



## Overview of family reunion rights and mechanisms for people with protection needs in the UK

The overall picture of family reunion entitlements and mechanisms for people with protection needs in the UK is becoming increasingly complex. Since 2021, the government has introduced a series of bespoke pathways for different cohorts of people with protection needs. These pathways lead to different immigration statuses, conferring differing entitlements to family reunification.

The following table lists the cohorts of people with protection needs in the UK according to their protection status and leave status alongside their entitlements to family reunification, and the mechanism to facilitate that reunification.

Protection status	Pathways conferring this status	Entitlements to family reunification	Mechanism for family reunification
Refugee status/humanitarian protection status granted as a result of an asylum claim under the policy in place before 28th June 2022	Asylum claim submitted prior to 28th June 2022 and subsequently granted	To reunite with their pre-flight partner, minor children, and, in exceptional circumstances, their adult dependent children	Part 11 of the Immigration Rules
'Group 1': refugee status granted under policy in place on or after 28th June 2022 + refugee permission to stay	Asylum claim submitted on or after 28th June, subsequently granted refugee permission to stay	To reunite with their pre-flight partner, minor children, and, in exceptional circumstances, their adult dependent children	Part 11 of the Immigration Rules
Refugee status granted through one of the resettlement schemes listed in the adjacent box.	<ul style="list-style-type: none"> <li>• Gateway Protection Programme</li> <li>• Vulnerable Persons' Resettlement Scheme</li> <li>• Vulnerable Children's Resettlement Scheme</li> <li>• UK Resettlement Scheme</li> <li>• Afghan Citizens' Resettlement Scheme - Pathway 2</li> </ul>	To reunite with their pre-flight partner, minor children, and, in exceptional circumstances, their adult dependent children	Part 11 of the Immigration Rules

<p>'Group 2': refugee status granted under policy in place on or after 28th June 2022 + temporary refugee permission to stay</p>	<p>Successful asylum claim submitted post 28th June that does not meet the requirements for refugee permission to stay but has been awarded temporary refugee permission to stay</p>	<p><b>Only</b> if there are insurmountable obstacles to the refugee reuniting elsewhere (considered automatically to be the case where family member is in the country of origin) with their family member(s), <b>or</b> if separation would breach right to family life under Article 8 of the ECHR, then:</p> <p>To reunite with their pre-flight partner, minor children, and, in exceptional circumstances, their adult dependent children</p>	<p>Part 11 of the Immigration Rules</p>
<p>Humanitarian protection status granted under policy in place on or after 28th June 2022 + temporary humanitarian permission to stay</p>	<p>Asylum claim submitted on or after 28th June that subsequently leads to a grant of humanitarian protection status + temporary humanitarian permission to stay</p>	<p><b>Only</b> if there are insurmountable obstacles to the refugee reuniting elsewhere (considered automatically to be the case where family member is in the country of origin) with their family member(s), <b>or</b> if separation would breach right to family life under Article 8 of the ECHR, then:</p> <p>To reunite with their pre-flight partner, minor children, and, in exceptional circumstances, their adult dependent children</p>	<p>Part 11 of the Immigration Rules</p>
<p>No protection status + indefinite leave to remain</p>	<p>Afghan Relocations and Assistant Policy (ARAP)</p>	<p>Partners and minor dependent children are eligible to apply to come to the UK at the same time as the main applicant under the <a href="#">ARAP policy</a> (covered by Part 7 of the Immigration Rules- see rules <a href="#">276BA1</a>)</p>	<p>Only mechanism in place post arrival is via Appendix FM</p>
	<p>Afghan Citizens' Resettlement Scheme - Pathway 1</p>	<p>The ACRS guidance states that 'A spouse or partner and dependent children under the age of 18 of eligible individuals will be resettled under the scheme. Some additional family members may be resettled in exceptional circumstances'.</p>	<p>Despite the ACRS policy intention, there is no practical mechanism in place for eligible family members of pathway 1 evacuees to come to the UK under ACRS. The only mechanism currently available is Appendix FM (means tested)</p>
	<p>Afghan Citizens' Resettlement Scheme - Pathway 3</p>	<p>To bring partner and dependent minor children with them when they leave Afghanistan.</p> <p>Once in the UK, no rights to bring family members to the UK other than via means tested routes.</p>	<p>While still in Afghanistan, Afghan Citizens' Resettlement Scheme application portal.</p> <p>Once in the UK, no mechanism other than Appendix FM (means tested)</p>
<p>No protection status + limited leave to remain</p>	<ul style="list-style-type: none"> <li>● Ukraine Sponsorship Scheme</li> <li>● Ukraine Family Scheme</li> </ul>	<p>None</p>	<p>None</p>

