



## Briefing: Nationality and Borders Bill and proposed changes to refugee family reunion

### Introduction

Refugees in the UK often find themselves separated from their families following brutal experiences of conflict and persecution. Refugee Family Reunion is currently the most accessed safe route which allows family members to come safely to the UK to reunite with their sponsor. In the last five years, over 29,000 people have arrived in the UK through existing family reunion routes, 90% of whom were women and children. Restrictions to family reunion rights laid out in the [Nationality and Borders bill](#), will leave families who have been separated by war, violence and persecution facing dangerous journeys in order to be together again. When the New Plan for Immigration was introduced, the Home Secretary stated *"We should ask ourselves, where are the vulnerable women and children that this system should exist to protect?"*. Yet, these restrictions to family reunion rights will predominantly impact women and children, who currently account for 90% of those who receive family reunion visas. Therefore, these vulnerable groups whom the Home Secretary vowed to protect will be left in an even more vulnerable, precarious and risky situation.

The Nationality and Borders Bill effectively creates a discriminatory two-tier asylum system that undermines how the UK fulfils its international obligations to those seeking asylum by criminalising and punishing refugees arriving in the UK.

Clause 10 of the bill proposes to categorise refugees into two distinct groups, with different rights depending on how they have arrived in the UK. This includes whether their family members will be granted family reunion, the length of leave given and whether a No Recourse to Public Funds (NRPF) condition is attached. Any restriction on family reunion rights will result in family members being left with the heart-breaking choice to either stay permanently apart, or risk their lives on treacherous journeys in order to reunite. **All** refugees should have full and equal access to their rights regardless of how they enter the UK in accordance with the Refugee Convention which makes no allowance for such discrimination and in accordance with international human rights law which in principle prohibits such inequality. **This includes full and equal access to family reunion rights.**

Family members are often left living in precarious and dangerous situations whilst they wait to be reunited with their sponsor. 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. Studies show that family reunion boosts integration outcomes and allows those who've come to the UK seeking safety to rebuild their lives here, together. Research has highlighted that mental health struggles including anxiety, depression, guilt and social isolation are reported amongst those who are separated from their families. Being reunited with family members leads to positive integration outcomes and provides a support system which is vital when integrating into a new community.

## **Current refugee family reunion rules**

Eligibility for refugee family reunion is set out in the UK's immigration rules. Under these rules, adult refugees in the UK can be joined via family reunion by their spouse/partner and their dependent children who are under the age of 18.

While the family reunion guidance does allow cases not covered by the rules to be granted in exceptional circumstances, in reality this rarely happens. Unlike adult refugees, children who are in the UK alone and who have refugee status have no right to be reunited with even their closest family members. Because of this rule, children living in safety in the UK must live without their family in perpetuity.

## **The Nationality and Borders Bill – Proposed changes to refugee family reunion**

The Bill proposes that for someone who is recognised as being in need of international protection, the type of leave and the entitlements that come with it will depend on how that person entered the UK. This will include whether they are eligible for refugee family reunion. These proposals pose a huge threat to refugee protection in the UK including by completely undermining our current refugee family reunion provisions.

Clause 10 of the bill categorises refugees into two groups, Group 1 and Group 2. Group 1 refugees are those who arrive in the UK directly from a country or territory where their life or freedom was threatened, have presented themselves to the authorities without delay or where a refugee has entered or is present in the United Kingdom unlawfully, they can show good cause for their unlawful entry or presence. There is no further detail provided on what a 'good cause' would be. Group 2 refugees are those who don't fit into the above category. This includes those arriving via irregular routes such as by lorry or by boat or those arriving after travelling through what the Government considers to be "safe" third countries."

The Bill gives the Secretary of State or an immigration officer the power to treat Group 1 and Group 2 refugees differently with regards to family reunion rights. It does not provide full details on what this will look like in practice. However it does state that this may include whether leave to enter or remain is given to members of the refugees family, the length of any period of limited leave to enter or remain, the requirements to be met in order to be given indefinite leave to remain and whether a no recourse to public funds condition is attached to the leave.

Further, clause 59 of the bill would permit the Secretary of State to suspend, cancel or refuse family reunion visas by persons of a specific nationality on the basis that their country of origin was not in her view cooperative in receiving removals.

We strongly oppose the introduction of this differential treatment and are deeply concerned that if this clause succeeds, the number of family reunion visas issued will decrease substantially, and a vital safe route to the UK would be weakened. More people have been able to safely come to the UK via family reunion than resettlement routes. Over the last 5 years 29,834 FR applications were granted, compared to 23,665 resettlement applications granted<sup>1</sup>. As previously stated, 90% of family reunion visas are granted to women and children. The government proposals would prevent thousands of

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/987777/asylum-summary-mar-2021-tables.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987777/asylum-summary-mar-2021-tables.ods)

vulnerable women and children from entering the UK, removing a safe and legal route from some of the most vulnerable persons.

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. Rather than restricting family reunion rights for some refugees, the government should be seeking to increase full and equal access to family reunion for **all** refugees, regardless of how they entered the UK.

The Nationality and Borders Bill is an important opportunity 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. **All** refugees should have full and equal access to family reunion rights, regardless of how they enter the UK.

### **Case Study**

I came to the UK with my children through a family reunion visa when my husband was granted refugee status. I am originally from Syria. Together with my family because of the conflict in our country we were forced to flee to Egypt. My husband, after spending 3 years with us, continued his asylum journey to search for a safe place for his family. Our vulnerability further increased when he left. In Egypt we lived in constant fear; there were times where thieves broke into our house, and some people tried to kidnap my son. At the time our son was very young. We increasingly felt insecure both at home and in the streets.

My husband came to the UK by sea. He was granted refugee status after about 3 years waiting in the asylum system. I am grateful for the family reunion process which has enabled us to be a family again.

Being separated from my husband heavily impacted our relationship. In the three years we spent away from each other, I worked overtime and my kids would spend most of the day without me, and a big part of their childhood lacked their parents. Our children also didn't understand why their father had to be away from us for so long. That added to their feelings of abandonment and lack of safety.

The family reunion had a great impact. We felt a type of safety we haven't experienced before. My kids walked comfortably in the street; my son didn't squeeze on my hand the entire time when we're in public. You can see from their behaviour that they felt how safe their house and environment is now.

The UK government should do more to expand the family reunion policy and increase safe routes for people escaping persecution to seek sanctuary. The new Immigration plan, if implemented through its Temporary Protection visa, is going to separate refugee families for an indefinite time and will negatively affect children and their parents.

*- Mada, Voices Network Ambassador*

## **About the Families Together coalition**

[Families Together](#) is a coalition of over 90 organisations who support the expansion of the UK's refugee family rules, including a number who work directly with refugees in the UK to support their applications for family reunion. Alongside working with parliamentarians on this issue for many years, members of the coalition have been involved in a number of policy reports on the issue, including:

[Without my Family: The impact of family separation on child refugees in the UK](#)

[Destination Anywhere - The profile and protection situation of unaccompanied and separated children and the circumstances which lead them to seek refuge in the UK](#)