



Not for All

The conditional right to family life and the access to it for unaccompanied minors in Greece

Erasmus University of Rotterdam

Master Thesis in Sociology - Governance of Migration and Diversity

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Abstract:

The enormous increase in the immigration of unaccompanied minors over the last few decades has prompted scholars and policymakers to devote special attention to them. Nonetheless, this study identifies a category of unaccompanied minors who have been overlooked in previous research. In particular, this paper analyzes the family reunification of unaccompanied minors residing in Greece, who aim to move in Sweden and Germany. The factors determining access to family using Lockwood's theory of civic stratification have been analyzed. The analysis is based on desk research and semi-constructed interviews with workers in several Greek organizations. The results of this paper indicate that current legislation turns out to create an unequal distribution of unaccompanied minors due to the lack of several resources and lead the majority of them to follow unlawful routes in order to accomplish their aspirations.

Keywords: civic stratification, family reunification, Greece, migration, unaccompanied minors.

Introduction

Over the last decades there has been a rising number of refugees who have left their countries for a variety of reasons, seeking a better life in Europe. Although the majority consists of adult males, a considerable number consists of children traveling alone or with other family members. In particular, more than 250,000 minors crossed the Italian and Greek borders in 2015, while minors continue to make up one-third of the entire migrant population until nowadays (IOM, 2016 & EMN, 2017). Despite the existing legislations and policies, most nation-states and several institutions were unprepared to resolve the emerging problems, and the violation of human rights has been a common phenomenon (Inter-Parliamentary Union, ILO & UNHCR, 2015).

According to a report conducted by Unicef (2017), it is estimated that at least 60,000 children arrived in Greece between 2015 and 2017. However, the country was not prepared to deal with this unprecedented issue neither institutionally nor structurally as well as to respect the international human rights standards (Stratigou 2016, p.1). While most of these children arrived in the country accompanied by their parents or caregivers, a significant number consisted of unaccompanied minors (UAMs) (Unicef, 2017). According to the National Center of Social Solidarity¹ (EKKA, 2021), since 2015 more than 3,000 UAMs have arrived in Greece per year.

Within the literature there are contradictions in terminology in the context of migrant children in Europe. In the case of UAM, the contradiction exists because Member States define or treat unaccompanied minors in different ways, most of the time regarding age limits (IOM, 2016). The Qualification Directive (European Parliament & CoE, 2011) defines an UAM as:

“a non-EU national or stateless person below the age of 18 who arrives on the territory of the EU States unaccompanied by an adult responsible for him/her, and for as long as s/he is not effectively taken into the care of such a person, including a minor who is left unaccompanied after s/he has entered the territory of the EU States”

There are several reasons why these children are alone in Greece. According to Fili and Xythali (2017), the first reason is based on their need to build a new life after the death or disappearance of their parents in a conflict area. Secondly, some of them are victims of

¹ “EKKA with the support from UNICEF publishes a bi-weekly updated report on the situation of Unaccompanied Children in Greece based on accommodation referrals sent to the Service for the Management for Accommodation Requests of Unaccompanied Minors. The report is available below in English. Most recently published reports may also be found [here](#)”.

smugglers, who, in association with their parents, arrange minors' journeys in Western Europe (EMN, 2014). After their arrival, these minors can apply as sponsors for family reunification and thus, their parents and siblings can have the opportunity to migrate lawfully (Lalander & Herz, 2018). The last reason refers to the UAM who have been separated from their parents either during their unbearable journey or because they decide to migrate at a later stage. While there is not a clear estimation of how many UAMs belong to each category, from my own short experience on the field as a teacher in a shelter for UAMs, I have come across a significant number of minors belonging to the latest category.

Greece has been characterized by many scholars as a transit country on unaccompanied minors' way to other European countries (IOM, 2016). However, there are limited articles and research regarding the unaccompanied children and even less about those who wish to continue their journey. Apart from the general socio-economic situation in Greece which drives these children to move further, the main reason for their desire to make an extended journey is the existence of family members in other EU member-states. Although the initial aim of these children was to follow their families, they found themselves captured by bureaucracy. By referring to bureaucracy, this paper analyzes the time-consuming procedures of selected nation-state's as well as their obligations leading to rejections or to long-standing waiting for responses to applications.

Traditionally receiving destination countries began to investigate UAMs' migration issues after the 1990s, even though problems with the reception of UAMs have occurred since the end of the Second World War (Salmeron-Manzano & Manzano-Agugliaro, 2018). Bernd Parusel (2017) argued that in the existing literature, there has been a substantial amount of research regarding UAMs in the European Union, but to what extent each legislation has been applied and what has been accomplished by authorities remains unaddressed. While the number of UAMs seeking asylum in Europe is rising, "policy makers are confused on how to deal with them" (Parusel 2017, p.1).

In general, studies referring to children in migration have been bounded by issues regarding the responsibilities between the actors involved, while there are not enough specific analyses related to UAMs (O'Donnel / Kanics, 2016 in Parusel 2017, p.10) such as their reunification with family members. It might be argued that UAMs can be divided into three categories based on the reasons that caused their journey to another country. In this regard, there are orphan minors, 'anchor minors' and those who wish to follow their parents. Existing research mainly focuses either on the first or the second subcategory of unaccompanied minors, while the third one has remained in silence.

In this study I will spotlight and analyze this missing sub-category, focusing on Greece as point of reference. For the purposes of the paper I will introduce this category as 'the unaccompanied minor followers', and I will examine their access to fundamental rights,

such as the right to family. When these minors arrive in Greece, they feel that their hardships have finished because they have arrived in the Western world. On the contrary, this research illustrates how upon arrival in Greece ‘‘they remain neglected in a system that appears inept to address even their most basic needs’’ (Fili & Xythali 2017, p.1). Delays in the examination of applications as well as difficulties to access justice (CoE 2020, p.9) may prevent their aspiration to follow their family members in another EU Member State.

Regarding the reunion of unaccompanied minor followers with their parents, policy makers within the EU have often failed to recognize family reunification as a human right, contrary to the international texts (John, 2003). Thus, the followers’ desire to be with their families is not always fulfilled. The lack of knowledge regarding their rights, as well as the national restrictions in order to be reunified leaves the children unprepared in case of negative responses. Although such responses are based on different factors, they create the same result for all followers, which is the denial to family life and the creation of more unlawful movements.

As Sitaropoulos and Skordas (2004) have argued, regardless of the reasons that have led these children to be alone as well as their vulnerabilities (Derluyn & Broekaert, 2008), Greek authorities have systematically failed to protect their rights. This may have occurred due to the general trend to address children as objects of protection rather than holders of rights (FRA & CoE, 2015). Another reason explaining the failure of the Greek authorities to protect the best interest of the children, as the Article 3 of the Convention on the Rights of the Children (CRC) imposes on nation-states, is the country's lack of practical knowledge (Sitaropoulos & Skordas, 2004), as well as the mass inflows, which do not allow the limited resources of the country to respond appropriately (Panayotatos, 2020). The incapability of the Greek authorities combined with the strict policies of Western European countries, result in an informal captivity of these children in shelters or even in the streets (EKKA, 2021).

At present, most of the European nation-states’ legislations regarding family reunification seem to follow the United Nations’ guidelines (EMN, 2017). While there are specific directions and policies about the procedure of reunification for regular migrants and beneficiaries of international protection as sponsors, it remains unclear what the rights of unaccompanied minor followers are regarding family reunification, when (i) their sponsors cannot fulfill nation-states’ requirements or (ii) when sponsors are irregular migrants or rejected asylum seekers.

Therefore, this paper investigates the family reunification procedure of the unaccompanied minor followers in Greece, when their parents or other family members have been settled in another country of Europe both lawfully and unlawfully. At the same time it is worth analyzing the general access to human rights of these followers, specifically when they are stuck and unable to leave Greece due to either negative answers to family reunification

applications or long-standing procedures. Considering the above this research's aim is to answer the following question and subquestions:

What rights and access to rights do unaccompanied minor followers, who remain in Greece, have regarding family reunification and what reasons explain why they are not reunified with their parents?

