



Photo credit Ingrid Turner

# FAMILIES BELONG TOGETHER

Fixing the UK's broken **family reunion system**



SUPPORTING AND  
EMPOWERING  
REFUGEES



# 1. Summary

**Families belong together.** But war and persecution force families apart. UK policy<sup>1</sup> allows refugees who have been separated from their loved ones to sponsor their immediate family to join them in safety without the need to take perilous journeys to be reunited.

Between 2015 and 2019, refugee family reunion was the largest safe route to the UK with more than **29,000** people granted visas, **90%** of whom were women and children.

**But now this system is failing the families who rely on it.**

There is a huge backlog in refugee family reunion cases. In July 2023, the Independent obtained figures showing that the backlog of refugee family reunion cases had reached more than **11,000**, the majority of whom had been waiting more than six months for a decision.<sup>2</sup>

**This is despite the Home Office previously working to a service standard of deciding cases within 12 weeks.**

While the Government has rightly sought to address the asylum backlog, family reunion has been ignored.<sup>3</sup> As the Independent Chief Inspector of Borders and Immigration (ICIBI) commented last year, “the Home Office has failed to give this area an appropriate level of attention and priority.”<sup>4</sup>

On top of the backlog of undecided cases, there are big gaps in family reunion policy that mean **some separated families are left without any feasible option to safely reunite.**

The key gaps include:

- Children outside the UK who are separated from their families are prevented from joining refugee aunts, uncles, grandparents and adult siblings in the UK due to prohibitive requirements, including financial and maintenance conditions.
- Separated refugee children in the UK do not have the right to bring their parents or siblings to join them under the refugee family reunion rules.<sup>5</sup>
- Afghans resettled on Pathway 1 of the Afghan Citizens Resettlement Scheme are entirely excluded from refugee family reunion. The Government has so far failed to create an alternative pathway to reunite families separated during the Operation Pitting evacuations.
- Ukrainians in the UK under the Homes for Ukraine scheme, Ukraine Family Scheme or Ukraine Extension scheme are also entirely excluded from refugee family reunion and have no options to sponsor any family members to join them in the UK.

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1 See: **Immigration Rules Appendix Family Reunion (Protection)** [Accessed November 2023]

2 Dearden, ‘**Scandal of refugee families separated by UK red tape**’, The Independent (July 2023)

3 Note that the Refugee Council submitted two Freedom of Information requests about the size of the family reunion backlog in November 2023 and January 2024 but both requests were rejected. However, it is clear that the backlog remains very high - if not growing - because the number of decisions made over 2023 is not adequate to have addressed it. Anecdotally, Safe Passage International practitioners tell us that many of the refugees they are supporting to reunite with loved ones under refugee family reunion rules continue to face long delays.

4 Independent Chief Inspector of Borders and Immigration (ICIBI), **A reinspection of family reunion applications** (2023) p.2.

5 The only option for refugee children is to attempt an ‘outside the Rules’ application. In any application for family reunion where the requirements for Appendix Family Reunion 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 practice, applications for leave outside the Rules are complex, decision-making is unpredictable, and the bar for a successful grant is very high. Even where applications are successful, the applicant may be granted limited leave to remain and be subject to No Recourse to Public Funds. For more information on outside the Rules applications, see **Home Office guidance from July 2023**.

**These policy gaps and failures have human consequences.** The Refugee Council works with separated refugee children who are unable to concentrate in school and who have become withdrawn — **even losing interest in playing and eating** — because they miss their parents and siblings so much. Refusing child refugees the right to family reunion makes the UK an outlier among other European states and puts the country at odds with national and international law, contravening the principle of the best interests of the child.<sup>6</sup>

**Children who are trying to join family in the UK have often experienced trauma** – whether in the country they have fled or during their journey. Most of the children with whom Safe Passage International works experience mental health problems such as **depression, PTSD and anxiety, and self-harm or think about suicide.** With no other way to reach their family in the UK, many of these children end up risking their lives by crossing the Channel in a small boat because they simply cannot bear to be separated from their families any longer.<sup>7</sup> Notably, the Government has failed to open adequate family reunion routes for most Afghans being resettled to the UK, and Afghans make up the largest nationality of refugees crossing the Channel.<sup>8</sup>

**Any government serious about reducing dangerous Channel crossings, and promoting the well-being and inclusion of refugees in the UK, must fix and expand the UK's broken family reunion system as a matter of urgency.**

This report makes **five recommendations**, all of which could be unilaterally implemented by government. They do not require new primary legislation nor state-to-state negotiations.



**1.** The Government must amend the Immigration Rules to remove the barriers to children joining refugee non-parent adult relatives in the UK.



**2.** The Government must amend the Immigration Rules to allow refugee children in the UK to sponsor parents and siblings.



**3.** The Government must open a pathway to resettle the family members of people evacuated under Pathway 1 of the Afghan Citizens' Resettlement Scheme (ACRS) by June 2024.



**4.** The Government must open a free pathway, without means testing, to allow Ukrainians with temporary status in the UK to sponsor their close family members.



**5.** The Home Office must improve decision making so that by the end of September 2024 no refugee family reunion application is waiting longer than 12 weeks for a decision, in line with the Department's service standard.

<sup>6</sup> Amnesty International, Refugee Council, and Save the Children, *Without My Family* (2019)

<sup>7</sup> Safe Passage, *Routes to Safety* (2023)

<sup>8</sup> Home Office, *Immigration system statistics, year ending December 2023*



**The Refugee Council and Safe Passage International** estimate that the changes to the Immigration Rules recommended in this report could lead to approximately 1,000 additional family reunion visas being granted per year (around 15% expansion), including more than 300 additional visas per year for separated children with family in the UK.<sup>9</sup>

Meanwhile, the proposed pathways to reunite Afghan and Ukrainian 'de facto' refugees with their family members would provide a desperately needed safe route for people with clear protection needs but who are excluded from refugee family reunion.

The Refugee Council and Safe Passage International are clear that fundamental policy change is needed to ensure that the UK is fulfilling its commitment to protect refugees.<sup>10</sup> But it is also important to remember that there are quick, simple and affordable improvements that the Government could implement tomorrow should the Home Secretary so choose.

**The comparatively modest changes recommended in this report would have a transformational impact on the families who are currently paying the price for a broken family reunion system.**



9 See Appendix E

10 See the Refugee Council's report **Towards a National Refugee Strategy** and Safe Passage's **Routes to Safety**

## 2. The importance of family reunion

### A SAFE ALTERNATIVE TO CHANNEL CROSSINGS

**When family reunion pathways are overly restrictive or cease to function, families are left in an impossible position: endure indefinite separation or risk their lives in the hope of being reunited.**

Family ties are a key reason that people risk their lives on dangerous journeys to reach the UK. One study found that half of all those seeking to travel from the 'Jungle' refugee camp to England in 2015-16 had family here.<sup>11</sup> The Home Office's own analysis of the factors that influence where people claim asylum highlights the important role of family links.<sup>12</sup> Research from Oxfam GB and the Refugee Council also found evidence of people turning to smugglers to reach their family when they could not access a family reunion pathway.<sup>13</sup>

Tragically, this also includes separated children who cannot access any safe route to reach family members in the UK. Prior to the UK's exit from the European Union (EU), some children were able to reunite with family in the UK via the EU's Dublin III Regulation, but that route no longer exists.

Of the family reunion cases Safe Passage International supported to access the EU's Dublin III, **around 95%** would be very unlikely to qualify under the UK's current Immigration Rules.

From January 2021 to August 2023, **more than a quarter** of the children Safe Passage International was supporting to reunite with family in the UK lost faith in the legal process and have – to the best of Safe Passage International's knowledge – travelled to the UK irregularly instead. In comparison, between 2016 and 2023, of the many children Safe Passage International was supporting to reunite under the EU's Dublin III Regulation, **only one** risked a dangerous journey.

