



Families Together Briefing on Baroness Ludford's Private Members Bill on Refugee (Family Reunion) Bill [HL]

What is the Private Members Bill?

Baroness Ludford has introduced a Private Members' Bill that would allow more refugee families to be reunited in safety in the UK. The bill will receive its second reading on the 10th of September 2021. The [Families Together coalition](#) has provided this briefing to help inform parliamentarians to support this call by attending the second reading debate and voting to make these changes a reality.

What would the proposed Private Members' Bill do?

The Bill would seek to do three things:

- 1) Expand the criteria of who qualifies as a family member for the purposes of refugee family reunion
- 2) Give unaccompanied refugee children in the United Kingdom the right to sponsor their family members to join them under the refugee family reunion rules
- 3) Reintroduce legal aid for refugee family reunion cases.

What is Refugee Family Reunion and who is eligible?

The current immigration rules state that adult refugees in the UK can only be joined by their spouse/partner and their dependent children who are under the age of 18. This narrow definition means that many family members who have become separated and remain outside the UK are left with the invidious choice of staying put in insecure and dangerous places or embarking on treacherous, expensive, unregulated journeys.

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. As a result of this rule, children living in the UK are unable to live in safety with their family in perpetuity.

In past debates in both Houses on expanding family reunion the government have relied on other routes within the immigration rules that refugees can use to reunite with other family members, such as immigration rule 319x. However, these rules are rarely used in practice as they are extremely restrictive due to the financial costs and insurmountable high criteria to be met.

The Importance of Refugee Family Reunion

For many decades, the UK has allowed people who have been recognised as refugees in the UK to bring their closest family members to live with them. This is in recognition of the importance of family life, and how these links can aid and support integration for refugees.

Being reunited with family members can be a life changing moment, bringing together loved ones who have been torn apart by war and violence. This pathway is currently the most accessed safe route which allows

family members to come safely to the UK. It is important to note that as family members of refugees, they are often escaping similar situations themselves, or are in danger simply by being a relative of a refugee. They may be living in conflict zones, in hiding, in unstable areas and/or displaced. 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**. However with a narrow definition of family members many people are unable to access this safe route and are forced to find alternative, often dangerous, ways to be with their loved ones.

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 families¹. Being reunited with family members leads to positive integration outcomes and provides a support system which is vital when integrating into a new community.

This is why organisations, who work to support refugees in the UK, are calling for changes to the UK's restrictive refugee family reunion rules so that more refugee families can be reunited safely in the UK.

Since my wife came to the UK my life has changed and I am able to plan and have focus in life. I am now working part-time at a hotel in Bradford and I have applied for another job at East Side. I am taking driving lessons to help with my employment. I also study at college to improve my English. When my wife first arrived, she felt very depressed. Being alone had been very difficult for her. I started taking her to college with me and now she is much better. We are now expecting a baby and are looking to move to another house.

- Justin, Voices Network Ambassador

Why is Expansion Necessary

Parents should be reunited with their adult dependent children. The current restrictions mean that parents are not automatically able to bring their child who has turned 18, even if that child is still dependent on them and has not married or formed their own family. A child who is dependent on their parents doesn't simply stop being so because they attained the age of 18. When speaking to people with lived experience many expressed the pain and suffering caused by the separation from their children who are over 18. A mother stated, *'no matter their age they are still my child, it is hard to live and enjoy life without all my children.'*

MP Caroline Nokes, former immigration minister, recently advocated for children over 18 to be allowed to reunite with their family in the House of Commons debate on Afghanistan. She rightly reminded the House, *"Our children do not suddenly become independent because they pass a day over their 18th birthday"*.

While the family reunion guidance does allow cases not covered by the immigration rules to be granted in exceptional circumstances, in reality these applications are difficult to succeed in and often require expert legal support which is not accessible for many refugees (see below). These children often find alternative ways to be with their families again.

¹ https://famielstogether.uk/wp-content/uploads/2020/02/Without_my_family_report.pdf

In the New Plan for Immigration the Government indicated they would consider extending the age limit for children to 21 for refugees arriving through safe routes. In the consultation response the government stated they are no longer pursuing this option without detailing any reasons why.

