

**FOR  
EVERY  
CHILD IN  
DANGER**

**unicef**   
UNITED KINGDOM

## **THE REFUGE OF FAMILY**

**HOW THE UK GOVERNMENT CAN HELP CHILDREN  
FLEEING DANGER REACH THE SAFETY OF FAMILY**



## FOREWORD BY MICHAEL SHEEN, ACTOR AND UNICEF UK AMBASSADOR



Children have a right to be with their family. Yet today, it is incredibly difficult and dangerous for many children in countries affected by conflict and persecution, such as Syria, Iraq, Eritrea and Sudan, to reach the safety of family. Children whose homes have been destroyed, who are threatened with violence, who are at risk of being forcibly recruited to fight in wars, who have lost contact with their parents, and children who have seen their previous way of life swept away are facing almost insurmountable barriers to reunite with family members waiting for them across the world – including here in the UK.

Currently the UK's rules on refugee family reunion only recognise **parents** as family.<sup>1</sup> This means that children are too often prevented from being safely reunited with brothers and sisters, aunts and uncles and grandparents in the UK – relatives who can provide them with the care and protection they need – from their regions of origin. Instead, they are forced to place their lives on the line and make their way to Europe where they can become eligible under an EU-wide process.

Those children who survive the journey to Europe continue to face danger and uncertainty, and an agonising wait as applications are passed from country to country, claims checked and interviews endured. Waiting many miles away from family members who could be helping them to get on with their lives. For those children with family in the UK, the harsh truth is that often the quickest way for these children to reach the safety of family is for them to turn their back on slow, official processes and instead put themselves in danger

with smugglers and traffickers in the backs of trucks and on flimsy boats. UNICEF research has found that on the Central Mediterranean route (Libya to Italy) alone, 78 per cent of adolescents reported experiences indicating exploitation.<sup>2</sup> This research shows that **every 30 minutes a child is trafficked or exploited on the Central Mediterranean journey to Europe.**

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The UK Government must do what it can to resolve this tragic situation. As the stories in this new briefing by Unicef UK show, the discretion allowed to staff at British

embassies to identify exceptional cases to speed up family reunification just isn't working for the children trying to get to safety. With the future of the EU system also in doubt as the UK changes its relationship with Europe, it has become even more urgent to act now to ensure our family reunion system works for children.

Our government can change the rules so that it is no longer necessary for children with close family in the UK to make dangerous journeys into Europe simply to reach the protection of the families waiting for them. Now is the time to recognise that grandparents are family, brothers and sisters are family, and uncles and aunts are family. For children who have faced unimaginable horror and danger, these relatives can offer the promise of a future and a home. Children must not be left with traffickers and smugglers as their only choice.

# THE UK AND THE REFUGEE CRISIS



The UK can make a vital contribution to children's safety in the context of the global refugee crisis by making it easier for them to reach family in the UK via official routes. All children deserve the safety and security of being with their loved ones, yet too few children facing conflict and persecution are being supported to reunite with family members, resulting in many children risking their lives on desperate and dangerous journeys.

There are 22.5 million refugees around the world, more than half of whom are children.<sup>3</sup> At least 300,000 unaccompanied and separated children moving across borders were registered in 80 countries in 2015–16 — a near fivefold increase in just four years (66,000 in 2010–11). The total number of unaccompanied and separated children on the move worldwide is likely much higher.<sup>4</sup> UNICEF's research found that on the Central Mediterranean route (Libya to Italy) alone, 78 per cent of adolescents (age 14–17) reported experiences indicating exploitation.<sup>5</sup> This research shows that **every 30 minutes a child is trafficked or exploited on the Central Mediterranean journey to Europe.**

**Against the backdrop of an escalating global refugee crisis, asylum applications in the UK actually decreased by 25% to 27,316 in the year ending June 2017. Asylum applications by unaccompanied children in the UK decreased by 17% to 2,944 in the year ending June 2017.<sup>6</sup>**

In 2016, Germany, Italy and France all received at least twice as many asylum applications as the UK.

The UK's laws allow for people granted refugee or humanitarian status to sponsor their spouses and children to join them. **In the year ending June 2017, 5,549 family reunion visas were granted to individuals from Syria, Eritrea, Sudan, Iran and Somalia,<sup>7</sup> a decrease of 6% in refugee family reunion visas compared to the previous year.** This is partly because fewer people made applications than last year.

The UK can continue to play its part in sharing responsibility for responding to the global refugee crisis by making other contributions, given its relatively low number of asylum applications, as well as through protecting the rights and entitlements of asylum-seekers and refugees living in the UK.

The UK is now the world's second largest bilateral donor to the Syrian refugee crisis, and has continued to provide financial support to refugees around the world. The UK resettled 6,861 refugees directly from their regions of origin (the majority of them Syrians) in the year ending June 2017,<sup>8</sup> around half of them children with their families, and some unaccompanied or at-risk children from the Middle East and North Africa.<sup>9</sup> These actions by the UK are undoubtedly saving lives and improving the welfare of some of the world's most vulnerable children and their families.