Even where people may be eligible to apply for family reunion, the extreme delays in the system mean that they sometimes grow so desperate that they embark on a dangerous journey while their application is still in progress. (See Khaled's story on page 6.)

In Safe Passage International's casework as of August 2023, **two thirds of children** waiting for an initial decision had waited longer than the Home Office's target processing times.<sup>14</sup>

In Safe Passage International's experience, when the family reunion process is delayed, children lose faith and attempt dangerous journeys so they can reach their family.

Ruthless people smugglers are now capitalising on the lack of safe routes and the desperation of separated children, who are particularly vulnerable to smugglers' promises to reunite them with their families.<sup>15</sup>

When a family reunion application is delayed by months or years, with no guarantee that a visa will ever be granted, smugglers offer an incredibly risky alternative. Children can reach family members in just a few days. As children grow more desperate, they become more and more likely to take this risk.

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

12 Home Office, *Sovereign Borders: International Asylum Comparisons Report* (2020)

13 Oxfam GB and Refugee Council, *Safe But Not Settled* (2018)

14 This statistic was calculated using the Home Office's published processing times based on the type of family reunion application. The statistic was also calculated taking the date that the application was submitted into account because target processing times were changed in this time period. Each application is counted against the target that was in place at the time that that application was submitted. **See overview of target processing times.**

15 UNCHR, *Desperate Journeys* (2019)

Before Brexit, the assurance of a safe route via Dublin III was enough for Safe Passage International caseworkers to convince children to access child protection whilst waiting to join family. With family reunion cases now taking much longer with no guarantee of success, Safe Passage International's caseworkers are finding that they can no longer compete with the promises made by smugglers, which puts children at enormous risk.

“*If children have no safe route to reach family, we have found that they are likely to risk their lives on dangerous journeys to reach loved ones. The harder it is for children to reunite with their loved ones through official pathways, the harder it is for us to compete with smugglers, who promise reunification within days.*”

- Alamara Khwaja Bettum, Joint Head of UK Legal at Safe Passage International

This worrying picture is supported by the Australian experience with Temporary Protection Visas (TPVs).<sup>16</sup> Introduced in 1999 and abolished in 2008, TPVs were a type of temporary visa for people seeking asylum in Australia.

Unlike the permanent Protection Visa for refugees in Australia, TPVs did not confer full access to services, family reunion pathways, residence or routes to citizenship.

The Kaldor Centre for International Refugee Law found that:

“*...after TPVs were introduced by the Howard Government, there was **an increase in the number of women and children who arrived in Australia by boat.** According to personal accounts, this was because the TPV regime precluded family reunion.*”<sup>17</sup>

After fleeing the war in Syria, **Khaled\*** was resettled to the UK from Jordan with his wife and four of his children. His eldest son was not resettled with the rest of the family because he had gone to stay with his uncle in Germany when he was 15.

Once in the UK, Khaled applied via refugee family reunion to bring his son, now over 18, to the UK. By this time, he had been separated from his son for 9 years. His son's mental health worsened when he found out that his mum, Khaled's wife, was ill. “My son mentally was in a terrible state,” Khaled recalls.

After waiting 8 long months for a decision, Khaled got a call from his son saying, “I'm in London. Come and get me.” He had taken a small boat to the UK, having lost faith that his application would ever be processed. He had kept his plan secret from his parents, knowing that they would worry about him risking such a treacherous journey.

Since Khaled's son arrived irregularly without a family reunion visa, he is now making an asylum application. “We did try the legal way to apply for family reunion,” Khaled reflects. “My son only applied for asylum the way that he applied because there was no other option because his mum wasn't well.”

Khaled is concerned for his son's asylum application to be determined as quickly as possible: “I just want to have my son next to me for the rest of my life.”

\* name changed

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

17 Kaldor Centre, [Temporary Protection Visas and Safe Haven Enterprises Policy Brief](#) (2022), p.7



## PROMOTING REFUGEES' WELL-BEING AND INCLUSION

Research conducted by Oxfam GB and the Refugee Council in 2017-18 found that reuniting families supported refugees' sense of belonging and inclusion, while prolonged separation harmed their mental health. Three quarters of the families surveyed reported experiencing feelings of guilt and being so preoccupied with worries about their family that they were unable to focus on activities essential to integration, such as learning English.<sup>18</sup>

The mental health impact of separation is particularly acute for separated young people – whether they are alone in the UK, or stranded outside the UK trying to reach their family here. A study by the Refugee Council, Amnesty International and Save the Children found that young people who were unable to reunite with family struggled to focus in school or to integrate into the local community because they were consumed with worry for the safety of their family.<sup>19</sup>

The Refugee Council works with separated refugee children who display signs of acute distress, losing interest in playing and eating because they miss their parents and siblings so much. Most of the children with whom Safe Passage International works have experienced mental health problems and some have experienced self-harm and suicidal ideation.

11 year old **Wasim** last saw his parents 2 years ago. He describes the impact of being separated.

"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.

"I used to like cricket, 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. 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.

"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."



18 Oxfam GB and Refugee Council, *Safe But Not Settled* (2018)

19 Amnesty International, Refugee Council, and Save the Children, *Without My Family* (2019)

### 3. Current family reunion policy

Under the Immigration Rules<sup>20</sup>, adult refugees are entitled to sponsor their partner, children under the age of 18 and, in exceptional circumstances, their adult dependent children to join them in safety in the UK. Although applications are free to make, the form that needs to be completed is complicated and many refugees need to seek legal advice, which is not automatically available under the Legal Aid provisions.

Adult refugees can also apply under the Immigration Rules<sup>21</sup> to sponsor a child family member, like a child sibling or a niece, nephew or grandchild, where it is in that child's best interests to join their UK-based family member, such as when a child has lost their parents. However, this is not an automatic entitlement as in the case of refugee family reunion. Not only do applicants have to meet restrictive and poorly applied 'serious and compelling circumstances' criteria, but the route incurs fees of up to £5,500 and is means tested.

Refugee children in the UK are not entitled to sponsor any family members under the Immigration Rules. Their only option is to attempt a costly, complex and unpredictable 'outside the Rules' application.<sup>22</sup>

Moreover, certain groups of people with clear protection needs but without refugee status are not eligible for refugee family reunion. This includes Afghans evacuated under Operation Pitting and Ukrainians in the UK under one of the bespoke visa schemes created in the wake of the Russian invasion.

Initially, Ukrainians who were in the UK under the Homes for Ukraine, Ukraine Family Scheme or Ukraine Extension Scheme could sponsor family members under Homes for Ukraine, but this option was removed without warning on 19th February 2024.<sup>23</sup> Even while the option existed, Safe Passage International worked with many Ukrainian de facto refugees who were simply unable to meet the scheme's accommodation requirements.

The fact that Afghans and Ukrainians who travelled to the UK via safe routes have been excluded from refugee family reunion seems to confound the broader direction of the Government's asylum policy.

The Government sought, first in the Nationality and Borders Act 2022, and again, in the Illegal Migration Act 2023, to create a two-tier system that afforded greater rights and conditions to refugees arriving through safe routes than those claiming asylum in the UK.

The Ukraine visa schemes and the Afghan Citizens' Resettlement Scheme (ACRS) are clear examples of safe routes. Yet even those who have arrived in the UK through these routes are excluded from family reunion.

This demonstrates the pitfalls of piecemeal policy-making, with a focus on bespoke routes that confer different immigration statuses over a flexible and durable resettlement scheme that confers refugee status and all the essential rights that flow from that protection status.



