



Families Together Response to the New Plan For Immigration Consultation

Intro

This guide has been created by the Families Together coalition. It includes how the Families Together coalition plans to respond to each section of the consultation which relates to family reunification. We are aware that some questions in the consultation relating to family reunion are not covered in this guide (E.g. question 9). This is because we will not be answering this question. This guide is intended to be used by the wider coalition members, to help you to answer questions on family reunion in the consultation.

Question 1

Invites you to assess the Home Secretary's Foreword to the Government's plan. In view of how that Foreword is presented, however, the question allows you to pass a Verdict on the Government's proposals overall.

Our Response

We will be answering this questions as 'Strongly oppose'

Our overall assessment of the proposals is that, if implemented, they will do considerable harm – particularly in respect of creating a two-tier asylum system which would restrict access to family reunion for people seeking asylum who arrive in the UK through an irregular route. This would effectively deprive thousands of people (the majority of whom are women and children) from being able to access the most utilised existing safe and legal route to join their family member(s) in the UK.

Question 2

The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives: To increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum. To deter illegal entry into the UK, thereby breaking the business model of criminal trafficking networks and protecting the lives of those they endanger; and to remove more easily from the UK those with no right to be here.

How effective, if at all, do you think each of the following will be in helping the UK Government achieve this vision? Please select one response for each statement.

- A. Strengthening safe and legal routes for those genuinely seeking protection in the UK.

Our Response

We will be answering this question as 'Not at all effective' (we outline the reasons in the next question).

Question 3 (open question/text box)

Please use the space below to give further detail for your answer. In particular, if there are any other objectives that the Government should consider as part of their plans to reform the asylum and illegal migration systems.

Our Response

The proposals do nothing to strengthen safe and legal routes, and more alarmingly, will have the opposite effect by reducing access to Refugee Family Reunion for people seeking asylum who enter the UK irregularly. The proposal seeks to punish people seeking asylum who arrive through an irregular route by creating a two-tier asylum system which would restrict access to family reunion for thousands of women and children each year. The New Plan for Immigration uses language that implies that such claims are less 'genuine' than those arriving through a regular route, despite the fact that the UK's obligation to recognise refugees under the 1951 Convention has nothing to do with how the applicant entered the country. The proposal to establish a two-tier asylum system is completely unfounded, unjust and simply wrong.

Refugee Family Reunion is currently the most accessed safe and legal route, with over 29,000 people being granted visas in the last 5 years, 90% of whom are women and children. If the intention is to strengthen safe and legal routes for those genuinely seeking protection in the UK, then ALL refugees who are granted status should have full access to family reunion, irrespective of how they arrived in the UK. The New Plan for Immigration and the upcoming Sovereign Borders Bill are important opportunities to make the UK's asylum system fairer, humane and more efficient. At the heart of this should be expanding safe and legal routes to the UK, including making it easier for all refugee families to reunite.

To achieve this, the Government should:

- Expand the criteria of who qualifies as a family member for the purposes of refugee family reunion allowing adult refugees in the UK to sponsor their adult children and siblings who are under the age of 25; and their parents
- Give unaccompanied refugee children in the United Kingdom the right to sponsor their parents and siblings who are under the age of 25 to join them under the refugee family reunion rules
- Reintroduce legal aid for all refugee family reunion cases

Question 4

How effective, if at all, do you feel each of the following proposals will be in ensuring the Government can provide safe and legal ways for refugees in genuine need of protection?

- Reviewing the refugee family reunion routes available to refugees who have arrived through safe and legal routes.

Our Response

We encourage you to answer 'Not at all effective' in respect of the bullet point above.

In the Plan, the Home Office say they will review the family reunion routes available for refugees who arrive via safe and legal routes, such as resettlement. In particular, they say that "we will

consider whether there is a case for unmarried dependent children under the age of 21 (rather than just 18) to join their parents, where both parents are refugees living in the UK.”. While this is welcome and reflects, in part, some of the calls that have been made regarding the expansion of family reunion, in practice it is likely to make little difference. The majority of refugee families who arrive via resettlement routes would include any dependent adult children. The specification that both parents need to be living in the UK is also potentially limiting, as often one parent may be missing or dead.

Question 5

In maintaining clearly-defined safe and legal routes, how important, if at all, are each of the following practical considerations? Please select one response for each statement.

- Linking the numbers of refugees the UK resettles to the capacity of local areas to provide help and support.
- Prioritising refugees on the basis of their vulnerability or risk.
- Prioritising refugees based on their potential to integrate in the UK (e.g. English proficiency, pre-existing ties to the UK, or skills).
- Prioritising refugees from persecuted minority groups.
- Prioritising the family members of refugees already in the UK.