- What are the rights to reunify under EU law and national legislation of selected EU member states and what are the considerations of selective EU member states to restrict the rights of unaccompanied followers?
- What are the main factors that structure access to existing rights?

By exploring the similarities and differences of family reunification policies in the European context as well as the importance of sponsors' status within the hosting countries, this study aims to depict the impact of these dissimilarities in UAMs' life and future. According to O'Donnell and Kanics (2016, p.74) Member States need to implement policies not to control migration, but to accomplish the fundamental challenge to find "a sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood in an environment which will meet his/her needs and fulfill his/her rights". Moreover, based on findings, durable solutions in existing policies are suggested, to help receiving countries balance their need to control migration flows and respect the best interest of the children, with the UAM's need to reunify with their family. In addition, beyond the need to enhance the European family reunification policies, I intend to make Greek policy makers reconsider the implications of the state's policies on the followers' lives.

Apart from the relevance for policy makers, this study aims to conceptualize what C. Wright Mills (1959) called sociological imagination, in his explanation about the relationship of personal troubles and public issues (Barkan, 2012). On the one hand, the personal troubles in our case refer to both followers and their parents' struggle to be reunified. According to Giannopoulou & Gill (2019, p.111) parents as well as minors are seen as "undeserving migrants that should be viewed with suspicion" by member-states whilst UAMs are wrongly considered as "dependent burdens". This fact highlights the importance of investigating children's needs independently of their sponsors' and to examine in great detail their agency.

On the other hand, it can be argued that family reunification is a public issue, because the application's process depends foremost on receiving societies' restrictions. Unaccompanied minors are divided into an unequal civic distribution based on each state's legislation, and some of them can either be excluded or have fewer rights than others, contrary to universal responsibilities stating that all children share common needs

(Giannopoulou & Gill, 2019). As such, this study reveals that it is equally important to (i) examine unaccompanied minor followers' access to human rights due to society's structure, and (ii) explore these minors' agency not only just as a vulnerable group but as human beings with specific needs and rights.

Theoretical Framework

In this section, the family migration context is introduced. Moreover, I will describe what family reunification is under EU laws and explain different types of family that are recognized in contemporary migration policies. In addition, the 'conditional right' to family reunification will be presented. Finally, Lockwood's theory on civic stratification and his concepts will be introduced.

When we talk about family migration, it is hard to formulate an explicit typology, since it includes separate forms, with different categories and their interaction (Kofman, 2004). In the late 1970s, due to the gradual reduction in need for labor migrants, the only regular path for migrants in Europe, except the asylum procedure, was family migration (Ambrosini, Bonizzoni & Triandafyllidou, 2014). Before that, migration scholars' emphasis was on labor migrants as well as on the separation of the economic and social issues, which were referring to men and women respectively (Kofman, 2004). Thus, during the 1980s and early 1990s, policies related to family migration focused more on the humanitarian side of the issue, rather on the socioeconomic (Bech, Borevi & Mouritsen, 2017).

The interest of academia changed due to the radical changes in labor force demands in the first receiving countries of the Western Europe. As such, after the early 1990s, when nation-state's welfare systems could not afford neither the continuous inflows, nor migrants' strategies to "foster parallel lives and patriarchal practices", family migration gained significant attention for the first time (Ambrosini et al., 2014).

In her research, Laura Block (2015) argued that there are differences between family migration policies and other migration policies, since the former do not include only the newcomers in a nation-state, but also those who already live within the state. To examine their in-between relationship authorities have come across an obstacle, related to the definition of family. According to Karl Thompson (2016), there are different definitions of family among sociologists depending on their sociological perspective. On the one hand for functionalists, a family consists of a man, a woman and their children living together (nuclear family). On the other hand, postmodern sociologists have enlarged the concept of family by including other types, such as the extended family, which could include uncles, aunts and grandparents in the existing nuclear family (Thompson, 2016).

In this regard, not only official authorities, but also people who fall outside the nuclear family find themselves encountering difficulties when they attempt to reunify with those who account as their family. According to Edwards (UNHCR 2018, p.30), authorities' failure to define clearly what constitutes a family allows nation-states to "circumvent their obligations under international law", while simultaneously has "given scope for the recognition of culturally-influenced forms of the family beyond the Eurocentric nuclear-family". Therefore, the absence of clear definition plays an important role in family migration and reunification cases, mainly when sponsors belong to the extended family.

A significant number of international as well as regional agreements obligate nation-states to protect the right to family (CoE 2020, p.19). According to Article 8 of the European Convention on Human Rights of 1950, every person has the fundamental right to "respect for his private and family life, his home and his correspondence" (ECHR 2020, p.7). More specifically, the right to family life refers to "the right to live together so that members of family may enjoy each other's company" (ECHR 2020, p.65).

On 22 September 2003 a Directive on shared standards regarding the family reunification procedure for third-country nationals was introduced by the European Parliament (EU Family Reunification Directive, 2003). Until that time, family reunification was more of a principle than a human right (John, 2003). Although there were many attempts by International and European organizations to address the importance of following the Directive, the prioritization of the best interest of the state rather than the best interest of migrants (CoE 2020, p.25) have made the right to family to be considered as a 'conditional' right. Strict family migration policies during the last decade aiming to control migratory flows (Block, 2014; Leerkes & Kulu-Glasgow, 2011) have made family reunification a special field of civic integration, and the human right to family became something that must be obtained, depending on each state's legislation (Bech, Borevi & Mouritsen, 2017).

As such regular migrants seeking family reunification, depending on the country of settlement, may be asked to have a specific and stable income, be able to provide sufficient accommodation to newcomers, have a specific age and be in the country for a specific period of time (CoE 2020, p.29). Some of these restrictions have been implemented to "ensure that newcomers will not become a public charge" (Leerkes & Kulu-Glasgow, 2011). According to Block (2015), these restrictions are because family migration has been perceived as an unwanted type of migration due to migrants' unwillingness to integrate smoothly when they live with their families. She argued that to live with family, leads migrants to be self-productive and the integration of both sponsors and newcomers has a slow process. Furthermore, while labor migrants were chosen on the strength of their skills and other sources, most of the family migrants do not have specific skills and their survival was dependent on their sponsors and on welfare states (Block, 2015).

Despite the difficulties that migrants may have to deal with when applying for family reunification due to the prioritization or even exclusion of some members regarding their family ties or the failure to fulfill the above requirements (Boehm, 2017), applications of children are treated differently. In particular, Article 10 of the CRC demands that nation-states will consider the application of a minor under a ‘‘positive, humane and expeditious manner’’ (CRC 2017, paragraph 32). Moreover, nation-states under Article 22(2), have agreed to cooperate in order to bring family members together when the applicant is a child and the final decision should be based only in the best interests of that child (CRC 2017, par.34). At the same time, current Member States’ legislation seems to ensure that unaccompanied minor followers could reunify with their parents or members of the extended family in most cases.

What is still missing from current laws and regulations is a durable solution for unaccompanied minor followers who seek to reunify with their parents when they have remained in the destination country irregularly or when they cannot fulfill the above restrictions. In particular, the fact that the family reunification Directive affects legal insiders or those who meet the requirements, means that current legislation constructs a stratification within the population of a state (Strik et al., 2013 and Kraler, 2010a in Bonjour & Kraler, 2015). Thus, the more a person is considered as a regular member of a state, the more likely it is to live with his/her family (Bonjour & Kraler, 2015). Based on these, it could be argued that nation-states prioritizing parents’ legal status instead of the best interest of the child as the International and European laws suggest.

Hanna Arendt mentioned that legal status and citizenship precede the humanitarian side of nation-states and to have access to human rights one must foremost be a regular migrant or a native citizen (Breyer & Dumitru, 2007). According to Lockwood (1996) irregular migrants, and specifically parents in our case, have access to different socio-political rights than native citizens and regular migrants, and considering this, he formed his theory about civic stratification. The system of civic stratification reveals the upwards or downwards movement within society depending foremost on legislation, but on individuals resources as well.