**Table 1** on the following page gives an overview of the different family reunion entitlements and mechanisms for people with protection status, Afghans resettled under the ACRS, and Ukrainians in the UK under the Homes for Ukraine scheme and the Ukraine Family Scheme.

20 See: [Immigration Rules Appendix Family Reunion \(Protection\)](#)

21 [Immigration Rules Appendix Child staying with or joining a Non-Parent Relative](#) (Appendix CNP)

22 See footnote 5.

23 [Statement of changes in Immigration Rules 19 February 2024](#)



**TABLE 1:**

**Overview of family reunion entitlements and mechanisms**

STATUS OF SPONSORING FAMILY MEMBER IN THE UK	FAMILY REUNIFICATION ENTITLEMENTS	MECHANISM
<p>Refugee status / Humanitarian protection status</p> <p>Either from successful asylum claim in the UK, or:</p> <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> <li>• Community Sponsorship Scheme</li> <li>• Mandate Protection Scheme</li> </ul>	<p>To reunite with their pre-flight partner, minor children and, in exceptional circumstances, their adult dependent children.</p> <p>To reunite with minor relatives (e.g. a younger sibling, a grandchild) where it is in that child’s best interests, and where there are serious and compelling factors.</p>	<p>Immigration Rules Appendix Family Reunion (Protection).</p> <p>Applications under Appendix Family Reunion are free and are not means tested.</p> <p>Immigration Rules Appendix Child Joining Non-Parent Adult Relative (CNP).</p> <p>Applications under Appendix CNP incur a fee and the UK-based sponsor must be able to financially support and accommodate the child without recourse to public funds.<sup>24</sup></p>
<p>Indefinite leave to remain without protection status</p> <p>From Afghan Citizens’ Resettlement Scheme Pathway 1</p>	<p>Initial ACRS guidance stated 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>The Immigration Minister has committed to opening a route by June 2024.<sup>25</sup></p> <p>Only mechanism currently available is Appendix FM<sup>26</sup>, which is means tested.</p>
<p>Indefinite leave to remain without protection status</p> <p>From 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 entitlement to bring family members to the UK.</p>	<p>While still in Afghanistan, the ACRS application portal.</p> <p>Once in the UK, only mechanism is Appendix FM<sup>27</sup>, which is means tested.</p>
<p>Temporary leave to remain without protection status. From:</p> <ul style="list-style-type: none"> <li>• Homes for Ukraine</li> <li>• Ukraine Family Scheme (closed from 19 February 2024)</li> <li>• Ukraine Extension Scheme</li> </ul>	<p>While outside the UK, can be sponsored with family members if able to find a sponsor with adequate space to accommodate multiple people.</p> <p>Once in the UK, no entitlement to bring family members to the UK.</p>	<p>No mechanism.</p>

24 If families are unable to meet the maintenance and accommodation requirements, the Home Office can grant the family reunion application in exceptional circumstances. In practice, however, this provision is not working. See Recommendation 1: Allow children to safely join family in the UK by amending the Immigration Rules to remove financial and other barriers

25 Gower, *Research Briefing: UK Immigration Schemes for Afghan Nationals* (9 November 2023)

26 **Appendix FM** (GOV.UK) 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 a person granted humanitarian protection when the applicant would not be able to use refugee family reunion 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. Exact fees depend on a range of factors. As an example, a standard spouse visa is £1,846. 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.

27 See footnote 26.

## 4. Problems and solutions

The following recommendations are simple and affordable for a broken system requiring urgent action. They do not require primary legislation nor any state-to-state negotiations, and therefore they would be straightforward for the Government to deliver unilaterally.

### RECOMMENDATION 1:



Allow children to safely join family in the UK by amending the Immigration Rules to remove financial and other barriers

#### THE PROBLEM:

**If a child is orphaned or separated from their parents and has family in the UK, it may be in their best interests to join a UK-based adult relative who will care for them.**

This might be an older sibling, a grandparent or an uncle or aunt with refugee status in the UK. Previously, a child with family in the UK who was seeking asylum in the European Union (EU) could be transferred to the UK under Dublin III Regulations to have their claim processed here with family, but the UK is no longer party to the Dublin Regulations.

While the UK's own Immigration Rules<sup>28</sup> should also allow for children to safely join family in the UK, this route is largely inaccessible because of the requirements on the UK-based refugee sponsor.

**As explained in section 2, separated children with family in the UK are turning to people smugglers because they cannot access safe routes to reunion.**

Almost half of the children Safe Passage International works with are trying to reunite with their sibling in the UK, which is near impossible under the current UK family reunion rules.

Of the children with whom Safe Passage International worked who abandoned the family reunion process and have since gone missing, **two thirds** were trying to reunite with a sibling.

**There are three main barriers which make this route, Appendix CNP, inaccessible:**

1. Financial requirements on the UK-based refugee sponsor.
2. Accommodation requirements on the UK-based refugee sponsor.
3. The 'serious and compelling circumstances' requirements on the child outside the UK.

In terms of the first two barriers, the refugee sponsor in the UK must provide for and accommodate their child relative with No Recourse To Public Funds. Applications incur a fee of **£404** and children are also subject to the Immigration Health Surcharge (IHS).

Following a recent significant increase, the IHS is now **up to £1,035 per year**<sup>29</sup> and is calculated according to how long the sponsor has left on their visa in the UK. In the case of children joining a refugee aunt, uncle, sibling or grandparent, they could face IHS fees for up to a maximum of 5 years, i.e. up to **£5,175**.

The IHS needs to be paid in full as part of the application. In practice, this is simply not affordable for many refugees in the UK. It is also out of line with the refugee family reunion rules for refugees sponsoring their spouse/partner or child, where the application is free and there are no financial requirements on the UK-based sponsor.

**As this is also a route for the reunification of refugee families, there should be no requirement of financial dependency.**

<sup>28</sup> Immigration Rules Appendix Child staying with or joining a Non-Parent Relative (Appendix CNP)

<sup>29</sup> The IHS is £1,035 per year for an adult, and £776 per year for a child

“ It’s extremely concerning that the children we support at Safe Passage International could face costs as high as £5,500 to reunite with their family as a result of fees and the Immigration Health Surcharge. From our work, we know this is a prohibitive cost for refugee families and we’re really worried that it could keep families apart and children stranded alone.”

- Alamara Khwaja Bettum, Joint Head of UK Legal at Safe Passage International

**Ahmed** is a young adult with refugee status in the UK. He wants to apply for his younger brother **Zabid**\* to join him in the UK. But if Zabid were to be granted family reunion with his older brother, they would have to pay £2,588<sup>30</sup> under the Immigration Health Surcharge. This is unaffordable for most families, but especially for Ahmed and Zabid – a young refugee and a child alone in a shelter for unaccompanied children.

Ahmed is single and in part-time education. He works part-time as an Uber driver, earning around £1000 a month. He was not eligible for a fee waiver as the Home Office concluded he could not afford to save for the fee.

Zabid is extremely vulnerable and in a few months’ time will no longer be able to stay in the shelter for unaccompanied minors where he is based. His application is therefore urgent and there is no way for either Ahmed or Zabid to save that amount of money.

\*name changed

In acknowledgement of the difficulties that refugees face in accessing this pathway, the Government amended the Immigration Rules in June 2022 so that decision-makers could consider whether there are exceptional circumstances, which justify granting this type of family reunion application even where maintenance and accommodation requirements are not met.

Exceptional circumstances would be where the child has no parent with them or has no family to care for them other than in the UK, for example.

Applicants can also apply for a fee waiver if they are unable to afford the application fee and/or the IHS. But this creates an unnecessarily complex decision-making process, increasing the workload of caseworkers who are already tackling a huge backlog, and introducing further delays and uncertainty to a process that is already incredibly slow and arduous.

