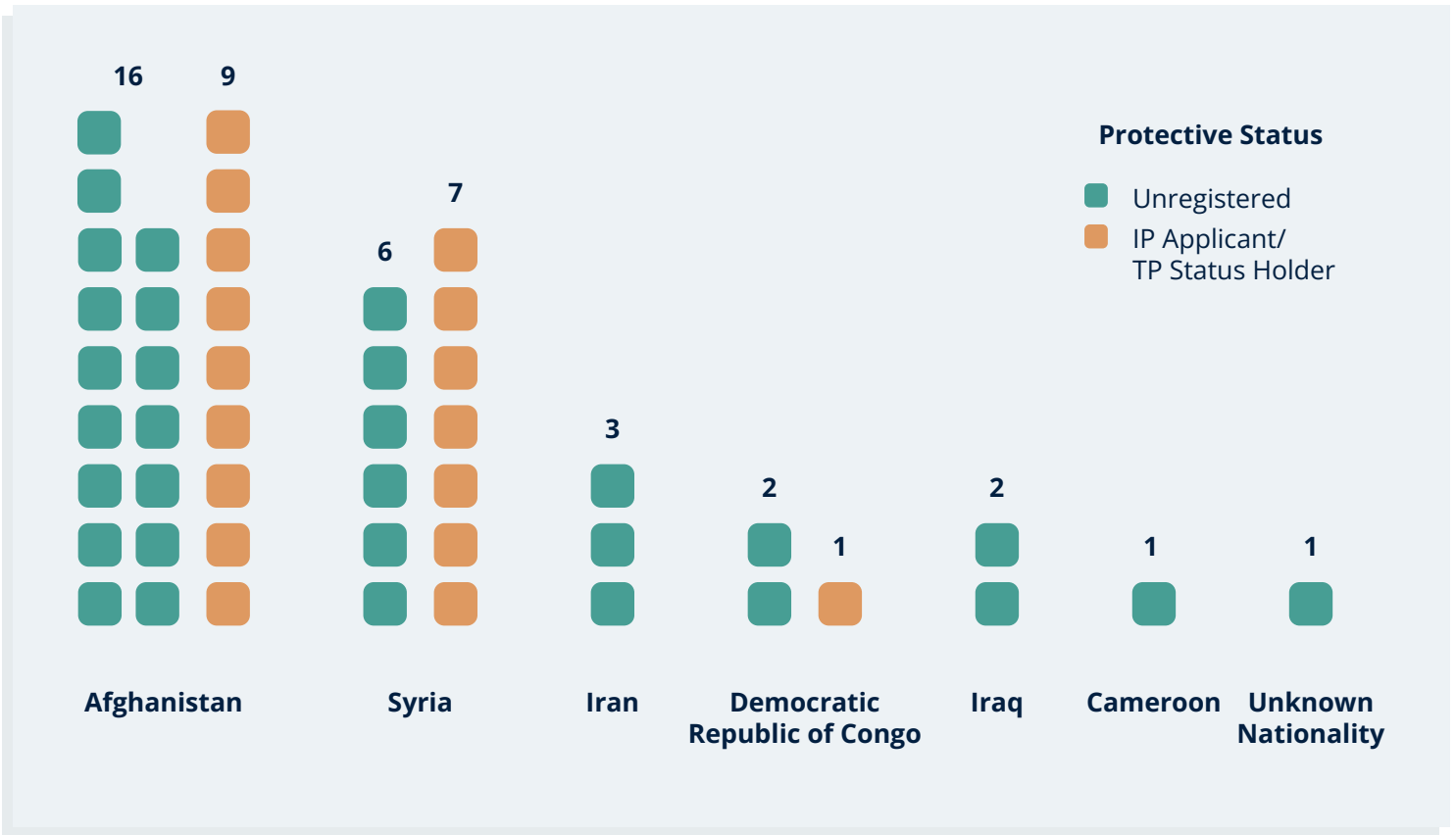


The average age of UAMs who received assistance with FR requests was 14.4; among male beneficiaries, the average age was skewed somewhat higher at 15, compared to 13 among female beneficiaries.