However, unlike almost every other EU country, the UK has opted out of the relocation scheme for refugees in Europe, which is aimed at reducing the pressure on countries on the edges of Europe that are receiving large numbers of arrivals, such as Greece and Italy. The UK-specific relocation scheme from Europe for unaccompanied children (the so-called “Dubs Scheme”) has been capped at just 480 children, and in fact only around 200 children have been relocated under this scheme at the time of writing – all in 2016.

Efforts have been made by the UK to strengthen family reunion processes under EU law in recent years, with some short-term successes. In 2015 there were no family reunion cases transferred to the UK from France under the Dublin III Regulation – in part, because children weren’t applying as they didn’t believe the system was functioning. However, in 2016, around 700 unaccompanied children who had made the dangerous journey to Europe were successfully reunited with family

members in the UK as their asylum cases were transferred under the EU’s Dublin III Regulation. Fleeing war and persecution, sadly many of these children couldn’t be reunited with their parents, and most of them joined other family members in the UK such as older siblings, uncles and aunts and grandparents. This was because being reunited with other family members is possible under the Dublin III Regulation. Children then started to apply once they saw that the Dublin III family reunion system was starting to function, and because many children received legal assistance.<sup>10</sup> This demonstrates that – even in a setting like the Calais camp where smugglers and traffickers were constantly present and offering their services – where there is a functioning legal system for family reunion, families will use it rather than use smugglers and traffickers. Nearly all of these 700 children were brought over from France when the Calais camp was closed. However, the number of children transferred from Greece and Italy to the UK in 2016 was a mere handful – less than 10.

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## THE UK'S IMMIGRATION RULES ON REFUGEE FAMILY REUNION ARE LIMITED

After years of living in countries affected by conflict and persecution, many children have been orphaned or don't know where their parents are, or have been forced to flee alone – either to avoid risks such as recruitment into armed groups or forced marriage or because their parents fear for their lives but can't go with them for whatever reason. These children may have

grandparents, aunts, uncles, or adult brothers and sisters in the UK who can care for them. However, the UK's current Immigration Rules provide only for the right of parents with refugee or humanitarian status to sponsor their under 18-year-old dependent children to join them in the UK, and do not provide the same right to other family members.<sup>11</sup> Furthermore, the UK's refugee family reunion rules do not currently permit an unaccompanied or separated refugee child to sponsor their parent or main carer to join them in the UK.<sup>12</sup>

### OMAR<sup>13</sup> AND HIS BROTHER KHALED<sup>14</sup>

Omar has been granted refugee status in the UK after fleeing Syria. His little brother, Khaled is 17 years old and is still in Aleppo, northern Syria. If Khaled stays much longer in Aleppo he will be forcibly recruited into the army. Every male age 16 to 45 is required to serve in the army. Khaled's 16- and 17-year-old cousins were arrested and have been forced to serve in the military on the frontline. Khaled's three brothers are now in Germany, having paid smugglers to help them escape. They fled because they were threatened with jail and killing by government supporters if they refused to serve in the army. Unlike his brothers in Germany, Omar is in a position to care for Khaled and feels it is his duty to make sure he is safe, but is helpless to do so. There is no way of making it safe for Khaled to remain in Syria. The best option would be for Khaled to come to live with him. When Omar

was granted refugee status, the UK's Immigration Rules allowed Omar to sponsor his wife and children to join him. But Omar has talked to a lawyer who explained to him that the rules on refugee family reunion for refugees don't cover his brother. So Omar is forced to explore the possibility of helping his brother make the potentially dangerous journey to Europe. He understands that Khaled can apply for asylum once he arrives in Europe, and then Khaled would be able to ask for his case to be transferred to the UK under the Dublin III Regulation, so that Khaled could come to live with him. Omar doesn't want Khaled to take this step, as he knows it will be dangerous and he fears his young brother might not survive the same long journey that he had to make. He would much prefer to use a legal option if one existed. But he cannot leave his brother in danger in Syria.



Ahmad sits with his children and grandchildren in a makeshift shelter in Latakia, western Syria.

