



Families Together briefing:

Refugees (Family Reunion) Bill – 8 July 2022

Introduction

The principle of refugee family reunion is a simple one – that those who have fled war and persecution should be able to rebuild their lives with their loved ones when they have found safety. Refugee family reunion is a feature of most asylum systems across the world, which recognise that a humane approach means families should not be kept apart, and that new refugees are better able to integrate with the support of their family. Such an approach was clearly in mind when the UK introduced a wide definition of family under the Ukraine Family Scheme in response to the Russian invasion.

Refugee family reunion also recognises that people fleeing danger often cannot travel together, or that a particular member of the family may be a target. For example, Eritrean boys flee the dictatorship in their country because the state operates forced, lifetime military conscription, and young men in Afghanistan are similarly escaping recruitment by the Taliban.

When people find safety in the UK, this also means that refugee family reunion becomes a key route to bring others – primarily women and children – to safety. In recent years, the largest safe route to the UK has been via refugee family reunion, and 90% of those travelling that way have been women and children.

Despite this important success, a series of recent moves have undermined the ability of refugees to access refugee family reunion, and created an uneven system where people from some countries are more able to be reunited with their loved ones.

Restrictions on refugee family reunion

Under provisions in the Nationality and Borders Act 2022,¹ that came into force on 28 June, anyone who arrives irregularly to the UK and is later granted asylum will be classified as a Group 2 Refugee. These people will have their rights and entitlements limited, including having their ability to access refugee family reunion restricted.

For those categorised as group 2 refugees, family reunion applications will be granted where there are insurmountable obstacles to continuing family life without family reunification. If family members are in the country of origin of the refugee, this test is automatically passed. If family is in a third country, the Home Office will need to look at whether they could reunite there. These provisions will also apply to anyone granted humanitarian protection.

Estimates suggest this could affect 3,500 number of people each year, and undermine this safe route. Some families will remain separated, and those who are in safety in the UK will find it more

¹ <https://www.legislation.gov.uk/ukpga/2022/36/contents/enacted>



difficult to move forward with their lives. It also means that relatives who would previously have travelled on this safe route will be more likely to take dangerous journeys to be reunited with family members.

When a similar system was introduced in Australia, the number of dangerous journeys made by women and children increased significantly in the immediate aftermath of the changes.²

Different rights for different groups of refugees

As set out above, the baseline for refugee family reunion via the UK's immigration rules has been the right for adult refugees to be reunited with their spouse/partner, and any children under the age of 18. However, on bespoke routes for people fleeing different conflicts, different refugees have different levels of access to family reunion.

For example, those who were evacuated from Afghanistan in August 2021 are not able to access refugee family reunion because they have been granted Indefinite Leave for Remain, rather than a protection-based status (refugee status or humanitarian protection).

At the same time, the Ukraine Family Scheme, established in the wake of the Russian invasion to allow Ukrainians already present in the UK to bring family members, provides a free service in which people can be reunited with a very wide grouping of family members – including grandparents, aunts, uncles, nieces, nephew and children of any age.

This different approach to refugees fleeing different conflicts is unfair and has never been properly explained by Government. However, it is clear that public opinion supports a wide definition of family for the purposes of refugee family reunion – the Ukraine scheme was only expanded after public outcry across the UK.

Refugees (Family Reunion) Bill

Baroness Ludford's bill – the [Refugees \(Family Reunion\) Bill](#) will have its second reading in the House of Lords on Friday 8 July.

It allows more people to access refugee family reunion, by allowing anyone granted a protection status in the UK to sponsor their siblings and children up to the age of 25, as well as their parents. This small change recognises that someone's closest family members extend beyond only your spouse and minor children, and that children do not suddenly become independent on the day they turn 18.

Indeed, organisations working with refugees in the UK regularly witness the pain that people face when separated from their adult children who do not currently qualify, but are still at-risk or are living in precarious situations.

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https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Research%20Brief_TPV_SHEV_Aug2018.pdf, p.7.