¹³ According to the UNHCR, “the international legal definition of a stateless person is ‘a person who is not considered as a national by any State under the operation of its law.’ In simple terms, this means that a stateless person does not have the nationality of any country. Some people are born stateless, but others become stateless.” “About Statelessness”, UNHCR, <https://www.unhcr.org/ibelong/about-statelessness/>.

¹⁴ European Council on Refugees and Exiles, “Legal Representation of Unaccompanied Children,” Asylum Information Database (blog), January 11, 2022, <https://asylumineurope.org/reports/country/turkey/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>.

Protective Status of Beneficiaries

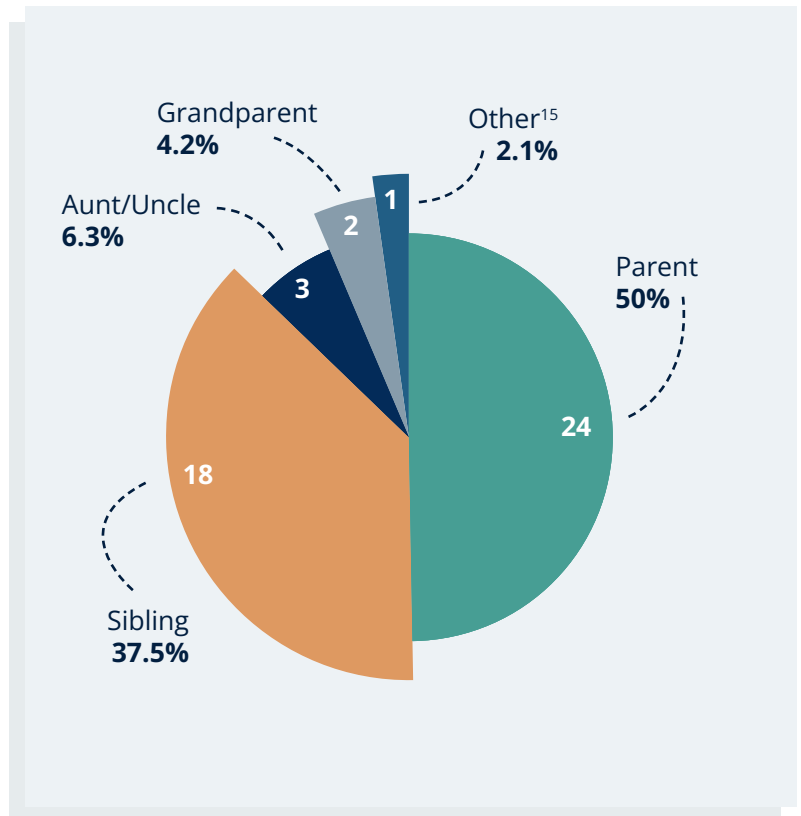


Across all nationalities, the majority of UAM beneficiaries had not been registered under a protective regime in Turkey (whether Temporary Protection in the case of Syrians or International Protection among non-Syrians) at the time they initiated their family reunification requests. This may reflect the fact that a minor identified as an unaccompanied minor can benefit from all rights and services conferred under the Child Protection Law regardless of his or her registration status. In addition, migration authorities in some provinces withhold from registering until minors have they have turned 18, citing concerns that minors would be disadvantaged in communicating their well-founded fear of facing persecution prior to adulthood.