Indeed, there is no evidence that the ‘exceptional circumstances’ provision introduced in June 2022 has made this route more accessible. The Independent Chief Inspector for Borders and Immigration (ICIBI) found that the process for assessing applications under this pathway remains confused.<sup>31</sup>

Moreover, since the exceptional circumstance provision was introduced, Safe Passage International has only successfully reunited one family where the case relied on showing exceptional circumstances because the family could not meet the financial and maintenance requirements. That case was initially refused and then won at appeal. All of Safe Passage International’s other cases which relied on this ‘exceptional circumstances’ provision have been refused.

**A system that relies on appeals is not only inefficient and costly, but harmful: three of the child applicants in these cases gave up on the legal process after receiving refusals and went missing before Safe Passage International was able to appeal.**

“ The children we support cannot wait months and months alone in a camp or a shelter whilst the Home Office reviews the paperwork. When trying to reunite, refugee families can neither afford expensive fees and prohibitive maintenance requirements, nor lengthy delays and additional complex processes.”

- Alamara Khwaja Bettum, Joint Head of UK Legal at Safe Passage International

30 As Ahmed has two and a half years leave in the UK as a refugee, the IHS fee for Zabid is calculated at £1,035 per year for two and a half years.

31 Independent Chief Inspector of Borders and Immigration (ICIBI), **A reinspection of family reunion applications** (2023)



**Nael** is a Syrian child alone in a shelter in southern Europe. With Safe Passage International's help, Nael applied to reunite with his older refugee brother in the UK, who wants to take care of him. The rest of his family remains in Syria, and he can't go back.

As his brother was clearly unable to pay the fee required under this family reunion route, the Safe Passage International lawyer applied for a fee waiver, which created additional barriers and delays that Nael could not afford. Nael's brother was also unable to meet the other financial and maintenance requirements to sponsor him, so the brothers had to show that there were "exceptional circumstances" to justify their reunification.

Nael had experienced a number of traumatic events, including being recently bereaved by the loss of his father and the forced separation from his mother and siblings. On his journey from Syria to Europe, he'd also experienced street homelessness, child labour, robbery and physical violence.

The Home Office initially refused Nael's application – even suggesting that Nael could return to Syria - and Nael appealed the decision on human rights grounds. Whilst waiting for the appeal, his situation deteriorated fast.

His Child Protection Officer urged that he be allowed to leave urgently before he came to significant harm, fearing he was at risk of violence, substance misuse and ongoing psychological harm. Finally after waiting more than four months and after the Home Office missed two court-issued deadlines, Nael won his appeal and is now able to travel safely to join his brother.

In the appeal, the judge said: "In the (Home Office) refusal letter there is a suggestion that the appellant's mother, living in Syria (sic) could care for him instead of the sponsor... There is a real risk of harm to the appellant if he were to return to Syria... I find that it is not possible for the appellant to return to Syria to be cared for by his mother because to do so would put him at real risk of harm."

In addition to the financial and maintenance requirements, families must demonstrate that there are "serious and compelling" circumstances which mean that the child should be allowed to come to the UK to reunite with their adult relative.

The guidance states that this could be where a child has no parents or relatives to care for them, for example. Whilst this is sensible in principle, in practice it is a threshold that is almost impossible for families to meet in Safe Passage International's experience. It would be more appropriate for decision-making to concentrate on what is in the best interests of the child, over this restrictive requirement to show "serious and compelling" circumstances.

When refusing the cases of unaccompanied children, the Home Office has suggested that being alone and separated from family in a third country, like Greece or France, is not enough of a "serious and compelling" circumstance to warrant family reunion with a non-parent relative.

When refusing one case of an unaccompanied child, the Home Office said:

**“** You currently live in a shelter for unaccompanied Minors with psychological support. I note you have provided no evidence why this arrangement cannot continue or any serious and compelling considerations in your case. ”



**Ahmad's** family reunion application was refused by the Home Office. He is an unaccompanied orphaned child being supported by Safe Passage International. Alone in Afghanistan, Ahmad was trying to join his older brother in the UK. Since the murder of his father by the Taliban and the death of his mother, Ahmad was living in hiding with a neighbour in highly abusive and exploitative conditions. There was no one else to take care of him - his other siblings are still children themselves and have been missing for many years.

The Home Office did not accept that there were "serious and compelling" circumstances in this case. They did not accept why Ahmad could not remain in Afghanistan, did not believe Ahmad's parents had died, and suggested that Ahmad could remain with the neighbour or be taken care of by his minor sisters - despite the fact they are missing. The Home Office refusal reads, "I do not accept that there are compassionate circumstances of a compelling nature to warrant the granting of entry clearance."

At appeal, the judge found that there were "serious and compelling" circumstances, in light of Ahmad's situation. Whilst Ahmad's family reunion case was ultimately successful, the broken family reunion rules had a significant impact on him. Already living in hiding and subjected to modern slavery, having to navigate the complex rules, being initially rejected and waiting months and months for permission to reunite caused Ahmad's depression to significantly worsen and he began to self-harm.

## THE SOLUTION:

**Removing the financial barriers and the 'serious and compelling' circumstances requirement would allow this pathway to function as a real safe route, providing as many as 336 separated children with visas every year.<sup>32</sup>**

This would go some way towards replacing the safe route lost when the UK ceased to be party to the Dublin Regulations, without having to engage in complex state-to-state negotiations. It would also simplify the decision-making process for caseworkers at the Home Office, who would no longer need to assess complex rights-based applications from refugees seeking to demonstrate exceptional circumstances.

Improving decision-making could also minimise the need for appeals.

**43%** of Safe Passage International's cases were refused by the Home Office in the first instance and then went to appeal.

**100%** of refused cases were then successful at appeal, either because the Home Office withdrew their decision or the tribunal ruled in the family's favour.

**As with Recommendation 2, this policy change could be achieved with a simple amendment to the Immigration Rules, which the Government can do unilaterally.**



### Number of additional family reunion visa grants as a result of policy change (see Appendix A)

- Lower estimate: 232 additional visas per year, with 1,160 visas granted in the first year<sup>33</sup>
- Upper estimate: 336 visas granted per year, with 1,680 visas granted in the first year

### Estimated cost of additional visa processing (see Appendix B)

- Lower estimate: 232 x £93 visa processing cost = £21,576/year (£107,880 in first year)
- Upper estimate: 336 x £404 visa processing cost = £135,744/year (£678,720 in first year)

32 See Appendix A

33 See footnote 49



## RECOMMENDATION 2:

### The Government must amend the Immigration Rules to allow refugee children to sponsor parents and siblings

#### THE PROBLEM:

**Refugee children in the UK are not entitled to sponsor any family members under the Immigration Rules. As outlined in section 2, prolonged separation from family is extremely harmful to refugee children’s mental health and hinders their chances for meaningful integration in their new country.**

The UK’s policy on refugee children sponsoring family members is unusually harsh – undermining the UK’s international reputation as a leader on children’s rights. In the European Economic Area, every country other than Switzerland and Liechtenstein allows refugee children to sponsor family members.<sup>34</sup>

Legal analysis commissioned by Amnesty International UK, the Refugee Council and Save the Children found that the UK was directly in breach of its legal obligations under international law.<sup>35</sup> The analysis confirms that “As a State party of the UN Convention on the Rights of the Child (UNCRC), the UK has an obligation under international law to ensure that all children subject to its jurisdiction have equal access to the rights enshrined in the Convention which contains some of the strongest provisions for the protection of a child’s right to family unity.”<sup>36</sup>

It also points out that the Committee on the Rights of the Child states in its General Comment No. 6 that family reunion for unaccompanied child refugees ‘wherever possible’ is in the child’s best interests as a way of overcoming the circumstances of being unaccompanied.<sup>37</sup> Moreover, there are domestic provisions which place a duty on the Home Secretary to safeguard and promote the welfare of children, as outlined in Section 55 of the Borders, Citizenship and Immigration Act (2009).<sup>38</sup>

The Government’s position is that allowing refugee children to sponsor family would act as a pull factor, encouraging more children to make the dangerous journey across the Channel and thereby posing a safeguarding risk.<sup>39</sup> But there is no evidence to support this claim.