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## UK ENTRY CLEARANCE OFFICERS RARELY USE THEIR DISCRETION TO ADMIT EXCEPTIONAL CASES

UK Entry Clearance Officers rarely use their discretion to admit exceptional cases. Families who fall outside of the UK's Refugee Family Reunion Rules – including intended sponsors who were recognised as refugees but have since naturalised as British citizens – have to rely on a UK Entry Clearance Officer exercising their discretion to admit a child as an exceptional case outside of the Rules. This happens extremely rarely. The UK's Independent Chief Inspector of Borders and Immigration conducted an inspection of 181 family reunion applications from January to May 2016 and noted that: "The process for considering family reunion applications recognised that there might be 'exceptional circumstances' or 'compassionate factors' that called for an application to be considered outside the Immigration Rules. Entry Clearance Officers were required to refer such cases to the Referred Casework Unit. **None of the cases sampled were referred, despite some appearing to merit consideration.**"<sup>15</sup>

Over a period of four years, from 2011 to 2014, only 137 applications for refugee family reunion (for both adults and children) were granted outside of the Rules (see Table). Given these low numbers, it is unsurprising that few families in these circumstances even make applications. It appears that so few cases are granted under exceptional circumstances for three main reasons:

1. Very few children apply – because they and their families are informed that their cases fall outside of the Rules. Why would families go through a complex process when they are advised from the outset that they don't have a case?
2. There is no legal aid available for most of these cases, despite their complexity.
3. When applications are made, UK Entry Clearance Officers often initially reject them and then the family has to appeal or re-submit their cases, even though the children are still living in danger while waiting for the cases to be resolved. This is very common even in cases that fall within the Rules, and even more difficult for cases that fall outside of them.

## UK IMMIGRATION RULES ON REFUGEE FAMILY REUNION LEAD MANY CHILDREN TO MAKE DANGEROUS JOURNEYS TO EUROPE TO JOIN FAMILY IN THE UK

The EU's Dublin III Regulation determines which EU state decides a person's asylum application, and has served as a mechanism for reuniting children with their families within Europe. Since there are so few options under the UK's Immigration Rules, many children have to make it to a European country in order to apply to be reunited with their relatives in the UK.

The Mediterranean migration route is one of the most dangerous in the world. In 2016, more than 5,000 people died on the journey. Of the 125,989 people who crossed the Mediterranean from 1 January to 27 August 2017, 2,410 died at sea.<sup>16</sup> The UK's Independent Anti-Slavery Commissioner has recommended that priority considerations for preventing trafficking include "working with partners to ensure that family reunification processes operate effectively."<sup>17</sup>

The limited nature of the UK's Immigration Rules and the lack of legal aid provision results in many children being left in life-threatening situations, or taking perilous journeys when they have family in the UK ready and willing to offer them a home. As safe and legal routes to join their relatives are not available, many children end up in the hands of smugglers or traffickers.

If the UK's Immigration Rules on refugee family reunion were broadened, they would allow – in a regular and managed way – more children to be reunited with family directly from their regions of origin, taking on the leave status of their UK relative.



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Age 17, Nabil found himself alone in Lebanon after having to flee his bombed home in Syria. Several of his family had been killed. Those left alive were scattered far and wide, including his older brother living in Scotland.

Boarding a plane to join his brother was not an option for Nabil because siblings are not eligible for refugee family reunion under the current UK Immigration Rules. Instead, he made his way alone by land and sea to France, and almost

drowned when the boat he was on capsized in the Aegean Sea.

In France, he endured six months in the ‘Jungle’ in Calais, was held in detention and risked his life repeatedly by boarding lorries to the UK in a desperate attempt to reach his brother. After receiving legal advice, Nabil was finally allowed to come to the UK under the Dublin III Regulation, and is now in Scotland waiting for a decision on his asylum application.

## REFUGEE FAMILY REUNION RULES THAT ARE FIT FOR PURPOSE ARE CRITICAL AS THE UK LEAVES THE EU

As a result of leaving the European Union, the UK’s membership of the Dublin III Regulation is likely to come to an end.

In 2016 under the Dublin III Regulation, more than 700 children were transferred from other European countries to be reunited with family in the UK. Many of these children were joining relatives who were not their parents. If, post-Brexit, children in similar circumstances will only be able to rely on the UK Immigration Rules, most of them will not fit within the current rules. Their cases are, in light of existing practice, unlikely to be accepted by Entry Clearance Officers on a discretionary basis. This situation has the potential to lead to a large increase in unaccompanied children forced to take dangerous journeys with smugglers and traffickers in order to reach their family here.

## MOST REFUGEES CAN’T USE THE UK’S REGULAR FAMILY MIGRATION RULES

Alongside the UK’s Refugee Family Reunion Rules, unaccompanied children can, in theory, be reunited with family through the UK’s regular (non-refugee) family migration rules even when the child to be sponsored has a protection need.<sup>19</sup> However, there are many barriers to this in practice, such as the existence of a minimum income threshold, which most refugees will not be able to fulfil by themselves.

## LEGAL AID PROVISION HAS BEEN REMOVED, WITH CLEAR IMPACTS ON CHILDREN’S WELL-BEING

Since 2012 legal aid has not been available for refugee family reunion cases<sup>20</sup> despite the fact that these cases routinely involve difficult procedures. This has resulted in long delays, keeping families apart for longer than necessary and often forcing family members in war zones to take repeated risks to cross borders to reach British embassies to overcome procedural errors.<sup>21</sup>



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*“My daughters were so glad when the family reunion was granted. They didn’t believe it at first. It had all been going on so long. If the family reunion application hadn’t been granted, I think that I would have returned to Aleppo to be with my family, and I don’t know if we would have survived.”*

Mohammed, a Syrian refugee, arrived as an asylum-seeker in the UK, and was eventually able to sponsor his wife and daughters (age 12 and 15) to join him under the UK’s Refugee Family Reunion Rules.