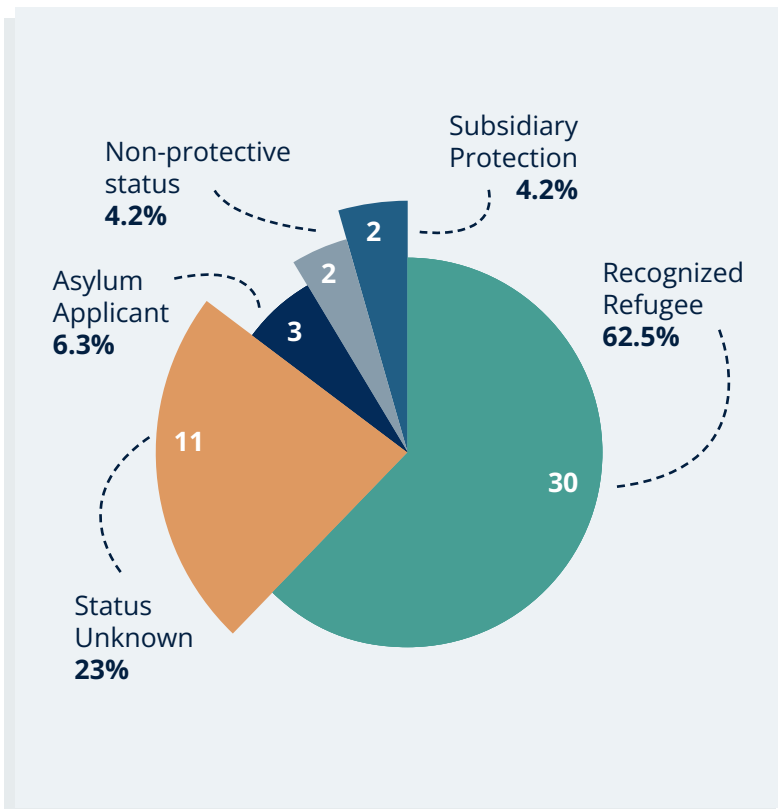
Identification as an unaccompanied minor and being granted protection under the Child Protection Law does not automatically endow minors with any documentation, whereas registration under temporary protection or international protection does. As a result, unregistered unaccompanied minors often do not possess any documentation, whether issued by Turkish authorities or any other authority. From the other side, registration of the international protection application of an unaccompanied minor and the subsequent granting of a status upon individual processing does provide them with an ID document, specifically an International Protection Applicant ID or International Protection Status Holder ID, documents that could be vital for the submission of a family reunification application.

Sponsor Details

In the context of FR, the sponsor is the individual (typically, but not always, a family member of the beneficiary) living in a third country and seeking to be reunited through the issuance of a visa or other travel documentation to the beneficiary living in Turkey for the purposes of leaving Turkey for the country of residence of the sponsor.

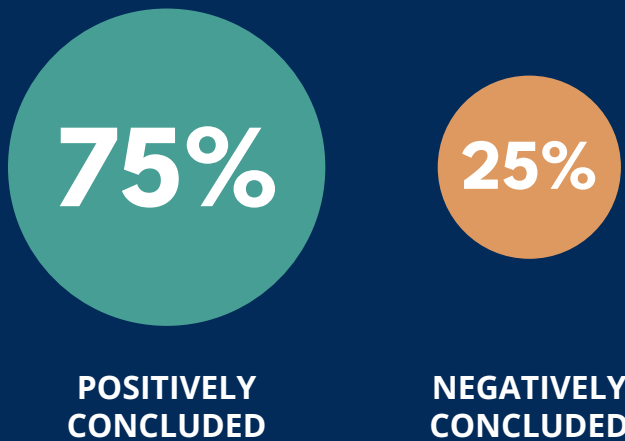


Status of the Sponsor in Country of Residence



¹⁵ One beneficiary's sponsor was a friend of the beneficiary's mother living in Australia. The case file was closed when the beneficiary later decided to withdraw their application.

Summary of Family Reunification Case Outcomes



Among cases that were closed with a finalized outcome,¹⁶ the positivity rate was 75%. In total, eighteen cases resulted in the unaccompanied minor beneficiaries successfully reuniting with family members in countries outside of Turkey. Thirteen beneficiaries joined sponsors living in Germany,¹⁷ two beneficiaries joined sponsors in the United Kingdom, and one beneficiary each joined those living in the Netherlands, Norway and Sweden.

A significant portion of cases (23%) are still pending a final outcome, despite having been initiated on average more than 34 months prior, as of the time of writing. Among successfully finalized cases, the average duration between the date of opening a case with RRT and the beneficiaries' departure was 11 months. It should be noted that many of the cases supported by RRT during the period covered by this report faced additional delays as a result of the COVID19 pandemic and related suspensions of consular activities and international flights, which have contributed to lengthening the average processing timeline for FR requests.

When including both pending cases and those which were closed without a final outcome,¹⁸ the positivity rate for FR cases was 38%.

¹⁶ This includes only cases which were either positively or negatively concluded, and does not include cases which were still pending or were closed for other reasons, such as withdrawal of the application by the beneficiary or loss of contact with the beneficiary.