In 2016, a report by the European Committee of the House of Lords categorically concluded that there was no evidence provided by other EU Member States – where children are allowed to sponsor family members – that children had been exploited by being sent ahead for other family members to join them.<sup>40</sup>

The UNHCR has also conducted research to better understand how children end up unaccompanied and what influences where they claim asylum. The UNHCR did not find any evidence that children were aware of, let alone influenced by, the family reunion policies of different countries.<sup>41</sup>

This does not mean that parents do not send their children to safety ahead of them. But rather that parents who make this decision do so because they believe it is the safest choice for their children – not because they are playing a cynical game. When a war breaks out, many people find that they cannot afford to get the whole family out of the country and to safety. Faced with this terrifying situation, parents and caregivers are forced to weigh up what is safest: keeping their child with them in a warzone, or using all of their resources to get their child out of the country.

34 S. Borelli et al, *Refugee Family Reunification in the UK* (2021)

35 Amnesty International, Refugee Council and Save the Children, *Without My Family* (2019)

36 Amnesty International, Refugee Council, and Save the Children, *Without My Family* (2019) p.4.

37 Amnesty International, Refugee Council, and Save the Children, *Without My Family* (2019)

38 UK Visas and Immigration, *Section 55 Guidance* (2009)

39 ICIBI, *An inspection of family reunion applications* (2019)

40 S. Borelli et al, *Refugee Family Reunification in the UK* (2021)

41 UNHCR, *Destination Anywhere* (2019)



“ My wife and I thought seriously about it [sending the children] a couple of times, and I even contacted the bank to get some money in order to get all the children out of the country, even calculating all the dangers ahead of it.”

– Witness 2 giving evidence to the House of Lords Justice and Home Affairs Select Committee <sup>42</sup>

It is important to emphasise that refugee children in France and all other European countries with a sea border with the UK can already sponsor family members.<sup>43</sup>

Given this, even if we were to accept the Government’s argument, it is not clear why changing the UK’s family reunion rules would motivate a child to travel to the UK over any bordering European country when they already have those rights in those countries.

“ As soon as the young people get their refugee status, the first thing they’ll often ask is – when can I bring my parents here?

We have to familiarise them with the law and say, unfortunately, as a child, this isn’t something you can do. As a child, this isn’t something that’s within your power.

Recently, I was in a meeting with a young man from Afghanistan, he’s recently turned 15, he’s from a tiny, tiny village in the mountains. He left where he was without even saying goodbye to his family, because when the Taliban came he had to run, following crowds. He’s not seen his parents since, and he’s not had any contact with them.

We were in a meeting about his education, because he’s still out of school. Every few questions, he wouldn’t respond, because he kept going back and talking about his experiences, and saying ‘I just want to be able to bring my mum here.’ He’s withdrawn from our classes here. We have English classes, he’s not motivated.”

- Zoe, a Refugee Council support worker



<sup>42</sup> Quote from Witness 2 giving evidence to the House of Lords Justice and Home Affairs Select Committee (25 October 2022)

<sup>43</sup> S. Borelli et al, *Refugee Family Reunification in the UK* (2021)

## THE SOLUTION:

Government has the power to amend the Immigration Rules unilaterally. While there would be costs associated with processing a higher number of visas (see below), it is worth noting that the family reunion team at the Home Office already deals with applications from parents and siblings to join separated children in the UK, but that it does so as complex outside the rules applications which are frequently taken to appeal and refused – thus a far costlier process.

This policy change represents a simplification of the rules and does not require building brand new expertise within the existing family reunion team.

This recommendation has also been made by key children’s charities, including Save the Children<sup>44</sup> and Barnardo’s,<sup>45</sup> and is supported by the more than 100 organisations in the Families Together Coalition.<sup>46</sup> The Home Affairs Select Committee also recommended this policy change in 2016,<sup>47</sup> as did the House of Lords Justice and Home Affairs Committee in 2023.<sup>48</sup>

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### Estimated number of additional family reunion visa grants as a result of policy change (see Appendix C)

- Lower estimate: 240 additional visas per year with initial bump in first year<sup>49</sup> of 1,200 visas
- Upper estimate: 750 additional visas per year with initial bump in first year of 3,750 visas

### Estimated cost of additional visa processing (see Appendix D)

- Lower estimate: 240 visas x £93 visa processing cost = £22,320/year (£111,600 in first year accounting for an initial increase in applications)
- Upper estimate: 750 visas x £404 visa processing cost = £303,000/year (£1.5 million in first year accounting for an initial increase in applications)



44 Amnesty International, Refugee Council, and Save the Children, *Without My Family* (2019)

45 Barnardo’s, *A warm welcome: a blueprint for supporting displaced children* (2023)

46 List of members available at: <https://famielstogether.uk/>

47 House of Commons Home Affairs Committee, *HC 151 Sixth report of session 2016-2017*

48 House of Lords Justice and Home Affairs Committee, *All families matter: an inquiry into family migration* (2023)

49 A sponsor for a refugee family reunion application must themselves have refugee status, rather than settled status. As refugee status is granted for five years, in the first year after the changes to the rules come into force it could be expected that people granted refugee status in the last five years will apply to sponsor their newly eligible family members.

## RECOMMENDATION 3:



The Government must open a pathway by June 2024 to reunite Afghans evacuated under Pathway 1 of the Afghan Citizens' Resettlement Scheme (ACRS) with their families

### THE PROBLEM

**Afghans evacuated under Operation Pitting in August 2021 and subsequently resettled under Pathway 1 of the ACRS have been granted indefinite leave to remain without refugee status. This means that they cannot access refugee family reunion.**

The Home Office has not released data regarding the number of Afghans who were evacuated without their immediate family, but it confirmed in December 2023 that it was aware of **at least 80 children** who were evacuated to the UK without their family.<sup>50</sup>

At the time of publication, these children will have been separated from their parents for approximately **1,000 days**.

Initial ACRS guidance stated 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.'

The then Immigration Minister, Robert Jenrick, committed in October 2023 that a route would open by June 2024 - a commitment that was reiterated by his successor, the Minister for Legal Migration and the Border, Tom Pursglove.<sup>51</sup>

The pace of policy making has been painfully slow. Over two years have passed since the evacuations without any signs of policy development beyond the Minister's assurance that something will be operationalised by June 2024.

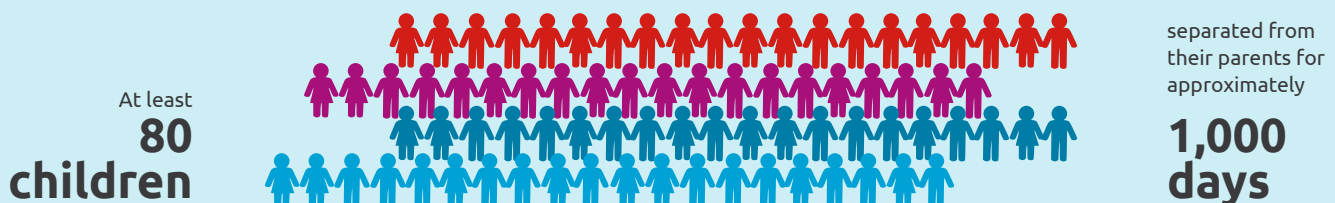
To the best of our knowledge, Afghan evacuees in the UK have still not been contacted by the Home Office to find out if they require family reunion and where their family members are currently based. In general, the Afghan relocation and resettlement schemes have been woefully under-resourced.

