

Family unity as a primary purpose of asylum and refugee policy

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Introduction

A primary purpose of asylum and refugee policy must be to maintain and/or secure family unity for refugees. Between 2015 and 2019, family reunion was the most accessed safe routes to the UK: 29,000 people were granted family reunion visas, 90% of whom were women and children. But since 2021, policy developments have restricted access to family reunification. Concerningly, the number of family reunion visas granted in the year to September 2022 represents a 26% decrease compared to the previous year.¹ This briefing explains how access to family reunion is being restricted and the negative consequences of this shift. We offer two recommendations.

Restricting access to family reunification

The overall picture of family reunion entitlements and mechanisms for people with protection needs in the UK is becoming increasingly complex. Since 2021, the implementation of so-called 'differential treatment' and the introduction of a series of bespoke pathways for different cohorts of people with protection needs mean that individuals have different entitlements to and mechanisms for family reunification depending on how they have found safety in the UK. Two of the main ways that family reunification has been restricted are:

1. Introducing extra criteria for Group 2 refugees to reunite with family

Under powers granted by the Nationality and Borders Act 2022, a refugee's family reunion entitlements are now tied to how they have arrived in the UK. Refugees are either granted refugee leave to remain (Group 1) or temporary leave to remain (Group 2) depending on how they have arrived in the UK. Under Part 11 of the Immigration Rules, individuals in Group 1 are entitled to sponsor their pre-flight partner, children under 18, and, in exceptional circumstances, dependent children over 18. However, individuals in Group 2 must satisfy extra criteria in order to sponsor any family members.

2. Creating bespoke pathways with no mechanism to facilitate family reunification

Since 2021 the government has created a series of bespoke pathways that do not confer refugee status and so don't give people access to refugee family reunion. This includes Pathways 1 and 3 under the Afghan Citizens Resettlement Scheme (ACRS). The Home Office's 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.'² But the Home Office has not put

¹ Home Office quarterly immigration statistics:

<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2022>

² Home Office guidance, 'Afghan Citizens Resettlement Scheme':

<https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>

in place any mechanism to resettle family members left behind when Afghans on Pathway 1 of the ACRS were evacuated.

The Home Office's family reunion guidance updated on 9th November states that Afghans evacuated under Pathways 1 and 3 of the ACRS cannot rely on Refugee Family Reunion because they have not been granted refugee status.³ Instead, they must rely on Appendix FM to reunite with their family members, which has much higher barriers. Unlike Refugee Family Reunion, which is a free route to reunion, Appendix FM is means tested. Sponsors in the UK must show that they can accommodate their family members and provide for them financially without relying on public funds. The applicant outside the UK must meet English language requirements.⁴ This route is simply inaccessible to the vast majority of Afghan refugees, thousands of whom remain in hotels and are growing increasingly desperate for the safety of their loved ones. See case study on the final page of this briefing for an example of the impact that this separation is having.

Consequences

Impact on integration & cohesion

Research from Amnesty International, British Red Cross, Oxfam, UNHCR, Refugee Council and Save the Children has repeatedly shown the importance of family reunion for successful refugee integration. The trauma of indefinite family separation can prevent people from learning English, meeting new people, and applying for jobs. It damages refugees' mental health and encourages isolation.⁵

Driving people to unsafe journeys

We are extremely concerned that family members of refugees who are left without eligibility and/or a mechanism to bring family members to safety may undertake dangerous journeys to reach their loved ones. When Australia restricted family reunion for people with Temporary Protection Visas, they saw an increase in the number of women and children making dangerous journeys to reach Australia.⁶ Research from Oxfam and the Refugee Council found evidence of people turning to smugglers to reach their family when they could not access a family reunion pathway.⁷

Recommendations

1. The government must change the Immigration Rules so that everyone granted protection status has equal access to family reunion under Part 11. Family reunion should not be tied to a refugee's method of travel.
2. The government must urgently create a mechanism to facilitate family reunion for Afghans resettled under ACRS Pathway 1 with their close family members.

Conclusion

A primary purpose of asylum and refugee policy must be to maintain and/or secure family unity for refugees. This supports refugees' integration into their host communities and provides family members of refugees with safe routes to reunite with their loved ones. The government must ensure that all those granted protection status have equal access to family reunion, and act urgently to create a mechanism to reunite the families of Afghan evacuees who have not been granted protection status.

³ Home Office guidance: '[Family reunion: for refugees and those with humanitarian protection](#)'

⁴ Immigration Rules Appendix FM: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-family-members>

⁵ Oxfam and Refugee Council, [Safe But Not Settled](#) (2018). More reports are available at <https://families-together.uk/evidence/research/>

⁶ Kaldor Centre, [Temporary Protection Visas and Safe Haven Enterprises Policy Brief](#) (2022)

⁷ Oxfam and Refugee Council, [Safe But Not Settled](#) (2018)

Case study: Zulikha

In the chaos outside Kabul airport, 18 year-old Zulikha and her younger siblings were separated from their parents. Zulikha and her siblings, aged just 8 and 16, boarded a flight, but their parents remained in Kabul.

"At the airport the army were using tear gas so we couldn't see each other – it was terrifying. We were all crying, we couldn't find our parents but we knew it wasn't safe for us to leave the airport to find them."

The siblings have now been living in hotels in the UK for over a year. For the first few months they were alone away from wider family and Zulikha was unable to go to college as she was looking after her younger siblings. They then joined their Aunty, Uncle and their young children in a hotel in North Yorkshire where they were getting support from the Refugee Council.

Zulikha has had to grow up quickly, taking responsibility for the children's everyday needs including making sure they get to school, setting up a bank account, sorting out Universal Credit and registering for a doctor.

"I have taken on the responsibility for looking after my brother and sister. In this hotel, my Aunty and Uncle are now helping me. My little sister is crying always in the morning saying she doesn't want to go to school because she wants her mum and dad. I say don't worry our mum and dad are coming. One day they are coming don't worry.

"When I see my sister so sad I can't control myself. My 16 year old brother also wants and needs his mum and dad. It's hard living with such uncertainty, we don't know when we will get a house to live in and if our mom and dad will be able to come and live in it with us. It is best for my sister and brother to have their mum and dad back. It is best for our future.

"My sister needs her mother, I am not her mother. We don't have another choice we need them to come here.

Zulikha is very distressed about the ongoing separation, and says her mental health is suffering as a result of this situation. She said "Just I feel pain for my Mum. Now she is not fine in Afghanistan."

About the Refugee Council

The Refugee Council is one of the leading organisations in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and also work with them to ensure their needs and concerns are addressed by decision-makers.

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