¹⁷ Two groups of two siblings were included among the 9 total beneficiaries reunited with family in Germany. In these cases, the receiving state's authorities tend to view siblings' applications for reunification as a single file.

¹⁸ These reasons included: RRT losing contact with the beneficiary, the beneficiary having voluntarily left Turkey, the beneficiary withdrawing their family reunification application, and in one case due to criminal proceedings against the beneficiary.

Procedural Issues

The national origin, legal status, and available documentation of the FR beneficiary living in Turkey as well as the legal status and degree of relationship of their sponsor all play an important and interconnected role in determining which procedures must be followed to gather and submit the necessary documentation to complete an FR application.

Most European countries follow similar rules and procedures regarding family reunification framed under the EU Directive on the Right to Family Reunification.¹⁹ However, these guiding documents only provide a set of basic principles, leaving the exact formulation and regulation of family reunification procedures up to each member state's national legislation.

Some of the most common procedural issues experienced by the UAMs covered in this report are elaborated in further detail below.

Issues Regarding the Eligibility of Sponsors and Beneficiaries

Eligibility and requirements for sponsoring the reunification of family members depends on the sponsor's country of residence, and must first be determined before pursuing an FR request. In some countries, individuals receiving subsidiary protection cannot bring family members other than spouses, children (and parents, in the case of an unaccompanied child being the sponsor) or may face additional requirements such as a specified waiting period, while recognized refugees are permitted to bring more distant family members are frequently exempt from such waiting periods.

If the sponsor has not yet been granted permanent stay in their country of residence, state authorities may conclude that the sponsor's future in the country is not guaranteed and that they are therefore ineligible to bring their family members to live with them. In some cases, the sponsor may also be required to demonstrate their ability to provide for themselves and their family members' needs. Insufficient income, not having a permanent job or inadequate living space/ conditions may lead to an application being rejected.

In a number of states, family reunification laws require that the minor beneficiary of a family reunification request be under 18 at the time that the FR decision is issued (rather than when the application is lodged)²⁰. Due to the prolonged waiting and processing times typically encountered during FR requests, RRT observed that many UAMs who

¹⁹ Council of the European Union, "Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification," Refworld, accessed March 17, 2022, <https://www.refworld.org/docid/3f8bb4a10.html>.

²⁰ Council of Europe Commissioner for Human Rights, "Realising the Right to Family Reunification of Refugees in Europe," June 2017, 35–36, <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>.

were closer to 18 when they first initiated FR procedures ultimately “aged out” of eligibility for FR while others, knowing this fact, were dissuaded from pursuing their desire to be reunited with family.²¹ After turning 18, young adult beneficiaries are subsequently unable to qualify for family reunification unless they meet more restrictive eligibility requirements, frequently including that the family members they wish to be reunited with are psychologically and/or economically dependent on them or vice-versa.²² Some countries also impose restrictions based on the supposed capacity of beneficiaries to “successfully integrate” into

the society of the country of destination. For example in some situations, children over the age of 16 wishing to move to Germany to live with a parent are required to prove that they speak elementary German.²³ Others, such as the United Kingdom, further restrict the eligibility of children applying to be reunited with their family member(s) in the UK, requiring that minors “not be leading an independent life” and that these minors “ha[d] been part of the family unit of the refugee or person with humanitarian protection at the time when the refugee fled.”²⁴

Issues Faced in Supporting Beneficiaries Living in Turkey

In some cases, authorities at youth shelters proactively facilitate UAMs’ access to support for their family reunification requests and provide guidance to minors on this issue; however, other times authorities do not systematically inquire as to whether or not a minor has family with whom they might wish to be reunited, instead acting only after receiving such a request from either the minor, their relative wishing to sponsor their request abroad, or a civil societal organization acting on the minor’s behalf.

The requirement of having a valid passport or other accepted travel document in order to leave Turkey and join family members abroad also presents a set of common obstacles for unaccompanied minors, many of whom lack any official documentation from their country of origin. This may be because they never received documentation such as a birth certificate or national ID, or because these documents were damaged, lost or confiscated during their long journey to Turkey.