Lockwood (1996) identified different categories, depending on individuals’ eligibility and capability to access rights. Those who unlawfully reside in a nation-state are excluded from basic rights and belong to the civic exclusion category. Moreover, there is a further distinction between individuals who have specific rights but not the resources to access them. Lockwood differentiated them in the civic gain and civic deficit category. The former refers to those who have the moral and material resources to access their rights while the latter refers to those who do not have this capacity. Lastly, individuals that do not hold specific

rights but have the moral and material resources to acquire them in the future, belong to the civic expansion category.

In this study I will investigate the civic stratification of followers. Although all followers have the same aspiration, nation-states' restrictions classify them in several categories which change frequently based on different factors. This study depicts that various restrictions classify followers into different categories of civic stratification. By using Lockwood's typology in combination with the existing knowledge of unaccompanied minor followers, this study aims to indicate the importance of sponsors' status and the role of resources.

According to Lockwood, the refusal to grant full citizenship, along with the unequal distribution of resources, form and determine societal hierarchies and the possibility to achieve one's goal (Jonitz, 2021). In a similar vein, Lydia Morris (2003, p.79) noted that national citizenship, citizenship of EU countries as well as third country nationals' status, which are nation-states' '*construction of formal devices of inclusion and exclusion*', determine the access to fundamental rights. The incorporation of Lockwood's theory will help this study to make a clear distinction regarding followers' mobilization within these societal hierarchies and to investigate if and why some followers deserve less than others.

Methods

To answer this study's research questions qualitative research has been carried out. Following a mixed method approach, two different sources of evidence have been used helping to validate the results (Bowen, 2009). In particular, desk research and semi-constructed interviews have been conducted during a two months period. By using this type of methodology, more researchers, based on my findings from the desk research and by conducting their own interviews with other informants, will be able to investigate the same topic.

Through an extensive desk research my aim is to answer the first subquestion '*What are the rights to reunify under EU law and national legislation of selected EU member states and what are the considerations of EU member states to restrict rights of unaccompanied followers?*', by analyzing existing International, European and national laws and policies that exist in Germany and in Sweden. The selection of the specific countries was based on different criteria. Firstly, Germany was selected because the majority of unaccompanied followers' in Greece wish to move to this country (McGregor, 2020). Secondly, Sweden has been characterized as one of the most liberal European countries in terms of its migration policies and a significant number of followers apply for reunification in the country (Skodo, 2018).

The desk research is based on official documents deriving from the involved states as well as from private sources. According to Bryman (2016, p.560) official documents are the ‘windows onto social and organizational realities’. As such, existing laws and policies from the governmental websites were selected and analyzed in combination with reports of the European Migration Network and several private organizations.

There are many advantages of this kind of methodology in qualitative research (Bowen, 2009). In particular, document analysis is an *efficient method*, since “instead of data collection it requires data selection” and therefore it is *cost-effective*. Moreover, their online *availability* makes the access to other authors easy and the documents can be analyzed *repeatedly*. Finally, in document analysis there is a *lack of reactivity*, since they remain genuine and authors do not include personal opinions as in other qualitative methods, such as the participants’ observation.

The second subquestion ‘*What are the main factors that structure access to existing rights*’, has been answered via semi-constructed interviews. These interviews were carried out via Zoom meetings due to Covid-19 measures. The aim of these interviews is to present obstacles for followers from lawyers’ personal experiences, to reveal factors that determine access to rights and to explain why non all UAMs have equal access to them. This kind of methodology made the research flexible and most of the questions were formulated based on interviewee’s replies (Bryman 2016, p.468)

All informants work in the interests of unaccompanied minors in Greece. More specifically, five lawyers working for Greek NGOs (3) and an IGO (2) have been interviewed. Among the responsibilities of these lawyers is the family reunification of UAMs in Greece and their narratives helped to understand factors that determine the access to family². Furthermore, four social workers and two psychologists, also working for NGOs and IGO, participated in the study. The specific individuals informed us about the impacts of longstanding procedures as well as of refusals to family reunification applications to followers’ lives. These narratives could raise awareness to Greek policy makers about the current situation of followers and raise public awareness regarding the importance of the issue.

All participants agreed to be recorded and to ensure the anonymity of the informants, only their profession has been mentioned. Each interview began with an open question related to the years that work in the field as well as to the reasons that make them work in this area. These questions helped us to contextualize answers (Bryman 2016, p.471) and to examine if they know how to deal with children appropriately. Consequently, informants were asked in

² More info regarding participants’ characteristics and research’s questions can be found on Appendix.

how many cases of family reunification applications have been involved, which were the most common countries of destination and what they think about the procedure in general.

Knowing beforehand that all participants have been involved with at least one case from the selected countries, several questions regarding each country and cases were posed. In the first place, my aim was to ask about successful procedures, to analyze the existing rights of family reunification and step-by-step to lead the discussion to long-standing procedures, refusals and factors that determined the decisions. Furthermore, based on my personal experience about the time-consuming procedures and the access to other rights (health, education, detention) that these minors have during their abidance in Greece, informants were asked (i) about the policies of the Greek state regarding minors that are stuck in Greece and (ii) about the strategies of these followers when they realize that family reunification will last long or will be rejected. The aim of this part was to find and suggest possible solutions for Greek policy makers.

To analyze the collected documents, thematic analysis, one of the most common methods in qualitative research (Bryman, 2016, p.584; Bowen, 2007), has been used. The selected themes were the *rights* of unaccompanied minor followers to family as well as the *conditions* of each member state to approve family reunification applications. Data analysis of the interviews was based on theoretical coding and grounded in the theory of this study, that is, civic stratification. Lockwood's concepts regarding groups and resources were used to examine how minor followers are constructed in society in terms of the accessibility to their fundamental rights. Finally, due to the different resources that are needed to access rights, the coding was also based on a data-driven approach with the incorporation of further categories beyond the moral and material resources.

Findings

This section at first refers to rights regarding family life and unity under International and European Laws. Moreover, the rights as well as the conditions for unaccompanied followers to be entitled for family reunification under Swedish and German legislations are described. Finally, the accessibility as well as the inclusion and exclusion of followers are mentioned in the last part, where the findings have been incorporated into Lockwood's theory. However, beyond the material and moral resources, an extra category of resources has been introduced in order to better explain and understand the differences among them.

A. Rights to Family

Universality

In order to reduce the devastating outcomes of family separation for refugees and migrants, International as well as European authorities have enacted the right to family life and unity

(Radjenovic, 2020). According to the International Human Rights Law, the protection and assistance of family unity as the fundamental group of society is recognized, among others, in Article 16(3) of the 1948 Universal Declaration of Human Rights, in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and in Article 8 of the 1950 European Convention of Human Rights (UNHCR, 2018 p.3&12).

Furthermore, the 1951 Convention on the Status of Refugees advises states to ensure family tracing and reunification, particularly for unaccompanied children (UNHCR, 2018 p.9). In addition, in regards to children, the Convention on the Rights of the Child of 1989, under the Articles 7, 8, 9, 10, 22(1) and 22(2) recognizes their right to have and remain with family as well as states' obligation to ensure that children will not be separated from family members against their desire (UNHCR, 2018 p.5).

To ensure that International obligations will be respected by Member States, the European Union introduced the Right to Family Reunification for third country nationals and refugees with the Family Reunification Directive of 2003. Remarkably, under the Directive the right to family reunification applies only to people with a valid residence permit. In particular, the Directive states that "the European Union should ensure fair treatment of third country nationals residing *lawfully* on the territory of the Member States". As such, unlawful migrants do not hold any right to family, while asylum seekers with pending applications do not hold the legal right to family reunion and lean on each state's willingness and jurisdiction to approve their applications.