Mohammed left Aleppo because he wanted to save his daughters, and the only way he felt he could do that was to leave the country and then send for them. He chose to head for the UK mainly because of his English language skills.

Meanwhile, his family were in danger. His daughters’ school in Aleppo was blown up, so the girls moved to another school. Then that school was also blown up. When Mohammed finally made it to the UK, he claimed asylum and when he received refugee status he made the application for his wife and daughters to join him. After he lodged the family reunion application as a sponsor,<sup>23</sup> his wife and children had to lodge their papers at a British Embassy. It was dangerous for them, especially as Aleppo was under regular bombardment by all sides to the conflict, but they took the bus from Aleppo to Beirut, Lebanon. Because of administrative

problems, they ended up having to risk their lives three times making this journey.

On their first visit to the British Embassy in Beirut, the British officials said that they had to leave their passports with the Embassy. His wife explained that this wouldn’t be possible, as they wouldn’t be able to cross the Lebanese border back to their home in Syria, and she offered to send the passports by post. The Embassy refused, so they had to leave without lodging the papers. They returned to Aleppo disappointed. Then they applied to the Interior Ministry for alternative travel documents. They had wanted to avoid doing this, as they knew it would cause a long delay.

When they finally got the travel documents, they travelled a second time across the border to Beirut. They brought photos, showing that they were a family, but the officials in the British Embassy insisted that they had no need for photos and just took the papers. Mohammed then received a refusal of his family reunion application from the Home Office, on the basis that they had not provided photos and had therefore not proved that they were a family. Mohammed, his wife and daughters were very upset. He did not want his wife and daughters to risk their lives a third time to make the journey, and he suggested doing a DNA test to prove they were a family. But DNA tests turned out to be prohibitively expensive.

### THE PROCESS IS NOT SENSITIVE TO THE CIRCUMSTANCES OF REFUGEE FAMILIES AND VALID CASES ARE OFTEN INITIALLY REJECTED

The process in refugee family reunion cases can be very difficult for families to navigate, even in cases that fall within the UK’s Immigration Rules. Many of the families making applications have fled war zones and therefore the required documents have either been lost or destroyed or were never issued in the first place. The UK’s Independent Chief Inspector of Borders and Immigration’s 2016 review concluded that: **“the Home Office was too ready to refuse applications where it judged that the applicant had failed to provide sufficient evidence to satisfy the eligibility criteria, when deferring a decision to allow the applicant to produce the ‘missing’ evidence might be the**

*fairer and more efficient option.”* And that, *“the Home Office’s current approach to family reunion applications is too often failing in practice to deliver the Home Office’s ambition to get decisions ‘right first time’.”*<sup>24</sup> The Chief Inspector conducted an interim re-inspection from December 2016 to March 2017 and, whilst he saw some improvements, he found that: **“the Home Office’s default position still seemed to be to refuse applications rather than to defer a decision to obtain best evidence, which was inefficient and could be traumatic for applicants.”**<sup>25</sup>

## NASIM AND ZAINAB<sup>26</sup>

Nasim was just 3 when his Syrian mother Amira had to flee to the UK. In desperation, Amira, who was pregnant with her second child, took the heart-breaking decision to leave Nasim with her husband Ali, in the hope that they would all be reunited later.