## Notes

### **Grants of leave outside the Immigration Rules**

In any application for family reunion where the requirements for Part 11 under the Immigration Rules are not met, the Home Office is required to consider whether there are any exceptional circumstances or compassionate factors which justify a grant of leave 'outside the Rules'. In considering this, they must have regard to the best interests of the child under section 55 of the Borders, Citizenship and Immigration Act 2009, and the right to family life under Article 8 of the European Convention on Human Rights (ECHR). However, the direction to tribunals and courts contained in the Article 8 legislative scheme in sections 117A-D of the Nationality, Immigration & Asylum Act 2002 (as inserted by section 19 of the Immigration Act 2014) seeks to narrow the reach of Article 8 (including family life) in cases that are not provided for within the Rules. In practice, applications for leave outside the Rules are complex, and decision-making in these cases is particularly unpredictable.

### **Means tested routes**

#### **Appendix FM ("Family Members") to the Immigration Rules**

Appendix FM is a route for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British citizen, or is settled in the UK. It may also be used by those seeking to reunite with a person who is in the UK with limited leave as a refugee or person granted humanitarian protection when the applicant would not be able to use Part 11 of the Immigration Rules, and where there are no exceptional circumstances or compassionate factors justifying a grant of leave outside the Rules. Applications under Appendix FM are subject to fees. Sponsors must also demonstrate that they can provide financial support and accommodation for their family members, without relying on public funds. Family members are not exempt from the Immigration Health Surcharge and adult family members must also meet a minimum language requirement. In practice, this route is not feasible for the vast majority of those who arrive in the UK seeking protection.

#### **Paragraph 319X in Part 8 of the Immigration Rules**

319X provides for minor child applicants to join an adult refugee sponsor in the UK who is not their parent. This may be used, for example, in situations where a child has lost their parents and needs to join another relative. This route is means tested. The adult refugee sponsor must show that they can provide financial support and accommodation for the child, without relying on public funds. However, the Immigration Rules were changed on 28th June 2022 to include 319XAA, which provides for decision-makers to consider whether there are exceptional circumstances which justify a grant of leave in line with the sponsor inside the Rules where maintenance and accommodation are not met. They may also grant leave in line with the sponsor inside the Rules where Article 8 of the ECHR would be violated.

### **Further information**

Borelli, S. *et al.* (2021) [Refugee Family Reunification in the UK: Challenges and Prospects](#). Centre for Research in Law (CRiL) at the University of Bedfordshire. (Note that this was prepared prior to the implementation of the Nationality and Borders Act 2022.)

### **Contact**

This briefing has been prepared by the Families Together coalition, which brings together more than 100 organisations to expand and improve access to family reunion for refugees. The coalition is led by Amnesty International UK, the British Red Cross, the Refugee Council, Student Action for Refugees, and the VOICES Network. For more information about this briefing or the Families Together coalition, contact: Emmeline Skinner Cassidy, Families Together Coalition Coordinator, on [emmeline.skinnercassidy@refugeecouncil.org.uk](mailto:emmeline.skinnercassidy@refugeecouncil.org.uk)