Therefore, it is obvious that contrary to the apparent universality of the right to family life, migrants without residence permits and rejected asylum seekers are automatically excluded from their right to family life. Before discussing this exclusion, the German and Swedish legislation in regards to family reunification applications is introduced.

B. The Right to Family Reunification in Sweden & Germany

Sweden

The Swedish government adopted the EU Family Reunification Directive in April 2006, when new rules regarding family reunion of third country nationals were added in the Aliens Act (EMN, 2016). The considerable rise of inflows during the last years, which reached a peak during the refugee crisis in 2015, led national authorities to enact tougher policies, which are still in effect today (Swedish Red Cross, 2018).

In July 2016, the Swedish government introduced the Temporary Act, aiming to reduce the number of permanent settlements of third-country nationals. Since a significant number consisted of family reunification applications, an increasing number of rejections have been observed in such applications since that time (Swedish Red Cross, 2018). In

particular, beneficiaries of international protection are granted temporary residence permits depending on their status. Recognized refugees can stay in the country up to three years, while beneficiaries of subsidiary protection are awarded residence permits for only 13 months (EMN, 2016). Although in the early years of Temporary Act's implementation the beneficiaries of subsidiary protection did not hold the right to family reunification at all, after complaints and uproars by several organizations, they have gained the same rights as refugees since July of 2019 (UNHCR, 2019).

Sweden has introduced policies aiming to make family reunion for beneficiaries of international protection easier than for the rest migrant population. Thus, all beneficiaries of international protection do not have to meet any maintenance requirements, such as specific income or suitable accommodation. Nevertheless, if they do not apply within three months upon their recognition need to fulfill the same requirements as anyone wishing to gain residence permit.

According to Swedish national laws the best interests of children must be a priority concern when unaccompanied minors apply for family reunification (EMN, 2017). In Sweden, an applicant must be under 18 years old to be considered as children in family reunification applications, contrary to other Nordic countries, such as Denmark where the age limit for the same procedure is 15 years old (NOAS, 2019). Although Swedish legislation was in line with most of the provisions of the UNCRC, only recently, in July of 2020, the Convention incorporated in Swedish law, to help authorities to protect children's rights (Sveriges Riksdag, 2018). Finally, considering the best interest of children, the Swedish Migration Agency has introduced the *barnkonsekvensanalys*, which has to be completed in any application affecting children (EMN, 2016). Under this assessment, internal authorities conduct a specific evaluation of the community in which the children plan to move, by interviewing the sponsor and visiting his/her home.

Germany

On 25 February 2008, the German government introduced the new Residence Act. Within this most of the EU Directives, among them the Family Reunification Directive, became national law (Residence Act, 2008). However, over the last decade Germany has become the main destination country for third-country nationals and the uncontrollable number of beneficiaries of international protection applying for family reunification has forced the country to make numerous reforms to its laws and practices (EMN, 2017).

In particular, residence permits granted for family reasons in Germany have increased to a great extent since 2014, reaching a peak in 2017 with 115,000 granted permits (Migration Data Portal, 2019). At this time, third-country nationals in Germany can receive four different statuses. Namely, the temporary protection status for beneficiaries of international protection;

as either refugees or beneficiaries of subsidiary protection, the *Aufenthaltsgestattung* granted to those with a pending asylum application and finally, the *Duldung* status is granted to rejected asylum seekers, as a temporary suspension of deportation (Residence Act 2008). Consequently, their right to family life and unity depends on their status. While recognized refugees have the right to family reunification, the procedure is getting more complicated when sponsor's asylum procedure is pending or when sponsors have been recognized as beneficiaries of subsidiary protection and impossible when the sponsor holds a *Duldung* status.

More specifically, recognized refugees have the legal right to bring their families in Germany, while beneficiaries of subsidiary protection can apply for family reunification although national authorities can refuse the application since this status is not legally covered neither under the EU Directive nor the national law (Handbook Germany, 2020). Although, between 2016 and 2018 beneficiaries of subsidiary protection were not able to apply for family reunification, since the 16 March of 2018, similar rules have been applied for them as for refugees (EMN, 2017). Nevertheless, to control applications of beneficiaries of subsidiary protection, German authorities have introduced a monthly limit of 1,000 people that are allowed to reunify with their families (CoE, 2020). Finally, the situation for people holding an *Aufenthaltsgestattung* or *Duldung* is extremely difficult. Although they do not have a legal right, migration authorities may approve their application if they will remain in Germany more than 12 months and there are particular reasons threatening their life (Handbook Germany, 2020).

In a similar vein with Sweden, third-country nationals with a residence permit in Germany do not need to fulfill the maintenance requirements if they apply for family reunification within three months after their recognition as beneficiaries of international protection. If the application is submitted after this period, adult sponsors need to prove sufficient accommodation and income, in order to exercise their right to family reunification (EMN, 2017). Nevertheless, when the sponsor resides in German territory and holds the *Duldung* status, the three months period does not apply (Handbook Germany, 2020). Thus, no matter the time of the application, the sponsor needs to fulfill all the national requirements.

To make family reunification for minors more reliable and to ensure that the best interest of the children will be a main priority, Germany has taken some measures. According to Section 82 of the Residence Act, migration authorities need to conduct an assessment that determines family relations (EMN, 2017). Although the best interests of the child are not covered under the national legislation yet, according to the German government³, children

³ <https://www.bundesregierung.de/breg-en/news/rights-of-child-in-basic-law-1841338>

rights and provisions of the UNCRC will be enshrined within Article 6 of the Basic Law in the upcoming months.

Conditionality

To establish responsibilities among Member States, in July 2013 the EU introduced the Dublin Regulation III and it was agreed that the state where the adult sponsor resides lawfully, is responsible for examining applications for family reunification of unaccompanied minors (Dublin Regulation III, 2013, p.7). According to the Regulation, there is a priority criteria regarding the most eligible sponsors. Under this prioritization, first is any sponsor of an unaccompanied minor who legally resides in an EU Member State permanently, followed by sponsors that are beneficiaries of international protection, while in the last place are sponsors with pending asylum applications (CoE, 2020). As such, followers residing in Greece with family members in Sweden or Germany need to fulfill their national requirements.

The Family Reunification Directive of 2003 by repeatedly using the term *may* has allowed each state to apply different restrictions and obligations based on their needs and priorities (EMN, 2017). In particular, according to Articles 6 and 7, member-states “*may reject an application on grounds of public policy, security and health*” or “*may require the person who has submitted the application to provide evidence that the sponsor has sufficient accommodation, income and sickness insurance*”. Considering the minimum standards of the Directive, some member-states have been characterized as strict, while others seem to follow more liberal practices. According to the Migrant Integration Policy Index⁴, due to the national legislation, it is more favorable for a migrant to be reunified with his/her family in Sweden than in Germany, since the specific countries gather 71 and 42 points respectively (Mipex, 2020). Nevertheless, restrictions applied by Sweden and Germany make the right to family something that needs to be achieved and applicants must fulfill specific conditions to access their right to family.

According to the interviewees, internal authorities implement these measures in order to ensure newcomers’ integration and general future, while humanitarian organizations and external officials see these restrictions as measures to control the massive inflows. Regardless of the reasons, the reality is that all Member States have implemented different criteria that make an applicant eligible for family reunification. The text below introduces the Swedish and German obligations to accept family reunification applications. Although these obligations do not have to be met when applicants are granted international protection, this is not the case for followers. The main reason is that nation-states considering the best interest of the child need to check family members’ capabilities. Moreover, when followers apply for

⁴ <https://www.mipex.eu/family-reunion>

family reunion from Greece, in most cases sponsors have already resided more than three months in Germany or in Sweden.