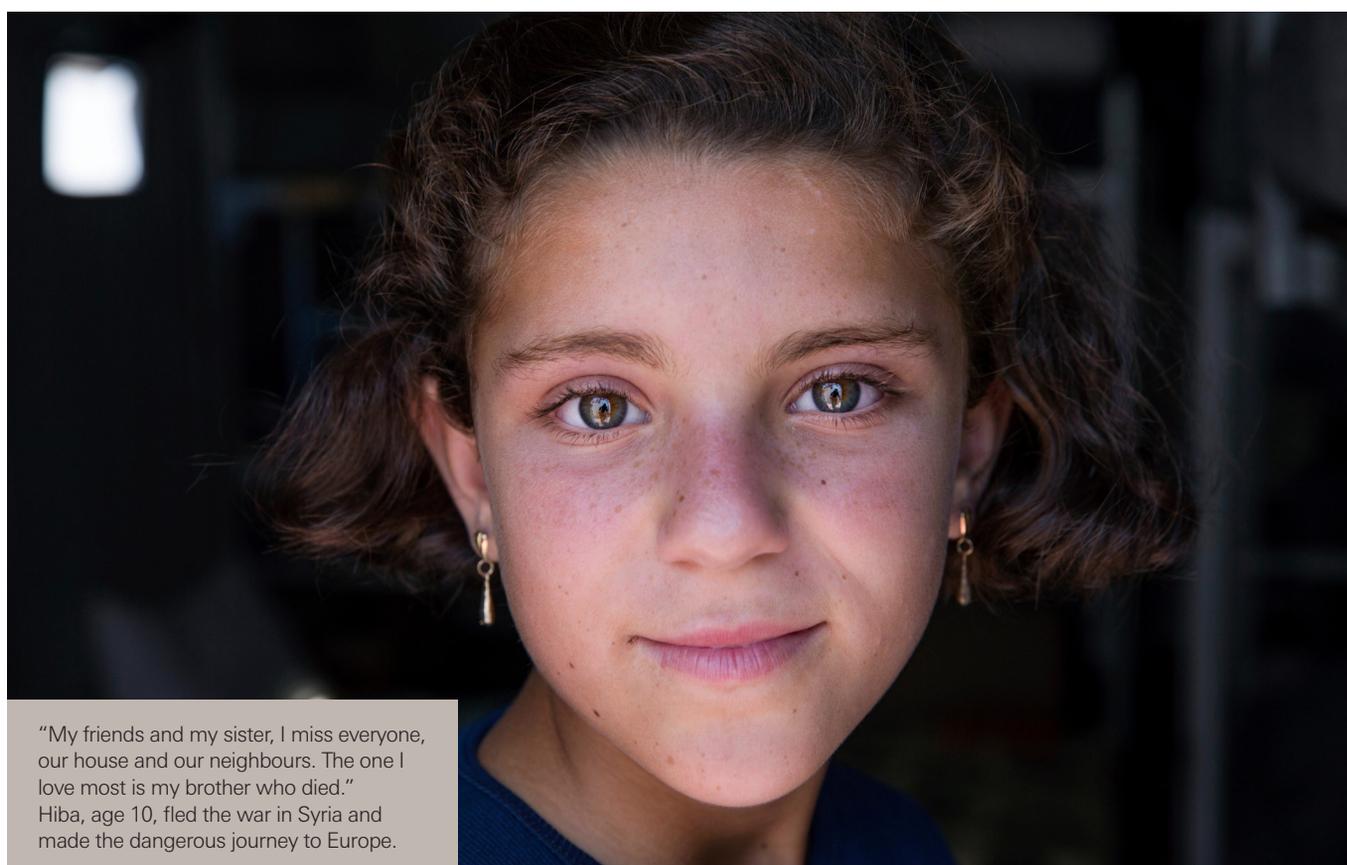
Amira arrived in the UK in November 2014. Three months later, she gave birth to her daughter Zainab. Amira was granted refugee status, and she tried to sponsor Nasim and Ali to join her and their new daughter. Nasim and Ali had reached Turkey, where they made two applications for refugee family reunion visas to join Amira and Zainab. Their visas were refused, on the basis of mistakes in the translation of their documents.

In January 2016, they filed an appeal after their second application was refused. By this time, Nasim had not seen his mother for more than a year, and had never met his sister. Due to the delay in entry clearance hearings, the appeal was not set to be heard in court until June 2017. The family felt that they could not be apart for much longer. So, in November 2016, Ali and Nasim made the dangerous journey by boat to Greece to see if they could join the rest of their family in the UK more quickly by applying for asylum in

Greece and requesting a transfer to the UK under the EU's Dublin III Regulation.

The separation has seriously affected the psychological well-being of all of the family, including Nasim. During the years the family has been apart, Amira has suffered from extreme stress and deteriorating health, adding to Ali's anxiety and exacerbating his own vulnerable psychological state and making it difficult for him to care for Nasim on his own. In July 2017, both their entry clearance appeal and their application for family reunion under Dublin III were granted. In September 2017, father and son will join mother and daughter in the UK after almost three years of separation.

If the original applications for refugee family reunion had been granted, the family would have been separated for a much shorter period. Nasim and Ali would not have been forced to make an unnecessary and dangerous journey across the Mediterranean, and the family would have been spared much of the trauma they have suffered. And if the family had not received legal assistance,<sup>27</sup> it is unlikely that the application would have been successful.



"My friends and my sister, I miss everyone, our house and our neighbours. The one I love most is my brother who died."  
Hiba, age 10, fled the war in Syria and made the dangerous journey to Europe.

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## SALMA

© UNICEF



*“While I was away my daughters told me that they cried every night and they hugged my clothes. I was devastated when my application for family reunion was initially refused. I had tried my hardest not to leave Syria, but in the end I had to leave as I knew I’d taken too many risks as a doctor helping women in the community. I had to leave, but I didn’t have the funds to pay for my husband and daughters to take the journey with me.”*

Salma, a Syrian refugee, arrived as an asylum seeker to the UK and eventually was able to sponsor her husband and three daughters to join her under the UK’s Refugee Family Reunion Rules.

