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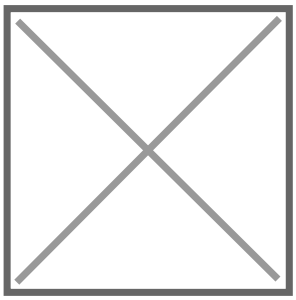
4.2.6 Concerns around the clauses related to family reunification

The European Commission's guidance issued in 2020 underlined that the family reunification procedure for unaccompanied children may continue even after the expiry of the transfer time limit, as outlined in the Dublin Implementing Regulation, Article 12(2). The Commission also made reference to the discretionary clause of the Dublin III Regulation, noting that "(t)his rule could also be applied in cases where the binding criteria concerning family reunification were applicable, but the impossibility of carrying out a transfer due to COVID-19 resulted in a failure to respect the transfer time limits".[367] In practice, Member States applied divergent approaches to family reunification, a point which was brought up by many civil society organisations from Greece, in particular, where this criteria was used extensively.[368]

METAdrasi commended good practices by Swiss authorities to speed up the reunification of unaccompanied minors with family members and relatives, and accept requests when extended family ties linked applicants to Switzerland.[369] DRC Greece noted that the Swedish Dublin unit required Greek authorities to re-send a request when the 6-month deadline had expired, based on Article 17(2), involving written consent from the applicant and family members in Sweden before accepting the applicant's transfer. However, the organisation also observed delays in some cases in the re-examination of requests related to family reunification clauses which were sent to certain Dublin units. DRC Greece reported that some requirements were especially burdensome for applicants, such as the Spanish Dublin unit requesting an additional DNA test when the autosomal DNA test was not conclusive.[370] Similar hurdles were mentioned by the Network for Children's Rights[371] and the Greek Refugee Council, which added that it is difficult for applicants to meet deadlines for providing documentation without legal assistance and that children without guardians lack support to establish family connections under the relevant Dublin III Regulation clauses.[372]

Several civil society organisations were concerned about the impact of Brexit and the fact that the specific clause on family reunification could no longer be applied to relatives living in the UK. They highlighted the risk that unaccompanied children, especially those staying in France and Greece, might choose to travel on their own to be reunited with family members in the UK.[373]

Adjustments were introduced in the Italian process to handle family reunification cases more rapidly under the Dublin III Regulation. To this end, the questionnaire for relatives and family members was standardised.



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[373] Conseil National des Barreaux. (2021). *Input to the EASO Asylum Report 2021*. https://easo.europa.eu/sites/default/files/Conseil-National-Barreaux.pdf; Network for Children's Rights | ?????? ??? ?? ?????????? ??? ???????. (2021). *Input to the EASO Asylum Report 2021*. https://easo.europa.eu/sites/default/files/Network-for-Childrens-Rights.pdf ;Network for Children's Rights, Input to the EASO Asylum Report 2021; Refugee Rights Europe. (2021). *Input to the EASO Asylum Report 2021*. https://easo.europa.eu/sites/default/files/Refugee-Rights-Europe-combined.pdf





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