Income

In Sweden the implementation of the Temporary Act in 2016 was followed by the introduction of stricter maintenance requirements (UNHCR, 2019). As a result, although under the Aliens Act sponsors had to prove that they could provide the essentials only to themselves, the Temporary Act obligated sponsors to have sufficient income for themselves and the newcomer (EMN, 2016). This amount includes accommodation costs as well as general costs to live, and refers to: work salaries, unemployment and sickness benefits as well as old-age pensions (Migrationsverket, 2021). For 2021, according to the Swedish Migration Agency⁵ the standard amount is:

SEK 5,016 (495,82€)	for a single adult
SEK 8,287 (819,15€)	for spouses/partners living together
SEK 2,662 (263,13€)	for children 6 years or younger
SEK 3,064 (302,87€)	for children 7 years or older

In regards to financial resources, contrary to the Swedish legislation, adult sponsors' income in Germany must not include public funds, such as child benefits, children and parental allowances (EMN, 2017). In Germany the amount is equivalent to the minimum monthly income, however, when the applicant is a minor, the specific income is equivalent to 60% of that (EMN, 2017).

Accommodation

Regarding accommodation requirements, Sweden does not use a specific measure such as other member-states (EMN, 2018) and the only obligation provided is that sponsors need to:

“have a home of sufficient size and standard for all of you to live in. For two adults without children a home is big enough if it has a kitchen or kitchenette and at least one room. If children are going to live in the home, there must be more rooms. Two children can share a bedroom”.

In Germany, according to the Section 2 of the Residence Act sufficient accommodation means that each family member aged above six should have 12sqm of living space, while for children less than six 10sqm are enough. In both countries the accommodation of refugees has

⁵ <https://www.migrationsverket.se/English/Private-individuals/Moving-to-someone-in-Sweden/Parent-or-other-family-member/For-the-relative-in-Sweden.html>

been challenged during the last years and only temporary solutions have been provided to them by responsible authorities.

Health insurance

The Swedish Temporary Act does not require sponsors and applicants to have health insurance, since under the Swedish law every person entitled to permanent or temporary residence permit for up to one year, has the right to access public healthcare (EMN, 2016). That is the main reason for granting a residence permit for 13 months to beneficiaries of subsidiary protection (EMN, 2016). In Germany, adult sponsors need to have health insurance if they want to be reunified with any family member (EMN, 2017).

Integration Issues

None integration measures have been addressed in Sweden. Beneficiaries of international protection who apply for family reunification are covered by the Introduction Act, which allows them to participate in integration classes, internships, and a variety of work training opportunities (EMN, 2016). Accordingly, none integration measures apply in Germany. Nevertheless, if the sponsor is not a recognized refugee but holds another status, according to the interviewed lawyers, the applicants have better chances to receive a residence permit if they speak basic German.

Documents

In Sweden an applicant needs to provide a valid identity document such as a passport or a travel document, while children wishing to be reunified with parents need to prove family relations through a birth certificate (EMN, 2017). In exceptional cases and only when applicants originate from countries with conflict (NOAS, 2019), due to the absence of reliable documents, when a minor is involved in family reunification applications, Swedish Migration Agency accepts relevant evidence. Namely, these could vary between evidence of a previous joint residence as well as messages or photographs that prove their particular dependency in the country of origin (EMN, 2017). As a last case-scenario, and when the family ties cannot be proved by other means, DNA tests can be conducted.

While the Family Reunification Directive (Article 10(3), 2003) encourages states to examine family reunification with members beyond the nuclear family when the applicant is an unaccompanied minor, in Swedish legislation there is no such concern (EMN, 2016). Nevertheless, in certain cases, and after the submission of conclusive evidence, the Swedish Migration Agency may approve the reunification with a member of the extended family, if unaccompanied minors' life and access to fundamental rights are under threat (EMN, 2016).

If the minor has reached the age of 18 during this prolonged process the reunification can be denied, since in Sweden the age at the time of the decision is taken into consideration

and not the time of the submission (NOAS, 2019). However, since 2018, and as a result of a Court of Justice ruling regarding a family reunification case in The Netherlands (Bartolini, 2018), under certain circumstances the Swedish Migration Agency may allow reunification of minors who applied before turning 18, regardless of their age at the time of the decision (NOAS, 2019).

In Germany, when a family reunification application includes an unaccompanied minor, migration authorities allow members of the extended family to be reunified (EMN, 2017). Nevertheless, numerous documents need to be submitted in order to prove the existence of their dependency and close ties (EMN, 2017). In general, the same documentation as in Sweden needs to be submitted within the application and in cases of absence migration authorities may ask applicants to conduct a DNA test (EMN, 2017).

All in all, nowadays the right to family for third country nationals is considered something that can be achieved under certain conditions. These conditions stratify unaccompanied followers in several categories of society and determine their access to rights. The next and last part of this section describes what followers need in order to access family and divides them within different categories of civic stratification reality.

C. Not for all

Lockwood's idea of civic stratification makes a clear distinction among those having specific rights due to their recognition as full members of a society and among those who have the resources to access their rights (Leerkes, Engbersen, Snel & Boom 2017, p.43). Similarly to all migrants, unaccompanied followers having the right to family need to work hard in order to gain and exercise it. Although there are no statistics on how many followers overcome difficulties and fulfill all the requirements, all interviewees agreed that a significant number is able to reunify after a prolonged period.

These entitled *privileged* followers hold the right to family reunification and all the essentials to access it. Nevertheless, it is important to note that even the entitled followers, due to several barriers and prolonged procedures do not wait for Sweden or German authorities to respond. The procedure to meet all the obligations, can last between a minimum of eleven months to a maximum of three years. The prolonged period, which for some followers, as a social worker stated, is equal to '*a trip to nowhere that can lead them anywhere*', can put them in a lower category of civic stratification, since they often try unlawfully to reunify with sponsors.

Some migrants due to the lack of resources are incapable of exercising their right to family or they do not even hold such a right. This incapacity refers to the lack of either moral or material resources that are needed to access certain rights (Lockwood, 1996). In opposition

to what C. Smyth (2013) wrote about the need to ensure that the best interests of the child precede the best interest of the states, all interviewees agreed that the reality is contradictory.

According to interviewed lawyers, receiving countries base their negative responses on Article 3 of the CRC, which declare that the best interest of the child should be *a* primary consideration and not *the* primary consideration (Smyth 2013, p.55). By using wordplay techniques, nation-states can refuse the family reunification of an unaccompanied minor regardless of whether they are entitled to it. Negative responses are not well-explained and authorities in Greece do not have the know-how to make an appeal with better chances.

“...The whole Family Reunification procedure is like a ping-pong match. Receiving countries are the front runner and Greece is always the outsider, who does not know which direction the ball will follow. Receiving countries reject applications due to the lack of appropriate documents, but without further explanation regarding what extra needs to be submitted. It is a small cynical response, usually just a paragraph, without clarification of how the best interests of the child were taken into consideration. The continuous exchange of documents can last more than two years...most of the time, after two or three rejections we just stop trying” (Lawyer).

This implicit denial to live with family is in line with Lockwood’s category of *civic deficit* and refers to followers that do not have the chance (or the fortune) to gain their rights. All interviewees referred to the lack of different resources for each negative response, and based on Lockwood’s theory we have separated them into moral and material.

Moral resources

In terms of the moral resources, Lockwood (1996) defined them as the benefits that individuals have as a result of their social standing and social network, as well as their general knowledge on how to deal with different circumstances. Thus, as Jonitz (2021) has mentioned, some social groups benefit from their access to public sources and their ability to express their needs in an appropriate manner. In regards to unaccompanied followers in Greece, this research has identified three such resources.

I. Sponsor’s status

Although the UNHCR in 2001 organized a roundtable regarding the right to family and the main outcome was that the universal right to family unity applies to all humans no matter their status (UNHCR, 2018 p.3), the reality is contradictory. In particular, the access to family rights foremost depends on the sponsor's status. If a sponsor does not hold a legal status in the

hosting country, automatically the rights to family life and unity do not hold water both for themselves and their families.