Salma could not afford to pay the smugglers’ fees for all of her family, and so she decided to leave to try to get to a safe country and then arrange for her family to join her. Salma was the most at risk in her family in Syria because of her work as a doctor and her insistence on treating all patients regardless of their affiliations. Armed groups tried to force her to work for them; she received death threats, and she knew that she could not stay. She was first taken to Turkey and then the smugglers arranged for her to go to the UK. She had no choice over which country she was to go to – the smugglers decided for her. Salma applied for asylum and was granted

refugee status in the UK and then applied for family reunion. Her first application was refused, on the basis that:

- 1) Salma had not mentioned her family during her screening interview – this was incorrect; Salma had talked of her family throughout her interview)
- 2) The family’s documents had been reissued recently – although the Home Office had not raised any concerns about the authenticity of the documents, which had been reissued after destruction), and
- 3) Her husband and children had only been issued with passports after Salma had left Syria.

The Entry Clearance Officer decided that the children could not be confirmed as hers. Salma could have appealed, but her lawyers<sup>28</sup> advised her to make a fresh application, as this would be quicker. Without the assistance of her lawyers she would have found it difficult, if not impossible, to resolve her case. The fresh application was successful. Even then, the situation was complicated, as her husband and children’s passports were due to expire before the tickets that had been arranged for their flight. A generous member of the Syrian community stepped up to pay for the flights. The girls are now settling well into their new lives in the UK.

## NABILA – FAMILY REUNION SAVES LIVES



© UNICEF/Trailey-Smith

*“It was so heart-breaking saying goodbye to my dad because I knew we wouldn’t see him for a long time, or we might never see him ever again. I judged it was a 60 to 80% chance that he was going to die. I didn’t want him to leave but at the same time I wanted him to get to a place that’s safe and maybe bring us. He told me to take care of my mum and my family and brothers. And he told me to study and be patient.”*

Nabila, age 13 from Syria, was eventually reunited with her father, who made the journey to Europe and arrived as an asylum seeker in the UK under the UK’s Refugee Family Reunion Rules.

Nabila’s father had been in serious danger during the Syria conflict and his life was at risk if he stayed. He fled Syria for the UK, with a view to seeking family reunion for his wife, two daughters and two sons. He chose the UK because his children spoke some English. While he attempted the journey to the UK, Nabila and the rest of the family suffered many traumas back in Syria. Once three bombs fell on their house, and another time the neighbour’s house was bombed and the resulting fire seriously burnt Nabila’s little brother’s face. Nabila said of her father: “When he came to Britain, he went to the police and they protected him and gave him a room and some food. After about two weeks, he got a new phone and called us. When my Dad told us that

he had made it to the UK and he was fine we felt so happy. People told us that our Dad was going to die because so many people die on their way.” Nabila’s father applied for asylum and was granted refugee status. His family reunion application was granted for his wife and for Nabila and her two brothers. But Nabila’s sister’s application was refused because she was 19.

Nabila is now settled in Glasgow and doing well at school. Nabila’s sister ended up taking the dangerous journey by boat to Europe. She is now living in Germany. Nabila misses her greatly.



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## CONCLUSION AND RECOMMENDATIONS

Children are not responsible for the bombs and bullets, the droughts and disasters – but they are often the worst affected. Children and young people continue to flee these devastating situations by foot, in the backs of lorries and on flimsy dinghies. Left with little choice, they are risking everything to be reunited with family members. The sad reality is that all too often refugee children have lost their parents, been forced to leave them behind, or found themselves separated en route.

The UK must now act to ensure children are not exposed to dangerous journeys in order to reach their close family. Relying on UK Entry Clearance Officers' discretion to allow refugee family reunion cases outside of the Immigration Rules falls short of providing a systemic solution that meets the needs of children, especially where children don't

have a lawyer to help them navigate incredibly complicated processes. Improving the UK's refugee family reunion system would tackle one of the key shortfalls that currently pushes children into the arms of smugglers and traffickers.

**Children fleeing war and persecution shouldn't have to make dangerous and often deadly journeys to reach family in the UK. They need the UK Immigration Rules to be amended to enable them to be reunited with their extended family members in the UK where this is in their best interests. And they need the family reunion system overall to function more effectively, recognising that it can be a vital mechanism for protecting children from danger. All children deserve the safety and security of being with their loved ones. With the support of family, refugee children can recover and be children again.**

### The UK government should:

- Amend its Immigration Rules on refugee family reunion to allow close family members such as adult siblings, grandparents, aunts and uncles who have refugee or humanitarian status to sponsor children in their family to join them in the UK, where this is in the child's best interests
- Reduce some of the conditions required of non-refugee sponsors, where the child to be sponsored has a protection need<sup>29</sup>
- Ensure that refugee family reunion applications are treated sensitively and effectively by British embassy staff and make the submission process safer for applicants
- Reinstate legal aid for refugee family reunion cases
- Disaggregate by age and make publicly available data on refugee family reunion, including information on how many refugee family reunion visas cases have been granted inside and outside of the Immigration Rules and transfers under the Dublin III Regulation.

