



Briefing: Fix family reunion

Together, we urge Members of Parliament to vote in favour of Lord Dubs' amendment to open a new safe route to family reunion for refugees in Europe.

As Ukrainian refugees flee their homes, we have seen just how vital family reunion is – as a route to safety, loved ones and the chance to rebuild lives. Sadly, we have also seen how badly the UK's rules have let Ukrainian families down in their time of need. Children and families escaping conflict and persecution must jump through impossible hoops, meet unrealistic criteria, travel across borders to access visa centres and wait in uncertainty to find out if they will be granted safe passage to sanctuary and family in the UK. **The improvements the Government has made to family reunion for Ukrainian refugees demonstrate how vital it is to reform the process for all refugees** and allow unaccompanied children to reunite safely and swiftly with relatives such as grandparents, uncles and aunts who can care for them in the UK.

The UK's current family reunion rules are broken. They are failing some of the most vulnerable refugees. Just this week Safe Passage staff met with an unaccompanied 15-year-old Afghan child, Hakim, who recently fled the Taliban. Alone in a dangerous camp in Dunkirk, Hakim is trying to join his uncle in the UK. He has already tried to cross the Channel three times. The current rules don't provide a safe route for this child to reunite safely with his family in the UK. **In fact, none of the**

unaccompanied children Safe Passage supported in France in 2021 were able to reunite with family here under the UK's family reunion rules.

Had Lord Dubs' amendment been law, Ukrainian children and partners would have faced far fewer challenges in safely and quickly reuniting with family here in the UK. The process for family reunification for Ukrainians has been slow, chaotic and ineffective. It is the same for other refugee families every day. It's time the Government fixed family reunion for all.

Without safe routes, men, women and children must risk dangerous journeys to try to reach sanctuary and loved ones here in the UK. None of us want to see refugees risking a treacherous journey on a small boat across the Channel, but unless the Government opens safe routes and fixes family reunion, many refugees are left with no other choice. Under this Bill, the Government would penalise and punish those travelling irregularly to the UK, including Ukrainians - instead of opening safe routes and expanding family reunion. **Safe routes save lives, reunite families and support refugees to rebuild their lives and be welcomed by our communities.**

Expand the rules for all refugees

The Government has done the right thing and expanded family reunion so that Ukrainian refugees have a safe route to join close family in the UK – whether that's their parent, child, grandparent, brother, sister, aunt or uncle. It now needs to do the same for all refugee families.

As the Government has done for Ukrainian refugees, **Lord Dubs' amendment would expand family reunion so that unaccompanied children in Europe can easily join family members in the UK**, like their grandparents, aunts, uncles and siblings.

At the moment, the UK's Refugee Family Reunion Rules (Part 11) only covers children trying to reunite with their parents in the UK – as long as their parent has refugee status or humanitarian protection, and the child was born before the parents fled their country of origin. The rule is limited that it excludes most unaccompanied children and prevents them from reuniting with family. Lord Dubs' amendment would put that right – so unaccompanied children in Europe can join:

- wider close family members in the UK. The majority of Safe Passage's family reunion cases are child refugees seeking to reunite with close family members in the UK such as aunts, uncles or siblings. **Since Brexit, two thirds of Safe Passage's family reunion cases are siblings trying to reunite.** For some, these are their closest surviving relatives as some child refugees lose their parents before they left their country or on their journey to sanctuary.¹
- relatives who are ordinarily and lawfully resident here – not only those with refugee status and humanitarian protection, but also British citizenship or indefinite leave to remain. More than one third of Safe Passage's family reunion cases under the EU's Dublin III were unaccompanied children reuniting with refugee family members who had been granted British citizenship.

The Government has argued that there are other rules under the Immigration Rules under which children can apply but these do not work on paper or in practice. These rules come with significant barriers – including fees of up to £1523; stringent maintenance requirements; and a requirement to prove 'serious and compelling circumstances'. Just as Ukrainian refugees have been failed by Home Office processes, so have unaccompanied children. The Home Office has argued that a child being alone in France or Greece is not 'serious and compelling' enough to warrant a visa to join family in the UK. When refusing one case, the Home Office said: **"You currently live in a shelter for unaccompanied Minors... I note you have provided no evidence why this arrangement cannot continue** or any serious and compelling considerations in your case." We believe that a child being unaccompanied, separated from family and in need of refugee protection is in itself a 'serious and compelling circumstance' for family reunion.

Under the Government's concessions, Sofiya, a Ukrainian woman will be able to safely join her aunt here in the UK.

Omar, a Syrian child alone in a Greek refugee camp, is in a very different situation. He hopes to join his older brother Abdul, who has rebuilt his life in the UK as a refugee. The brothers have no other surviving family and are desperate to reunite.

Under the UK's rules, Omar is not eligible for Refugee Family Reunion. His case will be extremely difficult and is much less likely to succeed.

The Government has also argued that there is discretion to allow family reunion “outside the rules” in certain circumstances. The Ukrainian crisis has demonstrated clearly how reliance on Home Office discretion does not work for children stranded alone and in vulnerable situations. It is not right that children who would have had a clear, official route to safety and family reunion under the EU’s Dublin III Regulation are now reliant on Government discretion. This discretion is rarely exercised, and the very few cases which are granted “outside the rules” are mainly done so only on appeal which requires legal assistance. At best, children are left waiting months alone and separated from family – at worst, they are prevented from safely joining loved ones at all.