According to the latest update of the Greek National Center of Social Solidarity (EKKA, May 2021), currently there are 3,342 documented unaccompanied minors residing in Greece. Although there is not a clear distinction between the number of existing followers and the rest unaccompanied minors, based on interviewees' estimations at least one out of three of them has applied for family reunification with a family member that resides in another EU state. The majority of them are Afghans, Pakistanis and Syrians (35%, 19% and 14% respectively) while the rest are coming mostly from African countries (EKKA, 2021).

However, beyond the documented unaccompanied minors, it is estimated that at this time there are more than 2,000 undocumented minors in Greece, and considering social workers experiences, among these undocumented minors a significant number consists of followers. The interviewees agreed that the main reason for minors' unwillingness to be documented is their sponsors' status.

“Imagine having a chance to find your family if you continue your illegal trip or no chance if you are documented. What will you choose? These kids prefer to sacrifice a hot meal or a place to sleep in order to deplete all their possibilities to find their families”.

Consequently, their sponsors' status in the hosting country affects their position within the civic stratification system. When a sponsor unlawfully presents in another EU state or when he/she holds a “liminal status that lies between notions of legality and illegality” like *Duldung* (Menjivar, 2006 in Jonitz, 2021), followers, both documented and undocumented, do not have the right to family reunion.

Nevertheless, among this group of followers, there is another distinction, since some of them have the demanded resources but are not entitled to the right per se. As such, some followers who are not entitled to family have the capacity to be reunified if their sponsors' status change (civic expansion), while others are totally excluded, since they neither have the right nor the resources to access it (civic exclusion). The number of these followers has risen lately and the main reason is the *Duldung* status. In particular, the German strategy to grant *Duldung* status to a significant number of Afghan asylum seekers, in combination with the notable number of Afghans followers in Greece, enlarges the number of followers who do not hold the right to be reunified.

Therefore it can be argued that the lower level of civic stratification consists of the excluded followers, while just above them are followers who have the resources but not the right. Both groups according to interviewees will deplete their opportunities to continue their

journey unlawfully. In addition, aspirant followers with no right to family but with sufficient resources (civic expansion) hold more chances to arrive in Sweden or Germany by paying smugglers, while the excluded minors try to complete their journey as hidden passengers in boats, trains and trucks.

However, the above categories are not the only ones trying to reunify unlawfully. There are other factors determining the access to family for some followers, who although are entitled to family reunification, do not have the resources to accomplish it. Before analyzing these factors, as it can be seen in the next Figure, it can be argued that the entitled but *underprivileged* followers have the same ending with followers belonging to the lower categories of the civic stratification system.

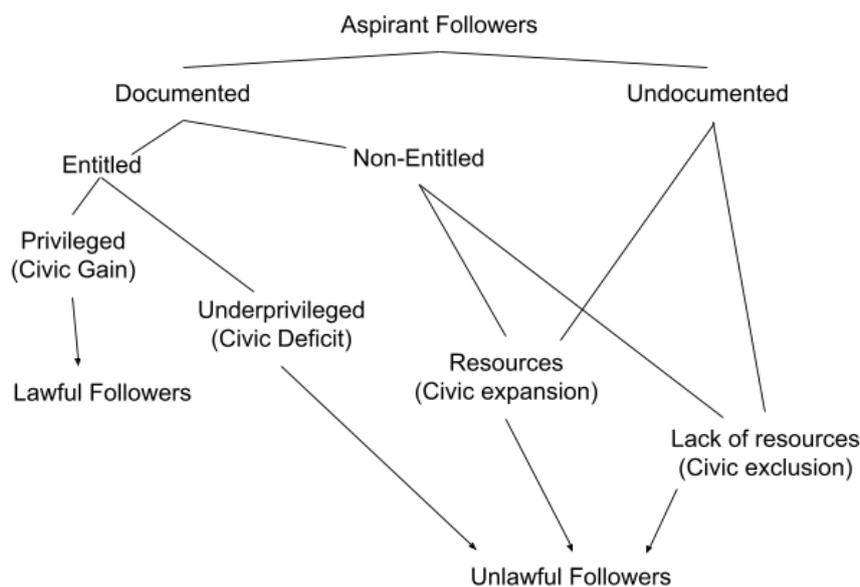


Figure 1. Civic stratification of followers.

II. Access to NGO

Considering that the majority of unaccompanied minors arrive in islands, participants stated that many of them do not have access to justice for at least one month upon their arrival. Consequently, during this month minors cannot express their desire to apply for family reunification and they need to wait until a NGO undertakes their protection. Although this fact is not an issue for followers having families in Sweden, the reality is different for those wishing to move to Germany.

In particular, according to the Dublin Regulation III, Greek authorities need to conduct and send the application in the responsible country within three months. While this time-limit starts to count once followers express their interest to be reunified in most of the EU countries, German migration authorities count the three months period once followers are documented. The specific chronicle barrier does not allow followers who have been under

protective custody for a long time to submit their applications and is the main reason for rejections by the German authorities.

III. Gender

According to interviewees, a minor can be a follower for two different reasons. Although the separation during the trip was more common during the refugee crisis of 2015, since 2017 the situation has changed. More specifically, nowadays the majority of followers consist of male minors wishing to reunify with their father or another older male family member. That is due to an organized migratory plan conducted by families that prioritize the movement of male members in order to raise money to make migration for the rest of the family more feasible and under better conditions in the near future (Mascini & van Bochove, 2009). This strategy is confirmed also from the fact that at this time 91,3% of unaccompanied minors in Greece are males (EKKA, 2021).

The few cases interviewees had to deal with related to girls wishing to reunify with families in Germany or Sweden, faced faster procedures and always positive responses. Lawyers argued that this is mainly because females and especially young girls are considered as the most vulnerable group. Peter Mascini (2009) has also argued that UNHCR introduced specific guidelines for refugee women's protection in 1991 because women are the disadvantaged group compared to men and that "notions of femininity have an obvious impact on females' success rate in asylum procedures".

However, although females are seen as the more vulnerable group, the rates of positive responses to their family reunification applications evince another reality. Male followers are seen more often as "bogus" refugees, who can threaten the receiving country upon their arrival (Mascini & van Bochove, 2009). As such, Sweden and Germany by seeing male followers more as economic or bogus refugees rather than a vulnerable group carry out a thorough examination of males' applications that leads to rejections more systematically.

Material resources

Beyond the moral resources, minors who aspire to become privileged followers need to possess some material resources. Since sponsors' accommodation and income rarely result in negative answers, as we have already mentioned in the previous part of this section, these resources when the applicant is an unaccompanied minor seeking family reunion, are mainly economic and identification documents.

The major difficulty regarding the procedure of family reunification is the submission of sufficient documents proving family ties between sponsors and followers. Although both Germany and Sweden allow minor applicants to provide only one document proving their family ties, most of them lack any type of documentation. These documents are crucial,

especially when the sponsor does not belong to the nuclear family. Even though Swedish and German national law approve the family reunification for family members of refugees or beneficiaries of subsidiary protection beyond the nuclear family, in reality this is not an easy case and almost impossible. Followers wishing to reunite with aunts or cousins, need to submit pictures and/or messages between them to demonstrate that close ties existed before departure from their country of origin, or birth certificates of both sponsor's and follower's parent to prove their in-between relationship as siblings.

Beyond this kind of material resources, followers come up with further difficulties even when they want to reunite with members of the nuclear family. In particular, both Sweden and Germany ask followers to undergo a DNA test as a last resort in order to confirm family ties.

“When we inform minors that the receiving country asks for a DNA test, they look happy as they believe that is something easy to be done. In reality, it is one of the main reasons for their prolonged procedure or even the denial of application. Since a DNA test's price today can vary between 300 and 500 Euros. Applicants do not have that money and for one more time their future is based on our capacity” (Social Worker).

As such, followers as well as their sponsors do not have the economic capability to cover such expenses and they lean on guardians' resources. Therefore, beyond the moral and material resources of followers, this research beyond Lockwood's categorization has identified an extra category of resources playing a crucial role in the family reunification process that is the institutional resources.