Our Response

We have elected not to answer this question and to include our reasoning in Question 7

Question 6

We have elected not to answer this question and to include our reasoning in Question 7.

Question 7

Open question to give further feedback on the proposals in chapter 2. In particular, the Government is keen to understand: If there are any ways in which these proposals could be improved to make sure the objective of providing well maintained and defined safe and legal routes for refugees in genuine need of protection is achieved; and whether there are any potential challenges that you can foresee in the approach the Government is taking to help those in genuine need of protection.

Our Response

The New Plan for Immigration states that between 2015 and 2019, 29,000 people were able to come to the UK through existing refugee family reunion rules. Of the 29,000, the vast majority were women and children. This is 4,000 more people than the number who were resettled in the UK during the same period. Refugee Family Reunion is currently the most accessed safe route, it allows family members to reunite safely in the UK. The Home Office proposals outlined in the ‘New Plan for Immigration’ will undermine refugee family reunion. This is because, under these proposals the provision of asylum would be greatly curtailed for refugees who arrive in the UK via irregular routes (because there are no safe and legal routes available to them). Those arriving via irregular routes currently make up a large majority of those claiming asylum in the UK. For the vast majority of those people, there is no viable alternative for them to be reunited with family members. Limiting this route therefore risks incentivising more dangerous journeys – made by

people seeking to live with their family members – rather than reducing them. If someone has arrived in the UK irregularly (for example, by small boat across the Channel) the Home Office will try and avoid making a decision on any asylum application, deeming it to be “inadmissible”. The Home Office will argue that the person should have applied for asylum in a “safe third country” that they have travelled through prior to reaching the UK, and removal to a safe third country will be sought. If removal isn’t possible, the UK Government will process the asylum application. But if the person is found to have a positive claim, rather than getting refugee leave they will be granted a new temporary protection status. This will be for a temporary period, no longer than 30 months; not include an automatic right to settle in the UK; have a no recourse to public funds requirement, other than in cases of destitution; and have restricted family reunion rights. The status will not be automatically renewed at the end of the 30 months. Instead, there will be an assessment of whether the person can be removed to a safe third country or their home country. There is no further detail on what restricted family reunion rights will mean in practice.

There are several possibilities, including delaying access to family reunion, all of which could substantially reduce the number of refugees in the UK able to be reunited with their family members. The proposals are deeply alarming as refugee family reunion provides the only safe and regular route for refugee families, who have been forced to separate because of persecution or conflict, to reunite. Additionally, the limited length of the leave granted and the regular review with potential for removal will make the situation very unstable for any family that is able to reunite. Moreover, with no recourse to public funds many families will be forced into destitution upon arrival and struggle to access necessities such as housing, health, education and welfare. If these plans are implemented, the number of family reunion visas issued would be expected to decrease substantially as the plans seek to discourage people from making irregular journeys for the purposes of claiming asylum, and anyone receiving the new temporary protection status will have restricted family reunion rights. This risks leaving family members of refugees with little choice but to embark on dangerous journeys in order to be reunited with their family members in the UK.

Accordingly, the Home Office proposals, if pursued, will undermine the means by which the majority of people are provided the protection to which they are entitled (i.e. via the asylum system) and also the means by which most of the minority of people who are provided protection by a safe and legal route can currently do so (i.e. via refugee family reunion). This will not be likely to reduce the relatively modest number of people who come to the UK to seek asylum. It may, however, compel many of these people to try to avoid the authorities; and it may cause many others to be left in situations of limbo and deprivation, more vulnerable to exploitation and abuse.

Question 8 selecting how much you agree/disagree with statements on RFR

How important, if at all, do you think each of the following proposals would be in meeting this objective? Please select one response for each statement.

Whilst we recognise that all family relationships are important, particularly in the context of the people fleeing persecution who may have suffered the loss of one or more family members, we will be answering ‘very important’ for the first 4 as they align with the policy calls of the FT coalition. We will be answering ‘fairly important’ for the final option, as it does not align with our policy calls but we believe that it is still important.

Reuniting an adult with refugee status in the UK with...

- Their spouse or partner, wherever their spouse/partner may be in the world.
● **Very important**
- Their own child who is under the age of 18, wherever their child may be in the world.
● **Very important**
- Their own adult child who is over the age of 18, wherever their child may be in the world.
● **Very important**
- A close family member (e.g. sister, brother), wherever that family member may be in the world.
● **Very important**
- Another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world
● **Fairly important**

Question 10

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the EU wanting to reunite with family members in the UK?