According to FOI data obtained by the Afghan Pro Bono Initiative, there were 36 times as many caseworkers processing Ukrainian visas as Afghan visas in 2023.<sup>52</sup>

The lack of any discernible progress towards reuniting Afghan evacuees with their families has had a knock-on effect for refugee family reunion. Home Office staff cited a high volume of 'speculative' applications from Afghans without refugee status as part of the reason for the high family reunion backlog.<sup>53</sup>

The consequences for families separated in the evacuations have been severe. Unable to bear the separation any longer, and left with no safe route, desperate Afghans are making their own way to the UK.

**Afghans make up the single largest nationality of refugees crossing the Channel.<sup>54</sup>**



50 R (HR & Ors) v Secretary of State for the Home Department [2024] EWHC 786 (Admin)

51 Jenrick made the promise in a **Westminster Hall debate** on 'Safe Asylum Routes: Afghan Refugees' on 17 October 2023. This was reiterated by the Minister of State for Legal Migration and the Border, Tom Pursglove, in a **response to a written parliamentary question** on 31 January 2024.

52 Safe Passage International & Refugee Legal Service's Afghan Pro Bono Initiative, *Two years of empty promises: the UK leaves Afghans stranded and at risk* (2023)

53 ICIBI, *A reinspection of family reunion applications* (2023)

54 Home Office, *Immigration system statistics, year ending December 2023*



**Zulikha** is a 20-year-old young woman who fled to the UK from Afghanistan with her two younger siblings in August 2021. During the chaos inside Kabul airport, as Afghans were trying to board a plane to safety, Zulikha and her younger siblings lost their parents in the crowd.

“When we arrived in the UK we were in a quarantine hotel, we had no idea where our parents were and we were extremely sad. We had nothing to do all day apart from worry about our parents. My parents are not safe in Afghanistan. My mum is not allowed out of the house. We speak to them every day before school in the morning. The Taliban have been questioning my parents, they confiscated my parents’ phones. They found our numbers, mine and my brother’s, in their phones and they keep asking my parents where we are. My dad has had to change his phone number 10 times.

“I have taken on the responsibility for looking after my brother and sister... 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. My sister needs her mother, I am not her mother. We don’t have another choice - we need them to come here.

“When I ask the housing people, the Home Office, the lawyer... they just say ‘just wait’. They are not thinking about the waiting time, how long it is for our families. No one thinks about this. They are saying “just wait’. How much time can I wait? That’s nearly two years!

“I don’t want any Government support for my mum and dad. I just need a visa. If they want me to pay for a visa, for the ticket, for the house, for everything, I’m ready for that. Just give me a visa for my mum and dad. Because my mum and dad have three children here...”

## SOLUTION:

We welcome the Government’s commitment to opening a family reunion route for Afghan evacuees by June 2024. Over the past two years, Ministers have repeatedly referenced the difficult and dangerous situation in Afghanistan as the reason that they have not been able to reunite families. While we understand that it is very complex for Afghans to leave the country, this is not an excuse for the Home Office to have failed to put in place an application system for family members in the two and a half years since the evacuations. Indeed, the past two and a half years could have been spent processing visas for family members so that any family members who are able to leave Afghanistan would be able to safely and legally travel to the UK.

More than two years late, the Government must now meet the June 2024 deadline. The Government must ensure that applications to the pathway are free, accessible and well communicated. They must also ensure that they account for the range of family relationships. In particular, the pathway must allow for children who have been evacuated to the UK without their parents to sponsor their immediate family members.





## RECOMMENDATION 4:

The Government must open a free pathway for Ukrainians in the UK to reunite with close family members

### THE PROBLEM:

**Since February 2024 displaced Ukrainians in the UK who are separated from their family have had no way to sponsor their family to join them in safety.**

Previously, Ukrainians in the UK who were able to meet the accommodation requirements were permitted to sponsor family members under the Homes for Ukraine scheme. British nationals and those settled in the UK or with refugee status were eligible to sponsor Ukrainian family members through the Ukraine Family Scheme.

But on 19 February, the Government closed the Ukraine Family Scheme without warning and significantly narrowed eligibility for the Homes for Ukraine scheme. Now, only British citizens and those settled in the UK are eligible to host and sponsor people under this scheme.

As Ukrainians in the UK only have temporary leave, e.g. through Ukraine Extension Scheme, Ukraine Family Scheme or Homes for Ukraine, they are not able to reunite under the usual UK Immigration Rules. The UK Immigration Rules require that someone has British citizenship, settled status or refugee status to sponsor family through the various family visa routes.

This leaves Ukrainians in the UK without any access to family reunion, despite the conflict raging on. The failure to provide a route to family reunion leaves Ukrainian 'de facto' refugees in the UK unable to exercise their right to family life.

Safe Passage International and the Refugee Council are aware of cases in which parents travelled ahead to the UK, leaving their children in the care of other family members until they had set themselves up and could send for the children. Those parents did not know that they would not be allowed to sponsor their children and the families are now separated. In other cases, men who have been injured or demobilised after fighting in the war are unable to join their wives and children in the UK.

**Andrei and Mira** are trying to sponsor their two young children to come to safety in the UK. Having originally come to the UK for seasonal work, both Andrei and Mira have temporary leave under the Ukraine Extension Scheme.

Their children, however, have no leave to be in the UK and the family has no route for reunion.

Although it had been proving very difficult, Andrei had been trying to save up to find a suitable home so that he could sponsor the children under Homes for Ukraine (and meet the accommodation requirements). The recent policy changes, however, rule this out - Andrei is no longer eligible to sponsor because he has temporary leave to remain.

The five and nine year olds are in immediate danger in Ukraine. Their village is under real threat, being close to key infrastructure being targeted by Russian forces. The children can hear missiles and rockets, and not long ago, a drone was shot down in the neighbouring fields.

Mira is currently staying with their children in Ukraine, but the ongoing separation with Andrei is having a significant psychological impact on the family. Having been separated for more than a year, the children desperately miss their father. Both children have become more withdrawn and their parents are worried about their mental health.

Mira is also feeling the strain, caring for the two children alone and with no reunification in sight. Andrei describes the current situation as heartbreaking and explains that it leaves him feeling "very powerless".

**Yulia** is desperate to join her aunt, Darina, and cousin in the UK. Only a teenager, Yulia is living close to the Russian border with her family, and has witnessed intense bombing cause large-scale loss of life and destruction to her hometown. Yulia's family recently lost their home following an intensive Russian siege on the city and they can no longer afford food. They live under the continued threat of shelling, and the decimated economy means jobs are almost impossible to find.

Whilst Yulia's family are unable to flee, Darina hopes that she can get her niece out of the conflict zone and bring her safely to the UK.

**Darina** has lived in the UK with her son since 2022. On arrival, Darina lived with a host family and now they rent their own accommodation nearby. Following the changes to the Homes for Ukraine scheme in February 2024, Darina would no longer be entitled to act as a sponsor for her teenage niece. It would be extremely difficult - if not impossible - to find an alternative, appropriate sponsor for her in the UK as Yulia would be considered an unaccompanied minor under the scheme. In any case, it would be far better for Yulia to be safe in the care of her aunt.