Institutional resources

This kind of resources is not related directly to the followers' capacities but to their guardians' ineffectiveness to communicate followers' needs in an appropriate manner either due to their weak social network or their general economic conditions. Thus, institutional resources are both the material and moral resources of the responsible institution to proceed or examine a family reunification application.

More specifically, according to the UNHCR (2018), all the actors involved in family reunification applications need to hold the know-how about children's treatment, their needs and how to ensure that all actions are based on the principle of the best interest of the children. By contrast, most of the interviewees agreed that in general people working to protect these minors do not hold any particularization regarding their needs. According to lawyers, this fact plays a crucial role since often the Dublin Team in Greece does not pay enough attention to the best interest of the children.

“...the Ministry often employs people with degrees in religious studies or French Philology, without any further knowledge related to children, in order to examine such applications. I do not have any bias against these people and their studies, but what do they know about law and children? Nothing...” (Lawyer).

	Moral Resources	Material Resources	Institutional Resources
Sponsor's status	+		
Access to NGO	+		
Family relationship		+	
NGOs' capacity			+
Gender	+		
Financial capacity		+	

Figure 2 Factors determining access to family and resources' categorization

Moreover, not all NGOs have the same capacity in moral resources. Some small NGOs, that are guardians for a limited number of minors, are not heard by official authorities. Each NGOs social network has an important role on followers' applications and their future depends to a great extent on that. Thus, it can be argued that the lack of moral resources of both followers and guardians limit their access to family and can convert privilege followers to rejected ones.

Finally, apart from the lack of moral resources, NGOs lack material resources, since they do not have the financial ability to pay for DNA tests for all minors. As such, NGOs prioritize the applications of some 'selected' followers due to their incapability to pay for all demanded DNA tests. In most cases, this selection is based on the general possibilities that a follower's application will be accepted.

Conclusion & Discussion

Just as all migration-related studies are a complex issue, so the family reunification of unaccompanied minors is. The aim of this paper is to examine the rights of unaccompanied minors to family compared to reality and to analyze factors determining the current situation.

At first, I described the universal right to family life in particular for all children and afterwards I explored the existing legislation in Sweden and Germany. Finally, I incorporated Lockwood's theory of civic stratification into research findings and I distinguished three different types of needed resources.

The first research question of this study was about the rights of unaccompanied minors to family life and unity under International, European and national legislation as well as the considerations of Sweden and Germany to apply stricter measures. Overall, current legislation regarding family reunification of unaccompanied followers seems to be in line with the universal principle of the best interest of the child. Although both countries have implemented stricter laws since the refugee crisis of 2015, in their attempt to reduce massive inflows, when a family reunification application involves a minor, more flexible policies are followed.

The research showed that followers applying in Sweden have more chances to be accepted than in Germany for two main reasons. Firstly, in Sweden the inclusion of the children's rights in national law has forced national authorities to examine all applications of followers in depth and as such they reject applications rarely. All interviewees expressed their hope regarding the upcoming inclusion of children's rights in German legislation, which may have similar results. Secondly, Germany has received a great amount of followers residing in Greece compared to Sweden. As such, while Swedish authorities have to deal with a confined number of applications, the uncontrollable number of applications received by German authorities made them more rigorous.

Contrary to the apparent universality, this research found that a significant number of followers are not entitled to the right to family reunion. The fact that family reunification involves both insiders (sponsors) and newcomers (followers), results in the exclusion of minors due to their sponsors' status. While in both countries the unlawfully migrants do not hold any right to family reunification, in Germany there is an extra group of people that are not entitled to bring their families. In particular, since 2015 Sweden does not grant national status and refugees as well as migrants are granted only statuses covered by the EU Directives (EMN, 2017). In contrast, the German strategy to grant asylum seekers national status such as the *Duldung*, reduce their rights and family reunification for followers is impossible.

According to Lockwood's theory (1996), this exclusion creates the lowest level of civic stratification and this research revealed that the majority of non entitled followers try different unlawful paths to be reunified with sponsors. Remarkably, this research found that these excluded minors consist of two different sub-groups. On the one hand, there are the documented followers who lack the right to family reunification due to their parental status but they are entitled to other fundamental rights, such as the right to education and health. On

the other hand, undocumented followers lack any right⁶, due to their unwillingness to be recorded by Greek authorities. It can be argued that this last subgroup of excluded followers belongs to the bottom of civic stratification since they are entitled neither to accommodation nor to health or education.

The second question of this paper was about the factors that determine the access to family for those who hold the right. By interviewing individuals working in several organizations aiming to protect unaccompanied minors rights, this research identified five factors that can capture followers in Greece. According to the findings, it is important to see beyond the material and moral resources which were identified by Lockwood, and to understand the role of what was named as the institutional resources. Although many researchers have agreed that family reunification and in general family migration issues involve the resources and the capacity of both sponsors and applicants, this research found that the capacity of several institutions has an equal role. Therefore, we have added to Lockwood's theory of civic stratification the incapacity of followers' guardians and their role during family reunification process.

Overall, it can be concluded that this threefold of agents (sponsor-applicant-NGO/IGO) and their capacity stratifies followers into different levels. The top of the pyramid consists of followers having the right to family and all the resources to access it. In the second level, we can find followers who hold the right to family but not the resources to access it, followed by followers who have the demanded resources but are not entitled to it. The fourth category consists of the excluded followers with the undocumented to be in the bottom.

This stratification reveals that the right to family has been correctly characterized as conditional (Schweitzer, 2015), contrary to current principles promoting a universal right and suggesting that nation-states should protect and prioritize the best interest of children. Nation-states' need to protect their sovereignty and to ensure that newcomers will contribute to country's well-being (Campbell, 2016), make the right to family for some minors not only something that need to be achieved, depending on resources which can result in the upward or downward movement in the civic stratification reality, but something unattainable. The use of Lockwood's theory helped this study to explore the differences among followers and to conclude that current legislation captures the majority of them to the bottom of societal hierarchies. While the trouble of followers seems to be private, this study indicates that more unlawful movements have been produced and the struggles of followers to be reunified can be characterized as public issues.

⁶ The rejected or the excluded from family reunion are simultaneously excluded from other rights. While UAMs' participation in educational programs depends on the general willingness to integrate in the country, the followers have another strategy. Based on the psychologist and social workers who arrange their activities, followers during the early stages of their applications seem to be excited about educational activities and they try to attend as many educational activities as they can. Nevertheless, if the application needs more time than their expectations, they do not want to participate in such activities anymore.

Discussion

In order to provide recommendations for future research as well as possible solutions to this public issue, some limitations of this paper should be discussed. Firstly, the selection and analysis of documents covered the legislation of Sweden and Germany to the extent that they are published to several websites within the research writing period. Thus, possible updates beyond this period have not been taken into account. In addition, the considerations of each state to introduce specific measures could not be investigated in great detail. Further research should examine these considerations by interviewing policy makers as well as officials from Germany and Sweden.

Secondly, although this research covered all rights of followers, the factors that determine access to them may not be covered completely. Considering the confined number of the interviewed lawyers, their experience and cases that have come upon may not include all existing factors regarding family reunification in the selected countries.

Thirdly, it is important to note that difficulties in family reunification for unaccompanied followers' applications are not a phenomenon only in Sweden and Germany but a general issue. For example, interviewees agreed that currently the United Kingdom asks all applicants to conduct a DNA test and is not considered as the last case scenario as in Germany and in Sweden. Moreover, at the time of the research Norway allows followers to travel in the country only under the custody of their sponsor. As a result, the procedure is time-consuming and demands extra expenses paid by migrants, since they need to pay flight tickets on their own. Thus, further comparative research is needed to collect all existing factors within the EU.