# CURRENT FAMILY REUNION RULES FOR CHILDREN

	EU DUBLIN III REGULATION	UK IMMIGRATION RULES ON REFUGEE FAMILY REUNION	EXCEPTIONAL CASES OUTSIDE REFUGEE FAMILY REUNION RULES	UK IMMIGRATION RULES ON FAMILY REUNION (NOT REFUGEE-SPECIFIC)
<b>WHO CAN APPLY?</b>	An unaccompanied child who has made an asylum application in an EU country can request their asylum claim be transferred to another EU country where their family are resident.	Any child <sup>30</sup> (under age 18) of a parent who has refugee or humanitarian status in the UK	Where a family reunion application is not successful under the Immigration Rules, Home Office must also consider whether there are exceptional or compassionate reasons to justify granting a visa outside the Rules. <sup>31</sup>	Any child <sup>32</sup> (under age 18) of a parent in UK or who has a relative in the UK
<b>WHO CAN THE CHILD APPLY TO BE WITH?</b>	Parent, grandparent, adult sibling, aunt, uncle.	Parent	Not specified, as discretionary	Parent (including a parent who was a refugee but who naturalised as a British citizen) or relative
<b>ANY GEOGRAPHICAL RESTRICTIONS?</b>	Child must be in an EU Member State or a state associated to the Dublin III Regulation – Norway, Iceland, Switzerland, Lichtenstein	No	No	No
<b>WHO DEALS WITH THE APPLICATIONS?</b>	Child applies for asylum in an EU Member State (or a State “associated to” the Dublin III Regulation), and then the State in which the child is currently residing makes a “take charge” request to the intended receiving State where the child has family. The intended receiving State must then decide whether to accept this request.	British High Commission or British Embassy in the country where the child is living. Or a Visa Application Centre in a neighbouring country if there is no British Embassy or High Commission in the country. <sup>33</sup>	British High Commission or British Embassy in the country where the child is living. Or a Visa Application Centre in a neighbouring country if there is no British Embassy or High Commission in the country.	British High Commission or British Embassy in the country where the child is living. Or a Visa Application Centre in a neighbouring country if there is no British Embassy or High Commission in the country.
<b>ARE THERE ANY FURTHER CONDITIONS, RESTRICTIONS, OR FEES FOR THE APPLICATION?</b>	No	No	No	Yes, a minimum income threshold of £18,600, plus an extra £3,800 for one dependant child and extra £2,400 for each additional child applies. A fee is payable.
<b>HOW MANY CASES WERE TRANSFERRED TO UK IN RECENT YEARS (ACCORDING TO PUBLISHED INFORMATION)?</b>	In 2016 there were over 700 children transferred to the UK under the Dublin III Regulation. <sup>34,35</sup>	In the year ending June 2017 5,549 family reunion visas were granted to individuals in families from Syria, Eritrea, Sudan, Iran and Somalia <sup>36</sup> (not disaggregated between spouses and children).	From 2011 – 2014, 137 applications for refugee family reunion were granted outside of the rules but these numbers are not disaggregated to show how many of these are for spouses and how many for children. <ul style="list-style-type: none"> <li>• 77 were granted in 2011</li> <li>• 30 were granted in 2012</li> <li>• 18 were granted in 2013</li> <li>• 12 were granted in 2014<sup>37</sup></li> </ul>	These statistics are not disaggregated to show applications by families who were previously refugees or where the child is in a refugee or refugee-like situation, so the figures are not helpful in clarifying how many children in these situations came via this route. However, in the year ending June 2017 overall there were 2,179 family-related visas granted to children, which is a reduction of 27% on the 2016 figures. <sup>38</sup>