Unaccompanied children must be reunited with their families. Being reunited with close family is a way to ensure the welfare and safety of child refugees in the UK and would improve their chances of integration and recovery. Allowing them to sponsor their immediate families would be a straightforward change which would affect a small number of child refugees but one that would have a transformational impact on their lives. While the family reunion guidance does allow cases not covered by the rules to be granted in exceptional circumstances, in reality this rarely happens.

Arguments have been made that granting refugee children the right to sponsor family members to come to the UK will lead to more children making dangerous journeys and being sent to the UK by their families overseas. However there is no evidence to support this claim. Research from Amnesty International, the Refugee Council, Save the Children, and UNHCR details how this family reunion policy harms child refugees; the impact of family separation causes constant anxiety, fear for the safety of their families, and in some cases serious damage to their mental health. This policy leaves some of the most vulnerable children separated from their parents at a time when they need their families most.

Legal aid should be reintroduced for refugee family reunion cases. Since 2012, refugee family reunion cases have not been eligible for legal aid. Refugees must navigate complex legal processes and immigration rules whilst enduring prolonged separation from their families and the many harms which this can cause; including isolation, emotional distress and lack of confidence, as well as practical barriers to integration. Exceptional Case Funding (ECF) has been available for family reunion cases. However the rates applicable under ECF are far too low for the work involved. The British Red Cross has found that many law firms are unwilling to take on these cases for the minimal fee of £234 for the entire case.

This Bill is critical given the restrictions to family reunion rights laid out in the Nationality and Borders bill that will leave families who have been separated 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.

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

Why is this Bill so important?

This Private Members Bill is particularly important given the introduction of the Nationality & Borders Bill which seeks to restrict family reunion rights for some refugees. This bill seeks to expand family reunion rights for refugees, which is the direction the government should be taking if they are serious in their intention to strengthen safe routes. The Nationality & Borders Bill represents a huge regressive step backwards in terms of family reunion rights for refugees.

The situation in Afghanistan clearly highlights the need to have an effective asylum system including robust safe routes in place that can respond to emerging protection needs across the world. This Bill provides an opportunity for the Government to ensure it is ready to respond in emergency situations in the future as we are seeing in Afghanistan.

All our organisations have received an influx of enquiries from Afghan nationals about reuniting with their family. As the most accessed safe route, it is critical that family reunion is expanded to ensure more families, who are also fleeing conflict, war, persecution and violence, can find safety rather than face alternative dangerous journeys to be with their loved ones and be safe.

Additionally, as the process for family reunion has already been set up, it has greater potential to be used in response to emergency situations in comparison to other safe routes such as resettlement schemes.

The Nationality and Borders Bill- Proposed Changes to Refugee Family Reunion

The Nationality and Borders Bill² 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. 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 a number of rights including family reunion. 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.

There is little evidence that introducing temporary protection measures have a deterrent effect. Indeed, after Temporary Protection Visas (TPV) were introduced by the Howard Government, there was an increase in the number of women and children who arrived in Australia by boat. According to personal accounts, this was because the TPV regime precluded family reunion. The ineffectiveness of TPVs is the very reason that they were abolished by the Rudd Government.³

90% of family reunion visas are granted to women and children. The government proposals would prevent thousands of 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

²

<https://familiestogether.uk/wp-content/uploads/2021/07/Families-Together-briefing-for-MPs-on-the-Nationality-and-Borders-Bill.docx-1.pdf>

³

https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Research%20Brief_TPV_SHEV_Aug2018.pdf

entered the UK.

Questions for the Minister

- 1. Why was the plan to increase the age limit to 21 not taken forward by the government? What evidence was relied on?**
- 2. Given the importance of family reunion and recent events in Afghanistan, will the Home Office reconsider expanding refugee family reunion?**
- 3. What restrictions will group 2 refugees face in respect of their family reunion rights?**
- 4. Will group 2 refugees be able to apply for family reunion under Article 8 grounds, and if so will the Immigration rule be amended to allow such visas to be granted within the rules.**
- 5. Will family members of group 2 refugees who are granted family reunion visas under Article 8 be subject to a 'No recourse to public funds' condition?**

About the Families Together coalition

Families Together is a coalition of over 90 organisations who support the expansion of the UK's refugee family reunion rules, including a number who work directly with refugees in the UK to support their applications for family reunion.