Lastly, further research could investigate the strategies and dilemmas of the involved actors. On the one hand, by interviewing followers, one can explore their strategies, how they manage to travel unlawfully and what are the expenses for that compared to the expenses needed to apply lawfully for family reunification. On the other hand, sponsors' dilemmas should be taken into consideration, mainly when these are the parents of followers. Further research could explore which the possible solutions are, provided by parents to long-standing procedures or negative responses. While some parents may choose to stay and not reunify with their children, others may choose to move back to the country where their child is "captured". Thus, it could be explored whether the return of the parent in the transit country creates an upward movement for unaccompanied minors in the civic stratification system. Regardless of the above limitations, this research proved that there is an unequal distribution of unaccompanied followers and that current legislation seems to lead the majority of them in the lower levels of civic stratification. The results of this research demonstrate that new measures should be implemented in order to be in line with the principle of the best interest of the child as well as with nation-states' desire to protect their needs.

Foremost, this study shows that more data are needed regarding (i) unaccompanied minor followers in Greece and (ii) the exact number of followers with rejected applications. Although there is evidence about how many applications are sent via the Dublin Regulation, there is not a clear distinction of how many of them consisted of unaccompanied followers' applications as well as how many of them were rejected. By doing this, policy makers and in general authorities will be informed about the importance of this issue and will understand that further measures need to be taken.

Furthermore, the whole family reunification of unaccompanied minors should be less complicated. Remarkably nowadays, because family reunion procedures might take more than two years in some situations, lawyers and social workers advise followers to apply for relocation in other EU countries under the respective scheme⁷, where the process is simpler and faster. Afterwards, followers if they are not relocated in the same country where their sponsor resides can apply for family reunification and may have better chances due to the capabilities of the new transit country. Thus, changes in the application process should be done in order to consider the vulnerabilities of all followers and to respect their rights. Such changes could be the elimination of costs (e.g. DNA tests) when minors are involved regardless of the time of application's submission.

Finally, it is important to highlight and understand why the entitled followers, who lack resources, do not have the chance to make an appeal in European or International courts. In general the EU has given billions to Greece in order to control and manage migration (Radjenovic, 2020), while a considerable amount has been spent only for the unaccompanied minors. Nevertheless, this research found that followers' guardians do not make appeals to International or European courts in order to use up all their means. Further research could examine why this happens and how more funds can be given to Greek NGOs in order to make the family reunification more feasible. In addition to this, the unpreparedness as well as the inappropriate education of employees in NGOs and in Greek Dublin Team should be examined and reformed in order to make them understand and prioritize the best interest of the children. After all that is, or at least should be, what the world stands for; the protection of -all- rights, be it fundamental or not, be it documented or not, at the earliest stage possible.

⁷ "Eleven EU countries are participating in the scheme to accept 3,300 vulnerable asylum-seekers, including 1,600 unaccompanied and separated children for relocation from Greece to other participating European states." (UNHCR, 2020) <https://www.unhcr.org/neu/43303-explainer-relocation-of-unaccompanied-children-from-greece-to-other-eu-countries.html>

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APPENDIX

A1. Topic List for interviews

Interviewees' profession	Question
All	How long have you been in this job position?
All	In addition to your degree, do you have any other certifications or specializations with regards to children and how to approach their needs?
All	Tell me a little about your coverage of unaccompanied children who have at least one family member in Sweden or Germany when they enter your case load. How many cases have you worked on, and how many of those cases involved family reunification applications?
All	Based on your experience, what led these kids to be unaccompanied in Greece?
Lawyers	Could you describe which are the most strict and liberal countries, in general within EU and specifically between Sweden and Germany, regarding family reunification legislation? Why is that happening?
Lawyers	In regards to Sweden and Germany, what is your opinion about their policies in family reunification of UAMs? Considering the Swedish and German laws family reunification for unaccompanied minors seems easy and without restrictions. Is this the reality? Is this correct? If not, what is missing from my knowledge?
Lawyers	Do all children who in principle meet the requirements for legal family reunification get permission to reunify with their parent in German or Sweden? Why? Why not?
Lawyers	What factors determine the access to family right? Describe some examples of your experience where family reunification was denied or lasted for a prolonged period.
Lawyers	Does it make a difference whether children or their parents have certain resources? Please elaborate
Lawyers	According to EU directive as well as national laws, only legal/regular members have the rights to family reunification. What happens if a minor in Greece wants to be reunited with his/her irregularly settled parents?
All	In your opinion, member states care more about the best interest of the child or the best interest of the state?
Lawyers	If the best interest of the state precedes the best interest of the child, what could be done to change the situation?
All	In case an UAM has to remain in Greece, what does the Greek state to protect his/her rights and how feasible the access to them is? (such as education, accommodation, health, lobbying with other EU states to be more liberal in family reunification)
Social workers & Psychologists	What are the main strategies of the UAM followers that are in Greece? Most of them ask for legal assistance and try to reunify under legal pathways or are there any smuggling systems help them to travel in Sweden and in Germany illegally?

A2. Participants characteristics

Interviewees' Profession	Years of employment in organizations related to migrants/refugees	Specialization	Cases of unaccompanied minors wishing to reunify with family⁸
Lawyer	12 (for 3 NGOs)	Refugees' asylum/ family reunification applications. Since 2017 consultant for family reunification of refugees.	Germany: more than 200 Sweden: 20-30
Lawyer	12 (for 2 NGOs)	Refugees' asylum/ family reunification applications. Since 2014 Member of the Guardianship Network of Unaccompanied Minors.	Germany: more than 300 Sweden: 30-40
Lawyer	6 (for 2 NGOs and currently for IGO)	Refugees' asylum/ family reunification applications. Since 2018 responsible for unaccompanied minors' family reunification, relocation or asylum application.	Germany: 100-150 Sweden: 10-20
Lawyer	6 (for 1 NGO and currently for IGO)	Refugees' asylum/ family reunification applications. Since 2019 responsible for unaccompanied minors family reunification, relocation or asylum application.	Germany: more than 100 Sweden: 0-10
Lawyer	5 (for 3 NGOs)	Refugees' asylum/ family reunification applications. Since 2019 responsible for unaccompanied minors' family reunification, relocation or asylum application.	Germany: more than 100 Sweden: 10-20
Social worker	6 (for 2 NGOs)	Working in organizations' shelters for UAM: Collection of necessary documents. Organize and participate in several activities along with young refugees. Member of the Street Work program.	Has offered social services to more than 300 unaccompanied minors
Social worker	5 (for 1 NGO and currently for IGO)	Working in organizations' shelters for UAM: Collection of necessary documents. Organize and participate in several	Has offered social services to more than 300 unaccompanied minors

⁸ Two lawyers are working in the same shelters. As such, some cases that they have been involved in are the same. The same exists for 2 social workers. Numbers are based on participants' estimations since it was impossible for them to remember the exact number.

		activities along with young refugees. Formal member of the Street Work program ⁹ .	
Social worker	3 (for 2 NGOs and currently for IGO)	Working in organizations' shelters for UAM: Collection of necessary documents. Organize and participate in several activities along with young refugees.	Has offered social services to more than 100 unaccompanied minors
Social worker	3 (for 1 NGO and currently for IGO)	Currently working in organizations' shelter for UAM: Collection of necessary documents. Organize and participate in several activities along with young refugees.	Has offered social services to more than 100 unaccompanied minors
Psychologist	6 (for 1 NGO)	Working in NGOs shelter for UAM: Psychological support of unaccompanied minors. Member of the Street Work program.	Has offered his services to more than 100 unaccompanied minors
Psychologist	5 (for 1 NGO and currently for IGO)	Working in organizations' shelters for UAM: Psychological support of unaccompanied minors living in shelters.	Has offered his services to more than 100 unaccompanied minors

⁹ Currently the Street Work is one of the small amount of programs aiming to help undocumented unaccompanied minors. Each week members of NGOs visit different neighborhoods to provide the essentials to minors who do not want to be documented by Greek authorities. Their main purpose is to convince these minors to be documented in order to live under better conditions and to help them access their rights.

More info: <http://www.arsis.gr/drasis-ke-ipiresies/drasi-gia-tous-astegous-ke-to-dikeoma-sti-stegi/streetwork/>