

Briefing

Illegal Migration Bill – Family Reunion

House of Lords Committee Stage, June 2023

1. Summary

Refugee Family Reunion allows those with protection status in the UK to sponsor certain family members to join them in safety. It provides a vital alternative to dangerous Channel crossings, while also accelerating refugees' integration in the UK. 90% of all those granted family reunion visas are women and children.

But current family reunion entitlements are too restrictive. In particular, separated refugee children are not eligible to sponsor any family members within the immigration rules.

Furthermore, the recent creation of bespoke protection pathways which do not confer protection status means that some resettled people in the UK have no eligibility for Refugee Family Reunion.

The Refugee Council believes that all those with protection needs must have access to Refugee Family Reunion, and that this pathway should be expanded to allow children to sponsor their parents and siblings, and adult refugees to sponsor parents who are dependent on them.

2. Current family reunion entitlements

Under Immigration Rules Appendix Family Reunion (Protection), adults granted refugee status and refugee leave to remain (Group 1 refugees) are entitled to sponsor their pre-flight partner, children under 18, and, in exceptional circumstances, dependent children over 18. Refugee children are not currently eligible to sponsor any family members within the immigration rules.

Differential treatment

Under powers granted by the Nationality and Borders Act, refugees granted protection status with temporary leave to remain (Group 2 refugees) must satisfy extra criteria in order to sponsor their family members.

On 8 June 2023, the Immigration Minister, Robert Jenrick, announced that the differentiation policy that decides whether someone is a Group 1 or Group 2 refugee would be “paused”, and that those previously given Group 2 status would have their entitlements increased. However, the announcement says the policy is only to be paused and the power to differentiate will still be on the statute book.

Pathways 1 and 3 of the Afghan Citizens' Resettlement Scheme (ACRS)

Refugee Family Reunion is not available to Afghans resettled via Pathways 1 and 3 of the ACRS because they were not granted protection status. Many Afghan families were separated during the evacuation effort, but close to two

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years since the evacuations, the Home Office has not provided Afghan families with any other route by which to reunite.

3. Policy recommendations

The immigration rules should be expanded to allow:

- Refugee children to sponsor their parents and siblings
- Refugees to sponsor their dependent parents
- Afghans resettled via Pathways 1 and 3 of the ACRS to act as sponsors for the purposes of Refugee Family Reunion.

We welcome the Immigration Minister's announcement on 8 June 2023 that the differentiation policy that decides whether someone is a Group 1 or Group 2 refugee would be "paused".¹ All those granted protection in the UK must have equal access to family reunion, regardless of how they have arrived.

4. The impact of the Illegal Migration Bill on Refugee Family Reunion

The Illegal Migration Bill does not deal directly with Refugee Family Reunion, but it would dramatically reduce the number of people eligible for this route. This is because the Bill seeks to make asylum applications from people who travel irregularly to the UK permanently inadmissible, which means that those people would never be granted protection status. Refugee Family Reunion is a specific route for people with protection status to sponsor their family members. If fewer people are granted protection status, fewer people will be eligible for Refugee Family Reunion.

Although the Illegal Migration Bill would drastically limit the number of people eligible for Refugee Family Reunion, improving this pathway remains important. Any expansion of refugee family reunion would apply to all those who have already been granted protection status in the UK, and all those who will arrive via safe routes. Crucially, this means that separated children who have already been granted refugee status in the UK would become eligible to sponsor their parents.

5. The importance of safe routes for family reunification

Family reunion pathways give people an alternative to dangerous Channel crossings, while also accelerating integration in the UK. Refugee Family Reunion is a particularly important route for women and children, who make up 90% of all those granted family reunion visas.

A vital alternative to dangerous Channel crossings

Research from the Refugee Council and Oxfam has found evidence of refugees in the UK turning to smugglers after realising that there were no legal routes available to bring their loved ones to join them.² Indeed, lack of access to family reunification appears to be a key driver of dangerous journeys. Research has suggested that as many as half of all those seeking to cross the Channel from Northern France have family links to the UK.³

¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-06-08/hcws837>

² Oxfam and Refugee Council, *Safe But Not Settled* (2018).

³ IPPR, *Understanding the Rise in Channel Crossings* (2022).

In spite of these findings, the government's Nationality and Borders Act (2022) restricted access to family reunion for refugees who arrive in the UK irregularly, and it has failed to replicate the Dublin III regulations since exiting the European Union (EU). Although these restrictions to family reunification are only beginning to take effect, preliminary research from Refugee Legal Support has already found evidence of children stranded in Europe who would previously have been eligible for reunification crossing the Channel dangerously.⁴ Australia provides the best international comparison to predict the longer term impact of these restrictions. In 2014 Australia reintroduced Temporary Protection Visas which do not confer family reunion rights and has subsequently seen an increase in the number of women and children arriving via dangerous journeys.⁵

Supporting integration

Research from the British Red Cross, Oxfam, Refugee Council and the UNHCR consistently demonstrates the importance of family reunion for refugees' integration into their new communities. The research highlights how refugees separated from their families can experience serious mental health difficulties, compounding the trauma that they have already experienced. This leaves them less able to focus on activities essential to integration, like learning English and building new relationships in the community.⁶

6. In the Commons

Tim Loughton MP (Conservative) tabled New Clause 19 seeking to expand eligibility for refugee family reunion (see p28 of this [Amendment Paper](#)). Tim Loughton did not push the amendment to a vote.

For any further information, please contact:

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⁴ Refugee Legal Support, [Family reunion from Europe](#) (2022)

⁵ Kaldor Centre, [Temporary Protection Visas and Safe Haven Enterprises Policy Brief](#) (2022)

⁶ See: Oxfam and Refugee Council, [Safe But Not Settled](#) (2018), and more research at: <https://families-together.uk/evidence/>
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