

Justice and Home Affairs Committee report: 'All families matter: An inquiry into family migration'

Debate in the House of Lords, 20th September 2023

Introduction

Many people with protection needs in the UK are struggling to reunite with even their closest family members. This is due to a combination of restrictive policies and operational failures. This briefing sets out the Refugee Council's three key areas of concern around family reunion for refugees in the UK.

The failure to reunite families has severe consequences for the people who find themselves separated indefinitely from their loved ones, and these consequences are particularly acute for children. On p3 we have included the text of a letter sent by 11 year old Wasim to his MP, explaining the impact of his separation from his parents.

1. Separated children in the UK are not entitled to sponsor their family members

Under Immigration Rules Appendix Family Reunion (Protection), adults granted refugee status 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.** While it is possible for children to submit 'outside the rules' applications, these are complex, lengthy and frequently unsuccessful.¹

The UK's position makes it an outlier in Europe. The harmful effects on children of prolonged separation from their parents are well documented, and research commissioned by Amnesty International UK, Refugee Council and Save the Children has found that the UK's restrictive policy is in breach of its legal obligations under both national and international law.²

The UK government argues that allowing refugee children to sponsor family members would lead to an increasing number of children making dangerous journeys to reach the UK. But this

¹ See: British Red Cross, [Refugee family reunification in the UK: Challenges and Prospects](#) (2021) & Amnesty International, Refugee Council and Save the Children, [Without My Family](#) (2019).

² Amnesty International, Refugee Council and Save the Children, [Without My Family](#) (2019).

view is not supported by the evidence, which instead shows that family reunion policies do not influence where refugees -- adults or children -- claim asylum.³

2. Afghan evacuees have no clear mechanism for family reunion

Afghans who were evacuated under Operation Pitting and subsequently resettled under Pathway 1 of the Afghan Citizens Resettlement Scheme (ACRS) were granted indefinite leave to remain without protection status. This means that they are not eligible for refugee family reunion. The Home Office has consistently promised that "further information will be made available in due course about options for reuniting"⁴ with their immediate family, but has failed to provide any further information in the two years since the evacuations. The Home Office has not even undertaken the basic scoping required to understand how many of those resettled on Pathway 1 of the ACRS are separated from immediate family. This is particularly alarming where children have been evacuated to the UK without their parents and who have been given no options for reunion. See p3 for 11 year old Wasim's account of his separation from his family.

3. Operational failures are causing lengthy delays and a growing backlog

Even where a refugee's circumstances are adequately covered by existing policy, refugees are struggling to access family reunion in practice. In February 2023, the Independent Chief Inspector for Borders and Immigration published the results of their reinspection into family reunion, finding that: "Since the last inspection in 2019, the effectiveness of this route has further deteriorated. Family reunion is one of the Home Office's few safe and legal routes, and it is failing those who seek to rely on it, which is predominantly women and children."⁵

The issues identified by the ICIBI included:

- Under resourcing and problems recruiting and retaining staff
- Day to day operational inefficiencies, such as difficulties accessing servers and databases
- Senior staff being derailed by the Ukraine response
- The lack of criteria by which to expedite urgent cases

The situation has further deteriorated since the publication of the ICIBI report. In July 2023, the family reunion backlog reached more than 11,000 – the majority of whom are women and children.⁶ In September 2023, the majority of applications were being considered at over double the service standard timescale of 60 days.⁷ This situation will, without urgent intervention, only get worse. As the Home Office continue to increase the number of asylum decisions being made to clear the asylum backlog, additional resources need to be given to refugee family reunion decision. Otherwise families will be waiting increasingly long times to be reunited.

³ See: UNHCR, Destination anywhere (2019)

⁴ Home Office promotional material, '[Next steps in the UK: immigration information for people evacuated from Afghanistan](#)'

⁵ ICIBI, '[A reinspection of family reunion applications](#)' (2023)

⁶ *The Independent*, '[Scandal of refugee families separated by red tape](#)' (July 2023)

⁷ Immigration Minister Robert Jenrick response to written question on 15 Sept 23
<https://questions-statements.parliament.uk/written-questions/detail/2023-09-07/198405>

The impact of separation: Wasim's story

Wasim was just 9 years old when he was separated from his parents. Caught up in a bomb blast at Kabul airport, he made it onto a plane evacuating Afghan citizens to the UK, but his parents did not. He has not seen them for two years. There is no clear policy mechanism by which Wasim can bring his parents or siblings to join him in the UK. The following text is taken from a letter that Wasim recently wrote to his MP, explaining the impact of separation.

I am 11 years old and I come from Afghanistan, but am now in the UK, in Leeds. I want to tell you that my greatest wish is for my mum and dad and brothers and sisters to join me. I haven't seen them for two years. I feel I have no place, I am all alone.

I miss my mum so much and am so worried about her, about the situation she is in, it is so hard and I feel so sad. When I speak with her she is crying all the time. I can't forget the times I had with her. I also miss my dad and all my brothers and my sisters. I never know whether they are ok.

How could I enjoy my birthday when my brothers and sisters and my mum and dad are not with me, when I'm all alone? You mean nothing for yourself when you are alone. You feel like you are in a desert with no family, alone with yourself.

I used to like cricket too, but I don't feel like playing now, I just want to be quiet, on my own. Sometimes I wait a long time at night, I can't get to sleep, and I'm so tired at school now. I used to really want to learn but now I can't because I can't forget my family and sometimes I feel I really want to fight, I don't feel my own injuries, I feel nothing. I control my heart to not hurt people but at home I cry. I don't want to eat at breakfast and at night, I just go straight to bed.

I had to come to the UK without my family because I was with my uncle's family, carrying his baby, when there was a blast. My family were on the other side of the blast and I just couldn't get to them.

When I see the other boys and girls with their parents it reminds me that I am alone and I wish that my mum and dad could join me so that we can have a happy life together.

My uncle and aunt are trying to care for me but my uncle says he cannot replace a parent's love. He says when he sees me far away in thoughts he has a very big shock in his heart and feels very sorry.

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