Improve the process for all refugees

Lord Dubs’ amendment would open a much-needed safe route to the UK for children who need refugee protection and are desperate to be with their loved ones. This Bill is a missed opportunity for desperately needed reforms. Providing safe routes is the best way to prevent people from being forced to risk dangerous journeys in lorries or on small boats across the Channel. We know that when people have no safe route to reach their families, they are more likely to risk their lives on dangerous journeys to reach loved ones - children are particularly likely to resort to smugglers.²

Leaving children stranded alone in Europe without a safe route to close family in the UK is a critical failure in refugee and child protection – putting children at risk. **The experience of Ukrainian refugees trying to join family in the UK in the last week has shown just how important fundamental reform to create a fair and efficient family reunion process is.**

Not only has the situation with Ukraine exposed the inadequacies of the family reunion rules, it has also laid bare the absurdity of the application process. To make an application, unaccompanied children and families must attend a Visa Application Centre (VAC) often hundreds of miles away to have biometrics taken, submit a passport or identity document, and return to collect the decision.

For many, getting to a VAC can include crossing conflict zones and closed borders, with **1 in 5 using smugglers to cross borders as part of their journey to make their application.**³ For others travelling to a VAC at all is impossible. Unaccompanied children on the Greek Islands, for example, are not able to reach the VAC in Athens as they are prevented from leaving the island by Greek law. After the Taliban takeover of Afghanistan, the Government advised people against making family reunion applications at all, as they refused to adapt how and at what stage of the process they collected biometric data.⁴ This effectively closed the only safe route for Afghans with family in the UK when it was needed most.

After significant pressure, the Government has conceded that Ukrainian refugees can submit applications without providing biometrics before their arrival in the UK, demonstrating that a flexible approach is possible. The Government, however, has failed to address the wider problems with the application process for other refugees, despite a recent court judgement declaring the inflexible biometrics policy to be unlawful.⁵

Support Lord Dubs’ amendment

It used to be easier for refugees in the EU to reunite with their family in the UK. Lord Dubs’ amendment would reinstate what was lost – a safe route to sanctuary and family for unaccompanied children.

The revocation of the EU’s Dublin III Regulation after Brexit was devastating to children and separated families seeking asylum and reunification with loved ones in the UK. Unaccompanied children now find it next to impossible to reach close family here as they must rely on the UK’s broken Immigration Rules. Of the family reunion cases Safe Passage supported to access the EU’s Dublin III Regulation, it is estimated that 95% would be very unlikely to qualify under the UK’s Immigration Rules.

The UK’s rules are too restrictive, take too long and are less guaranteed to succeed. The result is that children end up resorting to dangerous journeys to be with family. In 2021, **more than half of the unaccompanied children Safe Passage was helping reunite with family lost faith in the legal process and travelled to the UK irregularly**, instead of pursuing their claim under the UK’s rules.⁶ None did so in 2020 under the EU’s Dublin III Regulation.

Table: key differences between EU's Dublin III and UK Immigration Rules

Dublin III Regulation	UK Immigration Rules
Free for families reuniting – no fees	Families can face a fee of up to £1523⁷ for applying for family reunion, which can be unaffordable. Only applications under the extremely limited refugee family reunion rules under Part 11 are free.
Reasonable evidential thresholds meant refugee families were able to prove a family link in order to be reunited.	Higher, prohibitive evidential thresholds required to prove a family relationship, which are often difficult - if not impossible - for families to meet.
No maintenance and accommodation requirements for families to meet, with the primary focus being on the family link and the best interests of the child.	Stringent maintenance/income and accommodation requirements in some cases, which can be difficult for families to meet. Only the extremely limited refugee family reunion rules (Part 11) do not require this.
Separated families had to show they had a family link and that it was in the best interest of the child to reunite.	Families can be required to prove there are serious and compelling circumstances in order to reunite.
Better protection for unaccompanied children seeking asylum as the process was designed to facilitate family reunion.	Often fails to protect unaccompanied asylum-seeking children , as being an unaccompanied child applicant is not a serious and compelling reason for family reunion according to the Home Office.
The process for family reunion is the same for refugees who become British citizens as anyone who is “legally present” can sponsor family.	Different, harsher rules depending on the status of the family member in the UK, with it being more difficult for refugees to reunite if the family member in the UK has become a British citizen .
The process for family reunion is the same for siblings as other types of family member, e.g. parent/child.	Different, harsher rules depending on the type of family relationship, which means it is more difficult for refugee siblings to reunite .
Established timeline for decision-making with cases accepted by default if the UK didn't respond within a 2-month period.	Uncertain and long waits for decisions - whilst the Home Office aims to make decisions in 12 weeks, no Safe Passage case has so far been processed within that timeframe.
More accessible application process , which can be done from the applicant's location with no need to travel.	Need to travel to inaccessible Visa Application Centres to complete the application process.
International cooperation on family reunion	No international cooperation on family reunion – children and families seeking reunification must find out how to apply, secure appropriate advice, and go through the complicated and onerous application process.

¹ UNHCR (2019) [Destination Anywhere](#)

² UNHCR (2019) [Desperate Journeys](#)

³ British Red Cross (2020) [The Long Road to Reunion](#)

⁴ [Government closes family reunification scheme for Afghan refugees in 'devastating' move](#), *The Independent* (September 2021)

⁵ R (SGW) v Secretary of State for the Home Department (Biometrics , family reunion policy) [2022] UKUT 15 (IAC)

⁶ 10 of our 19 family reunion cases this year did not proceed with their application under the UK Immigration Rules & travelled irregularly. Last year, none of our 80 cases under the EU's Dublin III Regulation did so.

⁷ Unaccompanied asylum-seeking children and their families can face a £1523 fee, if the child is joining a relative who is a British citizen or has indefinite leave to remain