## THE SOLUTION:

The Government must open a family reunion pathway to reunite Ukrainians with temporary status in the UK with their close family. This pathway should bring the entitlements of Ukrainians with temporary status in the UK at least into line with those of people with refugee status. This means that the pathway must be free and it must not be means tested. This includes any requirement on the UK-based sponsor to provide accommodation to their family member.

The pathway must be open to the immediate family members of Ukrainians, including parents of dependent children in the UK. Wider family relationships must also be considered where failure to do so would breach the sponsor's right to family life.





## RECOMMENDATION 5:



The Home Office must improve decision making so that by the end of September 2024 no refugee family reunion application is waiting longer than 12 weeks for a decision, in line with the Department's service standard

### THE PROBLEM:

In February 2023, the Independent Chief Inspector of Borders and Immigration (ICIBI) warned that:

*“Because the Home Office has failed to give this area an appropriate level of attention and priority, what should be a safe, legal, and accessible immigration route is failing both applicants, who are predominantly women and children, and refugees hoping to be reunited with their family members as they rebuild their lives here.”<sup>55</sup>*

The Chief Inspector identified a backlog of **8,000 cases** and pointed out that the “vast majority” of cases were not considered within the 60 day service standard.<sup>56</sup>

By July 2023, figures obtained by *the Independent* show that the backlog had grown even further to more than **11,000 cases**, the majority of which had been waiting for more than 6 months, and 1,800 of which had been going on for over a year.

**More than 7,000** of those stranded are women and girls, and **5,700 were children** at the time applications for their safe transfer were made by relatives in the UK.<sup>57</sup>

The Refugee Council submitted Freedom of Information requests about the size of the family reunion backlog in November 2023 and January 2024. Both requests were rejected. However, it is clear that the backlog remains very high – if not growing – because the number of decisions made over 2023 is not adequate to have addressed either the backlog or the number of new applications arising from the increase in asylum grants. Moreover, practitioners see first-hand that many of the refugees they are supporting to reunite with loved ones under refugee family reunion rules continue to face long delays.

In his report, the Chief Inspector identified the following key issues:

- Inefficient working systems, including multiple local databases and staff difficulties accessing servers remotely lead to delays in making decisions on outstanding applications.
- The lack of any overall plan to address the ‘ever-increasing length of time applicants were having to wait for a decision on their application’.<sup>58</sup>
- There is no system for expediting the most urgent cases, with cases only being expedited when raised by MPs or when lawyers threatened action.

While the Government is taking action to address the asylum backlog, there is no evidence of a similar commitment in relation to the family reunion backlog. Importantly, the necessary steps taken to clear the asylum backlog mean that, as more people are granted refugee status, applications for family reunion will rapidly increase. This makes increases to staffing even more urgent.

In 2023, **60,969** people were granted refugee status or humanitarian protection. That’s equivalent to the number of people granted protection over the preceding five years (61,877 people were granted refugee status or humanitarian protection between 2018 and 2023).<sup>59</sup>

Delays to processing family reunion applications have real, human consequences. Family reunion applicants are often in serious danger while they wait for their applications to be processed - just like Zulikha and her parents.

**Moreover, desperate people who simply cannot bear being separated from their families any longer make dangerous journeys to the UK and risk their lives in doing so.**

55 ICIBI, Press Release: **Inspection report published: A reinspection of family reunion applications**, GOV.UK 21 February 2023

56 ICIBI, **A reinspection of family reunion applications** (2023), Foreword

57 Lizzie Dearden, ‘**Scandal of refugee families separated by UK red tape**’, *The Independent* (July 2023)

58 ICIBI, **A reinspection of family reunion applications** (2023), p. 11

59 61,877 people were granted refugee status or humanitarian protection between 2018 and 2023. **Home Office quarterly immigration statistics, year ending December 2023**, Asylum and Resettlement - Applications, Initial Decisions and Resettlement, table Asy\_D02.

**Abdul** applied to reunite with his surviving family members in March 2023, with the support of Safe Passage International. He wants to bring his mum and his siblings from Afghanistan to the UK after his family faced retribution when his father, a civil servant, refused to facilitate the release of Taliban members from prison. Abdul's uncle was killed by the Taliban, Abdul himself was abducted and released, and his father was kidnapped – Abdul's father has not been seen nor heard from since.

Forced to flee, Abdul's only route to safety was through smugglers - he was held hostage, subjected to torture and forced labour. After arriving in the UK having just turned 19, Abdul was recognised as a victim of trafficking and was granted asylum. His experiences continue to have a profound, negative impact on his mental health, and he has PTSD and depression.

It's now been more than a year since Abdul applied for family reunion. His mother and siblings travelled to Pakistan to submit their application at the closest Visa Application Centre, and remain there waiting. They can't go back to Afghanistan for fear of the Taliban, but have no status in Pakistan and are at risk of being returned. Abdul is desperately afraid for his family and feels helpless. His recovery has slowed and he feels unable to cope until he knows his family are safe.

## THE SOLUTION:

We have seen that government can take bold action to address application backlogs in relation to the asylum system. We now need a similar recognition of the urgent situation for family reunion applicants. In line with the ICIBI's recommendations in February 2023, the Refugee Council and Safe Passage International urge the Home Office to dedicate resource and staffing to improve the pace of decision-making in order to get the backlog under control by the end of September 2024.

Families should get decisions within 12 weeks, not months or even years. In doing so, the Home Office should prioritise the applications from the most vulnerable applicants.





# Conclusion

Family reunion is a vital safe route to the UK. When family reunion ceases to function, desperate families are left with an impossible decision: endure indefinite separation or risk their lives on a dangerous journey to be reunited.

The consequences of separation are disastrous for refugees' mental health and their prospects for integration so they can thrive in their new communities. Refugee children experience particular distress. Those who are outside of the UK and unable to access a safe route are at particular risk of exploitation by ruthless people smugglers.

**Ultimately, every child who turns to a smuggler to reach their family in the UK is a child who has been failed by our broken family reunion system.**

However, there are easy-to-implement solutions which would dramatically improve the family reunion landscape. We urge the Government to implement all five of our recommendations. They would be sensible and achievable steps towards providing an alternative to dangerous Channel crossings and stopping the smugglers.

Finally, these recommendations must be pursued alongside the bigger and bolder policy changes needed to create a fair and functioning asylum system, as set out in the Refugee Council's [National Refugee Strategy](#) and Safe Passage International's [Routes to Safety](#) proposal.





## APPENDIX A:

### Estimating the number of additional visas granted per year as a result of removing fees and other restrictive requirements of Appendix Child Staying with or Joining a Non-Parent Adult Relative (Protection)

This Appendix gives the context and sources for the figures used in Recommendation 1: Allow children to safely join family in the UK by amending the Immigration Rules to remove financial and other barriers.

The Government does not release the number of applications made under Appendix Child Staying With or Joining a Non-Parent Adult Relative (Appendix CNP). MPs have requested this data via written questions but the Home Office has not been able to provide it.<sup>60</sup>

The best proxy available is the number of children joining relatives in the UK through Dublin III regulations. This is imperfect: there is a wider pool of applicants under refugee family reunion, but a smaller number of sponsors. We are assuming here that these two factors roughly cancel each other out, but this is only an assumption.

In the 5 years from 2016-2020, an average of 145.2 children joined relatives in the UK per year via Article 8 Dublin III.<sup>61</sup> We also know that children were transferred to the UK under Articles 9, 10 and 11, but the Government does not publish a breakdown of this. We suggest taking 50% of Article 9, 10 and 11 transfers.

Between 2016 and 2020, there were 1,903 transfers under Articles 9, 10 and 11.<sup>62</sup> 50% of 1,903 is 951.5 transfers, giving an average of 190.3 per year. 190.3 added to the 145.2 transfers under Article 8 gives an average of 335 children transferred to the UK each year between 2016 and 2020.

