

N O T A T

GRÆKENLAND. Asylsager – regler dels vedr. familiesammenføring i Grækenland, dels om opholdstilladelse til her fødte børn af syriske asylsøgende forældre med opholdstilladelse i Grækenland. Udlændingestyrelsens mail af 11. maj 2016 og 18. juli 2016. Udenrigsministeriets NOTAT af 14. juli 2016

Udenrigsministeriet er af Udlændingestyrelsen anmodet om til brug for behandlingen af asylansøgninger at søge generelle oplysninger vedrørende reglerne for opholdstilladelser og familiesammenføring i Grækenland.

Udenrigsministeriet har via Danmarks Ambassade i Athen forelagt de græske myndigheder de af Udlændingestyrelsen stillede spørgsmål, og fået nedstående svar fra det Græske Udenrigsministerium/C4 Directorate for Justice, Home Affairs, Migration and Schengen.

Spørgsmålene er besvaret som følger:

- **What are the general requirements to be eligible for family reunification in Greece?**

The requirements for family reunification in Greece are provided in Presidential Decree 131/2006, as amended by Presidential Decree 167/2008. According to the provisions of the aforementioned Presidential Decrees, refugees can ask for reunification with his spouse, his/her children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her, his/her unmarried adult children, provided they cannot objectively take care for themselves on account of their health; their parents, if the latter were supported by the refugee, were living with her/him prior to their entry into Greece, and do not enjoy proper support in their country of origin; and, his unmarried partner with whom they maintain a steady, long – term relationship, which can be established in a satisfactory way before the competent authorities.

- **Is family reunification for refugees in Greece exclusively reserved to refugees with convention status or is it also possible for refugees with subsidiary protection status to be granted family reunification?**
 - **If so, is there a distinction in the requirements for refugees with convention status and subsidiary protection status, respectively?**

Concerning beneficiaries of international protection, only persons recognized as refugees can apply for family reunification. Beneficiaries of subsidiary protection do not have such a right under Greek law.

- **A Syrian family with one under-age child and with a residence permit in Greece has sought asylum in Denmark. In Denmark the woman gave birth to another child.**
 - **Is this new-born child automatically included in the family's Greek residence permit?**

Concerning this question, further information is needed, in order to determine the competent authority to answer it and in order to provide a complete answer. Such information should include the type of residence permit (beneficiary of international protection or other type), the date of issuance and the issuing authority. Nevertheless, according to legislation in force (art. 24 par. 3 Presidential Decree 141/2013) children of recognized beneficiaries of international protection, born after the recognition, can be administered a resident permit after an application is submitted by the beneficiary to the competent authority. Consequently, there is no automatic inclusion of the child to the resident permit.

Svar på Udlændingestyrelsens supplerende spørgsmål er modtaget fra det græske udenrigsministeriums Asylum Service:

It appears from the above answer that it is only persons recognized as refugees who can apply for family reunification

- **Does this entail that an application for family reunification will be refused without the case being processed?**

This means that an application made by a person not recognized as a refugee will be rejected as inadmissible without being examined in the merits.

- **Are there any other possibilities under the Greek law for a person with subsidiary protection status to be united with his/her family?**

No, the law does not provide a right for family reunification for persons granted subsidiary protection.

Udenrigsministeriet, den 9. september 2016