Our Response

Unaccompanied asylum-seeking children will be greatly affected by the new proposals. Of the 29,000 family reunion visas granted in the last 5 years, 90% were given to women and children. Family reunion is currently the only safe and regular route for unaccompanied minors who have family members in the UK to reunite safely. For the majority, the family member they are hoping to reunite with will have come to the UK via an irregular route. If those who come via irregular routes will have limited family reunion rights, this may result in fewer unaccompanied minors being able to come to the UK to reunite with family members. Instead, they will be forced to undertake dangerous journeys in order to reunite- as is already the case for separated children who don't have family members in the UK (and thus have no safe and regular routes available to them since the closure of the Dubs amendment in May 2020).

Under section 55 of the Borders, Citizenship and Immigration act 2009, the best interests of the child principle is incorporated into UK law. This requires all actors to take into account a child's best interests when making decisions which concern them. It is undoubtedly within a child's best interests to reunite with family members (if the child requests to do so). If the government is committed to upholding this, they should be seeking to expand safe routes for children rather than restricting them.

Annex A, which accompanies the New Plan for Immigration, does not set out in any detail the UK Government's future policy on safe and legal routes for unaccompanied children, rather it outlines the current routes in place (under the immigration rules). Unaccompanied asylum-seeking children

are one of the most vulnerable groups and they have the right to be reunited with their family members safely and as quickly as possible. The UK Government must uphold its commitment to this group of children, and strengthen safe and regular routes for Unaccompanied Children.

Question 11

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the rest of the world (outside the EU) wanting to reunite with family members in the UK?

Our Response

We have elected not to answer this question and to include our reasoning in Question 13 and 14.

Question 12

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes to the UK for protection claimants in the EU? When you answer please indicate if your views relate to protection claimants who are unaccompanied asylum- seeking children, adults and/or families (adults and accompanied children) in the EU.

Our Response

We have elected not to answer this question and to include our reasoning in Question 13 and 14.

Question 13

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for protection claimants who are adults and/or families (adults and accompanied children) wanting to reunite with family members in the UK?

Our Response

The Home Office say they will review the family reunion routes available for refugees who arrive via safe and legal routes, such as resettlement. In particular, they say that "we will consider whether there is a case for unmarried dependent children under the age of 21 (rather than just 18) to join their parents, where both parents are refugees living in the UK". While this is welcome and reflects, in part, some of the calls that have been made regarding the expansion of family reunion, in practice it is likely to make little difference to resettled refugees. The majority of refugee families who arrive via resettlement routes generally include any dependent adult children. The proposal does not appear to be based on any evidence as to the family reunion needs of resettled refugees. The specification that both parents need to be living in the UK is also potentially limiting, as often one parent may be missing or dead.

We call on the UK government to instead expand the criteria of who qualifies as a family member for the purposes of refugee family reunion allowing adult refugees in the UK to sponsor their adult children and siblings who are under the age of 25 and their parents, and to give unaccompanied refugee children in the United Kingdom the right to sponsor their parents and siblings who are under the age of 25 to join them under the refugee family reunion rules.

Question 14

Are there any further observations or views you would like to share about safe and legal routes to the UK for family reunion or other purposes for protection claimants and/or refugees and/or their

families that you have not expressed? When you answer please indicate if your views relate to protection claimants and/or refugees and/or their families in the EU and/or the rest of the world.

Our Response

1. Previously, the UK's membership in the EU provided a possible safe and legal route for unaccompanied children in the EU to join family members in the UK for the purpose of claiming asylum here with their family. That was provided via the EU's Dublin Regulations. As the UK has left the EU, it is no longer a part of the Dublin Regulation. The Immigration rules set out the criteria and eligibility for family reunion in the UK. The criteria is extremely restrictive and although individuals can apply for family reunion 'outside the rules', in reality very few people are successful.
2. The Government's proposals make no provision for people – whether children or adults – who currently make dangerous journeys to the UK to make asylum claims here. The Government's policy position generally remains that nobody can claim asylum in the UK unless they get here first; and its rules make no provision to permit someone to travel to the UK for the purpose of making such a claim.
3. While the Government, in presenting its proposals, has emphasised the many people who have been permitted to come to the UK by the safe and legal route of a refugee family reunion visa, the proposals, if implemented, would withdraw that possibility from many people. To receive a refugee family reunion visa, someone must be the family member of a refugee who has been given asylum in the UK. The proposals expressly intend to avoid or delay granting asylum to many refugees in the UK. Their family members will, therefore, only be able to reunite with them if they rely on dangerous journeys and smugglers.
4. Although the Government's plans commit to increasing safe and legal routes, this proposal risks restricting access for many families, when the Government should instead build upon and widen the existing rules. Many families are displaced, living in precarious situations and have protection concerns themselves. This would leave families who have been separated by war, violence and persecution facing dangerous journeys if they wanted to be reunited