One issue that RRT staff frequently encountered was that consular authorities of

“The hardest part was waiting. As I got older, I was even more worried. They said I had to go before I turn 18. I was very depressed at that time. I couldn’t work in the city where I was staying because I had trouble with my leg...when I turned 18, I had to leave the shelter and find a home. My financial situation was already bad...I was looking for a house, but the rent was too high. Or I was about to find a house, but the landlords wouldn’t rent to foreigners.”

*UAM Afghan
Male, Age 15*

²¹ Council of Europe Commissioner for Human Rights, “Realising the Right to Family Reunification of Refugees in Europe,” June 2017, 35–36, <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

²² Council of Europe Commissioner for Human Rights, 35–36.

²³ Council of Europe Commissioner for Human Rights, 35–36.

²⁴ Council of Europe Commissioner for Human Rights, 38.

some countries of origin, such as Afghanistan, demand parental consent be given before issuing a passport to a minor. Such demands typically led to complicated and costly coordination with separated parents, or with other family members living abroad. In some cases where the minor's parents were deceased or otherwise unreachable, consular authorities requested documentary proof in the form of death certificates, the written consent of another living relative, or the issuance of a sworn statement of the minor made in the company of two Afghan-national witnesses.

The majority of the cases supported by RRT included direct costs associated with the filing of a family reunification application (such as family reunification visa application fees) as well as incidental costs (including

translation and notarization of documents, shipping costs for the delivery of original documents, transportation and lodging costs for attending appointments), some or all of which were covered by RRT. In some cases, the sponsor of the FR application covered some or all fees, or they received financial support for this purpose from an NGO in their country of residence. IOM also provided some services to support the application efforts of UAMs living in Turkey (for example, by arranging for transportation or IOM-funded DNA testing facilities).²⁵ Especially where the sponsor has limited resources, securing the financial support of an NGO or IO may be the only realistic option to cover these costs, and some individuals may be prevented from realizing their right to family reunification due to these financial barriers.

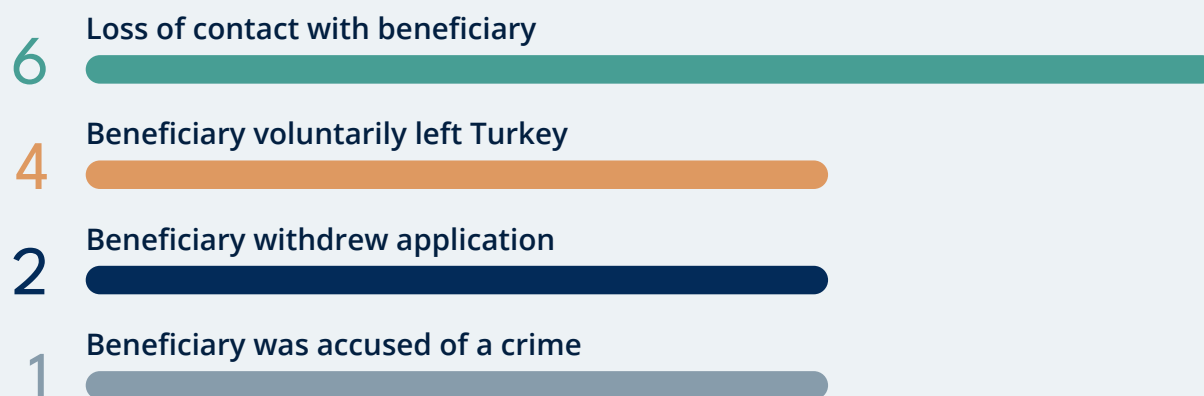
Applicant Attrition

One conclusion which can be drawn from RRT's field observations in providing support for UAMs' FR requests for more than six years is that the procedural complexity and drawn out nature of most applications for family reunification in a third country act as a barrier and deterrent to the practical realization of this right.

In a number of cases, unaccompanied minors lost hope in their prospects of being able to

reunite with their family members through legal channels and, as a result, opted instead to attempt to reunite via irregular crossings, decided to return to their country of origin, or simply lost interest in following up on their FR case file. This observation draws support from the fact that 27% of beneficiaries who received support from RRT with regards to their FR application ultimately had their file closed without a final resolution.

