

## **FAQ'S ON FAMILY REUNION TO THE UK AFTER BREXIT**

There are different procedures for joining family members in the UK than for those joining family members in other European countries.

Below are some frequently asked questions about family reunion from Greece to the UK after Brexit.

### ***WHO CAN APPLY FOR FAMILY REUNION TO THE UK?***

The rules for family reunion under UK law are less generous than under the Dublin system which applies to other European countries. This means that less types of family members can apply and that the rules are more strict.

There are many different types of application depending on (1) the family relationship and when it was formed, (2) the immigration status of the family member in the UK, (3) the financial and other circumstances of the family member in the UK and (4) the personal circumstances of the family member in Greece.

The most straightforward type of application is called 'refugee family reunion'. This is available where the family member in the UK has **refugee status or subsidiary protection**. The family member in Greece needs to be either the **spouse, long-term partner or child under 18** of the recognised refugee in the UK. The family relationship must have existed **before** the recognised refugee in the UK fled their country of origin; for unmarried partners, it must have existed for **two years** before leaving the country of origin.

However, if you do not fit the above description, there are other applications that can be made to reunite family members in the UK. To find out whether your family situation qualifies for family reunion to the UK, you should seek advice from a specialist UK lawyer. RLS can provide this assistance.

### ***DO I NEED TO BE AN ASYLUM SEEKER IN GREECE TO APPLY FOR FAMILY REUNIFICATION?***

No, you do not need to be registered as an asylum seeker in Greece to apply for family reunion to the UK under UK law.

You can apply for UK family reunion even after you have received refugee status or subsidiary protection in Greece.

You can also still apply for family reunion to the UK if you are in a later stage of the asylum procedure in Greece, for example if you have received a first or second rejection or if you are making a subsequent application for international protection.

### ***I HAVE CLAIMED ASYLUM IN GREECE, WHAT WILL HAPPEN MY CLAIM IF I APPLY FOR FAMILY REUNION TO THE UK?***

Unlike under the Dublin system, your application for asylum in Greece will not be put on hold while you apply for family reunion to the UK.

This is because the process for applying to join family in the UK is completely separate from the Greek asylum procedure.

This means that your Greek asylum procedure will continue at the same time as your application for family reunion to the UK.

It is important that you seek legal assistance with your asylum claim in Greece even if you are applying to join family members in the UK at the same time.

### ***HOW DOES THE APPLICATION PROCESS TO THE UK WORK?***

The application process for family reunion under UK law is different to the process under the Dublin system.

The **first thing** that you need to do if you want to apply to join your family member in the UK is to **get legal advice from a UK lawyer**. RLS can provide this assistance for family members in Greece.

A UK lawyer will be able to tell you if your situation qualifies to make an application for family reunion to the UK.

You may qualify for legal aid to fund your legal representation, and a UK lawyer can help you apply for this.

If the lawyer thinks you can make an application, the **next step** is to **collect evidence to support your application** with the help of your lawyer.

After you have collected the evidence for your application, you will need to **complete an online application form** with the assistance of your lawyer.

After you have **submitted your application** the next step is to **book an appointment at the Visa Application Centre (VAC)** in Athens.

Getting to the VAC in Athens can be difficult, especially for people on the Greek islands who have a 'closed card' but it is usually necessary to find a way. Your UK lawyer would help you organise this.

Once you have booked an appointment, you can then **upload all of your evidence** onto the online system.

For the **VAC appointment in Athens** you need to bring certain documents with you. At the appointment, they will take your biometrics (fingerprints). Sometimes there will be a short interview.

Once you have had the appointment in Athens and submitted all necessary evidence, the UK will make a decision on the application.

### ***I DON'T HAVE NATIONAL ID/ TRAVEL DOCUMENTS. CAN I STILL APPLY?***

The application process is easier if the person applying has their own national ID and passport. However, if you have left your country because you fear the government or national authorities, this should be discussed with your lawyer in the UK.

It is possible to make an application without having your own national ID or passport, so they don't have to be applied for if that would put you in danger. If there are other barriers to obtaining your own national ID or passport, this should also be discussed with your lawyer.

### ***WILL MY APPLICATION FOR FAMILY REUNION TO THE UK BE SENT TO THE DUBLIN UNIT IN ATHENS?***

No. The application is sent directly to the UK. Family visa applications to the UK are completely separate to the Greek asylum system.

### ***WHAT IF I HAVE A CLOSED CARD AND I CAN'T GO TO THE VAC IN ATHENS?***

People who arrive on the Greek islands (Lesvos, Samos, Chios, Leros, Kos) are usually subject to a 'geographical restriction' which means that they cannot leave the island other than in exceptional circumstances.

If you have a 'closed card' with a red stamp it may be very difficult to attend the VAC in Athens for your appointment. If RLS takes on your case, we will work with you to try and find a solution to this challenge.

### ***DO I HAVE TO PAY TO MAKE AN APPLICATION?***

Unfortunately there is not a straightforward answer to this question. Some types of family reunion applications have no fees and others do have a fee. The fee payable depends on the type of application you make.

It may be possible to apply for what is called a 'fee waiver' if you cannot afford the fee and the application is based on your human rights, for example your right to family life. RLS will do everything possible to assist with your application, and you should not let your financial circumstances prevent you from getting in touch with us.

### ***HOW LONG DOES THE APPLICATION PROCESS TAKE?***

Decisions on applications are supposed to be made within **60 days** however in practice there are often significant delays and decisions can take considerably longer.

### ***WHAT HAPPENS IF MY APPLICATION IS SUCCESSFUL?***

If your application is successful, the UK will send an email to you or your legal representative to inform you.

You will be granted a **visa** to travel to the UK which is **valid for 30 days only**.

You will have to go again to the VAC in Athens to **receive the decision and your travel document**.

You **must** travel to the UK within the **30 days** that your visa is valid.

When you arrive in the UK, you will be granted a period of **limited leave to remain** in the UK.

The period of leave you are granted and the conditions on your stay in the UK will depend on the type of application you made to join your family member(s) in the UK.

### ***HOW WILL I GET TO THE UK IF MY APPLICATION IS SUCCESSFUL?***

Unlike under the Dublin procedure, if you are granted a family visa to enter the UK you can arrange to buy your own ticket to travel to the UK. There are organisations which may be able to provide assistance with travel costs.

You do not have to wait for the Greek Asylum Service to arrange for your transfer to the UK. This is because the UK visa application process is separate to the Greek asylum procedure.

However, it is important that you arrange to travel to the UK quickly. You will be granted a visa valid for only 30 days and you must travel to the UK within that time frame.

### ***WHAT HAPPENS IF MY APPLICATION IS UNSUCCESSFUL?***

If your application is refused, you can appeal against the decision in UK courts. There is a **28 day deadline** for submitting your appeal.

Depending on the circumstances of your case, sometimes it is better to make a new application instead of trying to appeal the old decision in UK courts.

In the event that your application is unsuccessful, your UK legal representative should advise you of the best option in your particular case, including whether you should appeal and how the appeal process works.