Moreover, the bill is vital in finally creating immigration rules that allow unaccompanied refugee children to be reunited with loved ones. The UK is an outlier in Europe as one of the only countries that does not allow children to be reunited with any family members, meaning they must grow up alone and in foster care in the UK.

Sometimes a child's only surviving relative is a sibling, yet even then they are kept apart. The Government argues that applications can be made 'outside the rules' in this scenario, but we know that very few of these cases are ever granted, and the process can be very difficult, with children struggling to access legal representation, because their lawyer must be prepared to accept legal aid cases, and then access the exception case funding process.

The issue of legal aid is also addressed in the bill. Following cuts in funding under the 2012 Legal Aid, Sentencing and Punishment of Offenders Act, refugee family reunion applications have not been eligible for legal aid.

This makes access to refugee family reunion much more difficult, and ultimately practitioners support refugees to access exceptional case funding to fund their legal costs. Government argues that the procedure is a simple administrative procedure, but this obscures the complexity of the process, and that refugees usually need to rely on a solicitor.

The bill restores legal aid for refugee family reunion cases, ensuring that this right is not impeded because of difficulties in the application process.

Questions for the Minister

What estimate has the Minister made about a possible increase in dangerous journeys by women and children as result of restrictions on refugee family reunion in the Nationality and Borders Act?

What assessment has the Government made about the ability of unaccompanied refugee children to integrate in the UK, given their lack of refugee family reunion rights?

What progress is being made to institute a free, accessible family reunion route for those Afghan refugees evacuated in August 2021, and who are still waiting, fearing for the safety of loved ones?

Given the wide definition of family that is recognised under the Ukraine Family Scheme, what consideration has the Government made to expanding family reunion for all refugees?



Appendix: Statement prepared by Kent Refugee Action Network's youth ambassadors

A written statement from young refugees about the importance of refugee family reunion

Our families are very important to us. They are to everyone. Every child needs its parent, and everybody needs their family. Refugee children and young people like us are deprived of our families at a moment when we face the biggest challenges of our lives. This has a terrible mental and emotional effect. For many of us, the transition into UK life comes with wrenching pain that is destroying our minds, our hope and our happiness.

Since arriving in the UK as children, most of us have not seen our families for a very long time. We have had to face our new lives without their support. We have all experienced huge trauma to get here, and this continues to affect us. Our families are our emotional foundation, and without them, we are lost. We are disconnected and alone, and our new normal is fear, uncertainty and panic.

This has had a hugely negative impact. Although we are now safe from persecution and are very glad to be here, living in a new place without family support is affecting our minds and hearts. Most of the time, we are lonely and depressed for we miss them always. Without family, we feel insecure and uncomfortable, and feel that there is no one that we can trust completely.

When I first arrived, I found everything terrifying. It took me ages to trust my foster family. And even now, with their great support, they cannot begin to understand what I am going through.

Unable to see my Mum's face and not knowing how my younger brothers and sisters were while also knowing that they were not in a safe place was very scary.

This is mentally and emotionally very hard. It is also damaging. Hostile immigration policy seems to treat us as enemies, and we cannot be sure that anyone is really on our side. Without families, we are abandoned children, and we are not old enough to handle all of this. And we worry about our families

all the time because we know that they are not safe. We live in hope that we will see them again, but we also feel that the government is doing everything possible to make sure that we never do. This makes us desperate. Many of us are growing up in the belief that you are scared of us. The truth is, that we are scared, alone and desperate for the love of our families. Those of us who are lucky enough to have good foster parents do get support. We are very grateful for the kindness of strangers who become our friends. But it is never the same as our own family.

I was 15 years old when I arrived. Even though I had a caring foster family, I missed my Mum, Dad and sisters terribly.

Young refugees must face hostile immigration and other challenges alone. This is doubly hard without the support of our families. And even when we do well, and are lucky enough to secure a university place, there is no one to share this with as other young people can. For important choices about our futures, there is no Dad or Mum to talk to. When life is tough, we feel broken with no embrace to reassure us. It is as if part of us is missing. We spend our time depressed, preoccupied with worry and filled with nostalgia. This is our reality. We have no say in the matter. This is our reality. It shapes how we grow and remains true, even after many years.