Reasons for Closure



²⁵ IOM's services through its Family Assistance Programme (FAP) are particularly focused on supporting FR requests for individuals bound for Germany (as well as a few other European countries of destination). For more information, see the Family Reunification Programme's website at <https://turkey.iom.int/family-reunification>.

The most common reason for case closure was that RRT was no longer able to establish contact the beneficiary. Among such cases, all but one of these beneficiaries were Afghans, and all but two beneficiaries were between the ages of 16-17. There are a number of factors which contribute to this trend.

As UAMs living in state-operated shelters reach the ages of 16-17, they receive counseling regarding the fact that this protective status will be terminated following their 18th birthday, and therefore that they must make preparations to independently fulfill their legal obligations and to meet their personal needs upon becoming a legal adult. It is therefore unsurprising that a number of UAMs in this age group appear to abandon requests to be reunited with family members in a third country, instead focusing on meeting their immediate needs in Turkey. Faced with this situation, many choose to remain in Turkey while others decide to return to their countries of origin in order to support family members living there, or to attempt to cross into another country irregularly to reunite with family members.

In most cases, remaining in Turkey is not a simple “choice,” but rather requires that the young person in question make a number of difficult calculations. While Syrian UAMs in Turkey are eligible for Temporary Protective Status due to the group-based designation, this only grants legal stay within Turkey in a specific city, and being allowed to register in the province where the UAM’s shelter was located is not guaranteed. For non-Syrian UAMs, aging out of the protected legal status of ‘minor’ means that the individual’s right to legal stay in Turkey hinges on the outcome of their application for International Protection, a process through which they will likewise be required to remain in their city of registration, which may or may not be the same city where they had been placed in a shelter as a minor.

Facing these considerable challenges, a significant number of UAMs between the ages of 15-17 ultimately decide to depart from the shelters where they are housed, either continuing to live in Turkey without registering for a protective status, or attempting to make their own way to the countries where a family member lives.

Recommendations

The following recommendations build on the observations and reflections garnered through the course of supporting unaccompanied minors in Turkey with their family reunification requests. However, these recommendations are not only relevant for family reunification in cases involving unaccompanied minors, but rather would serve—if implemented—to strengthen the mechanism of family reunification overall as a complementary pathway to durable resettlement.



Recommendations for Turkish Lawmakers & Authorities

RSN and RRT believe that a number of steps can be taken to address common issues faced by protection seekers living in Turkey as they attempt to be reunited with their family members in third countries:

COORDINATE WITH CONSULATES ON FACILITATION OF DOCUMENTS & STREAMLINING PROCEDURES

In light of the significant challenges faced by those facing forced displacement in verifying or receiving national ID documents from their country of origin, host and receiving states should consider engaging in bilateral discussions with the consular representatives of common countries of origin with the aim of clarifying and simplifying these procedures. Doing so would reduce the costs and time required to arrange for travel to consular offices and greatly reduce barriers to accessing family reunification.

PROACTIVELY TRACE, IDENTIFY AND INITIATE FAMILY REUNIFICATION PROCEDURES

RSN and RRT encourage Turkish authorities to proactively utilize available capacities to trace and identify family members of UAMs living in Turkey, providing systematic support for family reunification procedures for all UAMs in accordance with the best interest of the child.

Provide UAMs Access to International Protection Registration
We encourage Turkish authorities to ensure that an individual assessment of the best interest of the child be undertaken with regard to accessing international protection application registration and status determination procedures, with special regard to cases in which a minor's ability to be reunited with their family member(s) abroad is dependent on the minor holding an ID valid in Turkey.



Recommendations for Lawmakers and Authorities in Countries of Destination

The right to family reunification, undergirded by both international and national law, must be universally upheld and its realization proactively enabled. In this spirit, RSN and RRT note the following recommendations to increase awareness of an access to family reunification.

MAKE INFORMATION ON FAMILY REUNIFICATION PROCEDURES AND COMPLEMENTARY PATHWAYS ACCESSIBLE TO RELEVANT INTERNATIONAL STAKEHOLDERS

Because family reunification procedures and eligibility requirements vary substantially between individual destination countries, stakeholders wishing to provide support for individuals seeking family reunification and (potential) beneficiaries themselves face a significant informational hurdle to understanding and accessing these procedures. RSN and RRT encourage all states to produce and disseminate clear specialist and non-specialist guidance on these procedures, as well as other available complementary pathways to long-term resettlement.