The New Plan for Immigration and the upcoming Sovereign Borders Bill are important opportunities to make the UK's asylum system fairer, humane and more efficient. At the heart of this should be expanding safe and legal routes to the UK, including making it easier for all refugee families to reunite. To achieve this, the Government should:

- Expand the criteria of who qualifies as a family member for the purposes of refugee family reunion allowing adult refugees in the UK to sponsor their adult children and siblings who are under the age of 25; and their parents
- Give unaccompanied refugee children in the United Kingdom the right to sponsor their parents and siblings who are under the age of 25 to join them under the refugee family reunion rules
- Reintroduce legal aid for all refugee family reunion cases

Question 19 again about effectiveness of proposals. Introducing a new temporary protection status with less generous entitlements and limited family reunion rights for people who are inadmissible but cannot be returned to their country of origin (as it would breach international obligations) or to another safe country

Our Response

This isn't an open question; but a multiple choice style one.

The proposal to introduce a new temporary protection status is deeply alarming as refugee family reunion provides the only safe and regular route for refugee families, who have been forced to separate because of persecution or conflict, to reunite. Additionally, the limited length of the leave granted and the regular review with potential for removal, will make the situation very unstable for any family that is able to reunite. Moreover, with no recourse to public funds many families will be forced into near destitution upon arrival and struggle to access necessities such as housing, health, education and welfare. If these plans are implemented, the number of family reunion visas issued would be expected to decrease substantially as the plans seek to discourage people from making irregular journeys for the purposes of claiming asylum, and anyone receiving the new temporary protection status will have restricted family reunion rights. This risks leaving family members of refugees with little choice but to embark on dangerous journeys in order to be reunited with their family members in the UK.

(could maybe include the above in q 21 as it's an open q)

Question 21

The UK Government intends to create a differentiated approach to asylum claims. For the first time how somebody arrives in the UK will matter for the purposes of their asylum claim. As the Government seeks to implement this change, what, if any, practical considerations should be taken into account?

Our Response

The Government's intention to create a two-tier asylum system (differentiation) should be abandoned. The proposal to introduce a new temporary protection status is deeply alarming as refugee family reunion provides the only safe and regular route for refugee families, who have been forced to separate because of persecution or conflict, to reunite. If these plans are implemented, the number of family reunion visas issued would be expected to decrease substantially as anyone receiving the new temporary protection status will have restricted family reunion rights. This risks leaving family members of refugees with little choice but to embark on dangerous journeys in order to be reunited with their family members in the UK.

Under these proposals, thousands of women and children who have come to the UK via family reunion would no longer be able to do so- as they accessed family reunion through a parent/partner who entered the UK irregularly. Between 2015 and 2019, 29,000 people were able to come to the UK through existing refugee family reunion rules. This is 4,000 more people than the number who were resettled in the UK during the same period. Women and children would be particularly hurt by these proposals, as 90% of refugee family reunion visas are granted to them. Research from Australia has shown that temporary protection visas which preclude family reunion appeared to result in an increase in women and children taking dangerous journeys to Australia¹.

The government must urgently reconsider this alarming proposal to ensure all refugees can access full family reunion rights, regardless of how they entered the UK. Rather than restricting family

¹ Kaldor Research Centre, UNSW Sydney, Research Brief: Temporary Protection Visas (TPVs) and Safe Haven enterprise Visas (SHEVs), https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Research%20Brief_TPV_SHEV_Aug2018.pdf

reunion rights for some refugees, the government should be seeking to increase access to family reunion for all refugees, regardless of how they entered the UK.

The Government should be doing all that it can to ensure that every refugee in the UK is assisted as quickly and readily as possible to feel and be safe, integrate and settle and rebuild their lives with their loved ones. That would be to the advantage of everyone concerned including the Home Office, local communities and the people directly affected. Prolonged separation from close family members inhibits the successful integration of refugees and undermines government efforts to improve the integration outcomes for refugees. The report, 'Without My Family' published in January 2020 highlights the impact of family separation on child refugees in the UK. Children who are separated from their families reported feeling stressed and anxious, isolated, were struggling to integrate themselves into their local communities as they found it difficult to build relationships of support without their parents. There is a huge body of research which states that allowing families to reunite and be together is crucial for their integration and well-being. The full report can be found here;

https://familiestogether.uk/wp-content/uploads/2020/02/Without_my_family_report.pdf