We need to caveat that an unknown percentage of these children might have been joining parents rather than non-parent relatives, and that a certain percentage will have joined siblings under 18. According to figures from the Department of Education, 36% of children transferred via Dublin were joining siblings.<sup>63</sup> We can use this to produce an upper and lower estimate. Our lower estimate assumes that the siblings in all 31% of cases are also under 18; and the upper estimate assumes that the siblings in all 31% of cases are over 18.

This gives us a lower estimate of 232 children arriving per year, and an upper estimate of 336 children arriving per year.

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## APPENDIX B:

### Estimating the processing cost of the additional visas granted per year as a result of removing fees and financial requirements of Appendix Child staying with or joining a Non-Parent Adult Relative (Protection)

This Appendix gives the context and sources for the figures used in Recommendation 1: Allow children to safely join family in the UK by amending the Immigration Rules to remove financial and other barriers

Using the unit costs cited in Appendix D, we have calculated an upper and lower estimate:

- Lower estimate: 232 visas x £93 visa cost = £21,576
- Upper estimate: 336 visas x £404 visa cost = £135,744

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60 For example, [Question asked by Afzal Khan MP](#) in January 2020

61 Home Office, [Dublin Regulation detail dataset, year ending Dec 2020](#)

62 Home Office, [Dublin Regulation detail dataset, year ending Dec 2020](#)

63 Department of Education, [Study of Children joining family in England under the Dublin III Regulation](#) (2020)

## APPENDIX C:

### Estimating the number of additional visas granted per year as a result of allowing refugee children to sponsor parents and siblings

This Appendix gives the context and sources for the figures used in Recommendation 2: The Government must amend the Immigration Rules to allow refugee children to sponsor parents and siblings.

#### 1. Number of children granted protection status in the UK each year

In the 10 years from 2012-2022, an average of 1,350 children were granted protection status in the UK every year.<sup>64</sup>

#### 2. Percentage of refugee children who would likely go on to sponsor any family members

We can try to predict this using data from Europe. The most complete data set that we have seen referenced is from Statistics Norway for the years 1990 to 2015,<sup>65</sup> which shows that only 12% of unaccompanied child refugees successfully sponsored the entry of family members into Norway, and that 1.4 family members were sponsored per child.<sup>66</sup> This fits with anecdotal reports from charities and caseworkers in the UK that it is only a small proportion of separated children who are in a position to locate and sponsor family. To make a prediction for the UK, we will use a lower estimate of 10% of refugee children sponsoring 1 family member, and an upper estimate of 20% of refugee children sponsoring 2 family members.

Norway is part of the Dublin III regulations. This means that in Norway, as across Europe, refugee children (and settled/citizen children) can also bring family members to join them via Dublin if those family members have reached Europe and claimed asylum in a participating country. The total number of refugee children bringing family members to join them is therefore the number of children sponsoring family via refugee family reunion, and the number of refugee children reunited with family via Dublin.

There was an average of 526 transfers into the UK via Dublin every year from 2016-2020.<sup>67</sup> But Home Office figures do not show in what proportion of cases a person transferred via Dublin was joining a refugee child in the UK. Figures from the Department of Education show that 36% of transfers of children into the UK via Dublin were to join a sibling.<sup>68</sup> If we assume that the siblings of asylum-seeking children are also children who have sought asylum, this would mean that a person transferred via Dublin is joining a refugee child in the UK in roughly 30%-40% of cases. We could take this ratio for Dublin as a whole and use it to give an upper (40%) and lower (20%) estimate of the number of people transferred to the UK each year to join a refugee child relative.

#### 3. Calculating predictions

**Lower estimate:** 240 per year

- 10% of 1,350 refugee children = 135 children sponsoring family members
- Each of the 135 children sponsors 1 family member = 135 (135 x 1)
- Adding 20% of 526 (105) Dublin transfers to 135 = 240

**Upper estimate:** 750 per year

- 20% of 1,350 refugee children = 270 children sponsoring family members
- Each refugee child sponsors 2 family members = 540 (270 x 2)
- Adding 40% of 526 (210) Dublin transfers to 540 = 750

64 Home Office, [Asylum applications, initial decisions and resettlement detailed datasets, year ending June 2023](#)

65 Minja Tea Dzamarija and Toril Sandnes, *How many refugees' families come to Norway?*, (2016), first published in Statistics Norway's journal *Samfunnspeilet* [www.ssb.no/en](http://www.ssb.no/en)

66 Amnesty International UK, Refugee Council and Save the Children, *Without My Family* (2019)

67 Home Office, [Dublin Regulation detail dataset, year ending Dec 2020](#)

68 Department of Education, [Study of Children joining family in England under the Dublin III Regulation](#) (2020)

## APPENDIX D:

### Estimating the processing cost of the additional visas granted per year as a result of allowing refugee children to sponsor parents and siblings

This Appendix gives the context and sources for the figures used in Recommendation 2: The Government must amend the Immigration Rules to allow refugee children to sponsor parents and siblings.

The Home Office publishes estimated costs of processing different visas but it does not specify where refugee family reunion falls within this.<sup>69</sup> There are two visas that could relate to refugee family reunion:

- Overseas: Route to settlement: Refugee dependant relative – £404 unit cost to Home Office
- Overseas: Other visa – £93 unit cost to Home Office

We will use these two visas to create an upper and a lower cost estimate.

- Lower estimate: 240 visas x £93 visa cost = **£22,320**
- Upper estimate: 750 visas x £404 visa cost = **£303,000**

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## APPENDIX E:

### Calculating increase in annual family reunion visa grants

Combining the estimates in Appendices A and C, we predict the following total increase in visa grants.

- Lower estimate:  $240 + 232 = 472$  visas granted per year with 2,360 in the first year
- Upper estimate:  $750 + 336 = 1,086$  visas granted per year with 5,430 in the first year
- Average annual family reunion visa grants between 2015 and 2019 (before Covid-19 slump in applications) = 5,760.

Note that the first year figure is equivalent to five years. This is because eligibility to sponsor is based on the family member in the UK having refugee status, rather than having settled status. This means that we could expect people who were granted refugee status in the previous five years to apply in the first year that the change to the rules comes into force.

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69 UK Visas and Immigration, [Table with details of fees and unit costs - 4 October 2023](#)



## APPENDIX F:

### The differences between Appendix Child Joining Non-Parent Adult Relative and transfers under Dublin III

UK IMMIGRATION RULES <sup>70</sup>	EU REGULATION: DUBLIN III <sup>71</sup>
UK-based relative must have protection status.	UK-based relative includes British citizens and people with settled status.
Applicant outside the UK can be anywhere in the world.	Applicant outside the UK must have claimed asylum in a participating European state.
The applicant is granted leave in line with their sponsor. They do not have to claim asylum in the UK.	The applicant outside the UK will have their claim determined by the UK.
Only applications under the extremely limited refugee family reunion rules are free.  Children joining non-parent relatives can face prohibitive fees to reunite, which can be unaffordable.	Free for families reuniting.
Only the extremely limited refugee family reunion rules do not require maintenance and accommodation requirements.  Children joining non-parent relatives must fulfil stringent maintenance and accommodation requirements, which can be difficult 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.
Children joining non-parent relatives, like grandparents, are required to prove there are “serious and compelling circumstances” in order to reunite.	Separated families have to show they have a family link and that it is in the best interest of the child to reunite.
Uncertain and long waits for decisions.	Established timeline for decision-making with cases accepted by default if the UK didn’t respond within a 2-month period.

<sup>70</sup> Immigration Rules Appendix Family Reunion (Protection) and Immigration Rules Appendix Child staying with or joining a Non-Parent Relative (Protection)

<sup>71</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person



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