States should endeavor to make such materials available both in languages widely-spoken by international stakeholders (e.g., English) as well as in the languages spoken by the most-frequent beneficiaries of family reunification destined for that state.

REASSESS ELIGIBILITY REQUIREMENTS FOR UAMS

RSN and RRT are concerned by the imposition of eligibility requirements for minor beneficiaries to join sponsors in destination countries. We encourage that destination countries revise their national legislation and policies to process and consider applications for FR on the basis of the beneficiary's age at the time of the application's submission. Such a policy would effectively eliminate incentives on the part of migration authorities to intentionally delay the processing of FR requests including minor beneficiaries, and is especially called for in cases where the legislated "waiting period" for sponsors with subsidiary protection status to benefit from family reunification inhibits the ability of a minor beneficiary to join their family member due to "aging out" of eligibility. Moreover, this would also have the effect of acknowledging the fact that UAMs may remain dependent (financially, emotionally and otherwise) on their family members beyond the age of majority, especially given the conditions and hardships faced living separated from their families for extended periods of time.

FACILITATE AND EXPEDITE REUNIFICATION OF MINORS WITH THEIR FAMILY MEMBERS

FR procedures are often prolonged due to unnecessarily burdensome requirements imposed on FR beneficiaries by the migration authorities of the country of destination and excessively long application processing times. In accordance with Article 10 of the Convention on the Rights of the Child, RSN and RRT strongly encourage that lawmakers in countries of destination consistently and systematically approach requests involving children in a "positive, humane and expeditious manner."²⁶

²⁶ While not directly observed in cases supported by RRT, we would also call on destination countries to eliminate any requirements for minors to pass an integration capacity assessment, which are likely to have the disproportionate impact of curtailing the right of children to be reunified with their family member(s).

EXTEND THE DEFINITION OF FAMILY BEYOND THE NUCLEAR FAMILY

RSN and RRT encourage that destination countries' family reunification regulations be amended to include the right to reunification with other family members beyond the nuclear family. Restricting FR eligibility only to family members within the nuclear family privileges a Eurocentric conceptualization of family and fails to account for culturally diverse understandings of "family" and the fact that traditional family structures are often torn apart and reconfigured throughout the traumatic experience of forced displacement. Definitions of family must be broadened to acknowledge that "family life" exists in a multitude of interpersonal configurations which exhibit social, emotional, and/or economic dependency.¹⁷



The family reunification process should be shorter. We are only children, it is hard for us to wait. The process exhausts us as children.

*UAM Syrian
Female, Age 13*

REDUCE BARRIERS TO ACCESSING TRAVEL DOCUMENTATION

Destination states and corresponding consulates should also proactively assist in the provision of travel documentation, especially in cases where the beneficiary of FR is unable to produce documentary evidence or unwilling to engage with consular authorities from their country of origin in order to be issued a passport, thereby upholding their responsibility under Article 25(1) of the 1951 Refugee Convention, applied broadly to effectuate the right to family reunification.²⁸ Destination states are also encouraged to introduce measures to alleviate and/or eliminate the financial barriers to accessing necessary travel documentation, such as application fees for family reunification visas.

²⁷ UNHCR. "Report on the Rights of the Child and Family Reunification," March 9, 2022. <https://www.ohchr.org/en/calls-for-input/report-rights-child-and-family-reunification>, 15.

²⁸ Article 25(1) of the 1951 Refugee Convention "requires Contracting States in which a refugee is residing to "arrange that such assistance be afforded to him by their own authorities or by an international authority", "[w]hen the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse." Frances Nicholson, "The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied," 14–15. We advocate for this provision to be interpreted, in line with the general duty to respect the sanctity of the family unit and to facilitate efforts to reunite separated children especially as articulated under Article 10 of the CRC, to imply that states must intervene on the behalf of separated minor children to effectuate issuance of travel documents allowing for successful reunification, up to and including the issuance of alternative travel documentations where it is not feasible for the child to be issued a passport.



Recommendations for Donors and International Organizations

PROVIDE FUNDING FOR ORGANIZATIONS SUPPORTING FAMILY REUNIFICATION

In consideration of the substantial direct and indirect costs associated with completing and supporting a family reunification request involving beneficiaries living in Turkey, it is of critical importance that donors of humanitarian aid, development, and other integrated fields continue to and expand funding opportunities for local, national and international organizations that support family reunification. Such support should include a broad range of assistance, including management of individual cases, covering the costs of visa/application fees, transportation, accommodation, translation, notarization, shipping, and other associated expenses which form a necessary component of every successful FR case. Funding for such activities must be channeled strategically to actors capable of handling the complex nature of such work, which encompasses both legal and humanitarian assistance.

CONTINUE TO RAISE AWARENESS OF THE RIGHT TO FAMILY REUNIFICATION

It is also critical that donors continue to support initiatives to raise awareness of the right to family reunification among both potential sponsors and beneficiaries. In particular, national-level organizations are well positioned to channel direct observations from their FR case work into informational and awareness-raising materials, which may be disseminated in accessible formats and languages among potential beneficiary populations. Such efforts would be most

successfully undertaken by organizations with links to international NGO and CSO networks in destination states capable of engaging in simultaneous awareness-raising regarding the opportunity to sponsor requests for reunification with family members living in third countries.

SUPPORT FUNDING OF TESTING AND ASSESSMENTS REQUIRED FOR FAMILY REUNIFICATION

We also call on donors to continue to support the provision of independent and no-cost services such as family DNA testing and comprehensive age assessments,²⁹ particularly in recognition of the extreme deprivation of rights and irreparable harm that minors risk facing when such evaluations return faulty results.

²⁹ In this regard, it should be recognized that the international community's support for programs like IOM's Family Reunification Assistance Programme represents a good practice and one which should be replicated through the expansion of such opportunities through additional service providers.

Conclusion

RSN and RRT's analysis of the experience of nearly 50 UAMs attempting to reunite with family members outside of Turkey, as well as the official legislative and policy framework governing this area, reveals a number of opportunities for reflection and improvement. This report seeks to make the process and those opportunities clearer and more accessible to stakeholders. Perhaps stated most simply, states may be reminded that they hold an obligation to ensure that family reunification—especially in cases involving children—are processed in a “positive, humane and expeditious manner.”

RSN and RRT note with concern that on top of the myriad issues faced by individuals seeking to reunite with family members in other countries, there are additional obstacles facing Afghan nationals, including unaccompanied minors, regarding access to family reunification procedures. Given the limited durable solutions available to those displaced from Afghanistan, RSN and RRT draw particular attention to those working specifically with and for this population in the hope that the observations in this report may illuminate new avenues to pursue at this critical time.

While implementation of the recommendations in this report would make a significant impact on the lives of those individuals separated from their families, and certain communities specifically, the positive impact of such measures can extend to host countries and the international community more broadly. Greater access to family reunification can be seen to serve as a responsibility-sharing mechanism, particularly for states hosting protracted refugee populations.

While refugee hosting states and states of destination undoubtedly play a central role in facilitating family reunification, the impact that civil society actors have on individuals' ability to navigate these complex procedures and, ultimately, to enjoy this right cannot be overshadowed. It is therefore hoped that this report will additionally encourage greater support for civil society actors active in the field of family reunification.

Ultimately, a great deal of effort on the part of a diverse set of stakeholders is needed to ensure that families separated during the course of forced migration have greater access to reunification, so that more stories like Mahdi & Reza's may be made possible.

“

...It was like they wanted me to give up. But I still did not give up...I wish this process had been faster, because it was very difficult for me. But unfortunately, it took too long.

*UAM Afghan
Male, Age 15*



REFUGEE SOLIDARITY NETWORK



Contact Information:

www.refugeesolidaritynetwork.org

1 Dock 72 Way, 7th Floor
Brooklyn 11205

comms@rsn.ngo



REFUGEE RIGHTS TURKEY



Contact Information:

www.mhd.org.tr

Refik Saydam Cad. Dilber Apt. No: 39 Kat: 4 D: 11
34430 Şiřhane, Beyođlu - İstanbul

info@mhd.org.tr