# ENDNOTES

- 1 Spouses and civil partners with refugee status or humanitarian protection in the UK also have the right to sponsor their spouses/civil partners
- 2 UNICEF, Harrowing Journeys
- 3 [www.unhcr.org/uk/figures-at-a-glance.html](http://www.unhcr.org/uk/figures-at-a-glance.html)
- 4 UNICEF, A child is a child, May 2011: [www.unicef.org/publications/files/UNICEF\\_A\\_child\\_is\\_a\\_child\\_May\\_2011\\_EN.pdf](http://www.unicef.org/publications/files/UNICEF_A_child_is_a_child_May_2011_EN.pdf)
- 5 UNICEF, Harrowing Journeys
- 6 [www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/how-many-people-do-we-grant-asylum-or-protection-to](http://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/how-many-people-do-we-grant-asylum-or-protection-to)
- 7 [www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons](http://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons)
- 8 [www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/how-many-people-do-we-grant-asylum-or-protection-to](http://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/how-many-people-do-we-grant-asylum-or-protection-to)
- 9 Under the Vulnerable Children's Resettlement Scheme
- 10 Often from volunteer lawyers
- 11 Spouses and civil partners with refugee status or humanitarian protection in the UK also have the right to sponsor their spouses/civil partners
- 12 When a child is granted refugee status or humanitarian protection, this is in recognition of the fact that the child cannot live safely in their home country and therefore cannot join their parent there. By preventing children from applying for their parent or main carer to join them in the UK, the rules are enforcing family separation and risk depriving children of their right to family life.
- 13 Name changed
- 14 Name changed
- 15 Independent Chief Inspector of Borders and Immigration – An inspection of family reunion applications January to May 2016: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/561815/ICIBI-inspection-of-family-reunion-applications-January-to-May-2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/561815/ICIBI-inspection-of-family-reunion-applications-January-to-May-2016.pdf)
- 16 IOM Missing Migrants Project: [missingmigrants.iom.int/](http://missingmigrants.iom.int/)
- 17 Independent Anti-Slavery Commissioner Annual Report 2015–16: [www.antislaverycommissioner.co.uk/media/1097/annual-report-2016.pdf](http://www.antislaverycommissioner.co.uk/media/1097/annual-report-2016.pdf)
- 18 Name changed
- 19 Which we are defining as those in a refugee or refugee-like setting – registered with UNHCR or the government where they are residing as an asylum-seeker or as a refugee or as a person of concern/child at risk
- 20 Exceptional case funding is available for some particularly complex cases
- 21 British Red Cross has documented many of these difficulties in their 2015 report: "Not so straightforward: the need for qualified legal support in refugee family reunion": [www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/Not%20so%20straightforward%20refugee%20family%20reunion%20report%202015.pdf](http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/Not%20so%20straightforward%20refugee%20family%20reunion%20report%202015.pdf)
- 22 Name changed
- 23 Mohammed had a lawyer to help him through the asylum process and had legal aid. However, the lawyer told him that for his family reunion case there was no legal aid and he would have to pay the legal fees, which he couldn't afford. Luckily he found the Newcastle Law Centre, which has a special project assisting refugees with family reunion cases.
- 24 Independent Chief Inspector of Borders and Immigration – An inspection of family reunion applications January to May 2016: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/561815/ICIBI-inspection-of-family-reunion-applications-January-to-May-2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/561815/ICIBI-inspection-of-family-reunion-applications-January-to-May-2016.pdf)
- 25 All names of this family have been changed – case details provided by Safe Passage UK
- 26 This family received support from Safe Passage UK and legal assistance through the Islington Law Centre. Legal aid is not usually available in these cases but the Islington Law Centre has been able to provide assistance in some cases.
- 27 Independent Chief Inspector of Borders and Immigration – An interim re-inspection of Family Reunion applications received at the Istanbul Entry Clearance Decision Making Centre December 2016–March 2017: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/631612/An-interim-re-inspection-of-Family-Reunion.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/631612/An-interim-re-inspection-of-Family-Reunion.pdf)
- 28 Salma was assisted by the Newcastle Law Centre that has a special fund to support refugee family reunion cases. Legal aid is not usually available for refugee family reunion cases.
- 29 Which we are defining as those in a refugee or refugee-like setting – registered with UNHCR or the government where they are residing as an asylum-seeker or as a refugee or as a person of concern/child at risk
- 30 who is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit, and was part of the family unit of their parent at the time that their parent left the country of their habitual residence in order to seek asylum – Immigration Rules Part 11, paras 352D and 352FG
- 31 [www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-04-15/34218/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-04-15/34218/)
- 32 Who is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit – Immigration Rules Part 11, paras 352D and 352FG
- 33 For example, Syrians can apply in Lebanon or Jordan; Eritreans in Ethiopia; Afghans in Pakistan
- 34 [www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-08/HCWS467/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-08/HCWS467/)
- 35 Over 900 children were transferred from Calais under s67 of the Immigration Act – 200 of these children were transferred under the "Dubs scheme"
- 36 [www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons](http://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons)
- 37 House of Lords Written Answer 3957 by Lord Bates on 2 December 2015
- 38 [www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons](http://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/why-do-people-come-to-the-uk-4-for-family-reasons)

## Article 10 of the UN Convention on the Rights of the Child

"[A]pplications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner."

## Concluding Observations of the UN Committee on the Rights of the Child Committee on child rights in the UK – July 2016

[T]he Committee recommends that the State party: Review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State party, including through implementation of the European Union Dublin III Regulation.

# FOR EVERY CHILD IN DANGER



**Children have a right to be with their family. Yet today, it is incredibly difficult and dangerous for many children in countries affected by conflict and persecution to reach the safety of family in the UK.**

Currently the UK's rules on refugee family reunion only recognise parents as family. This means that children are being prevented from being safely reunited with brothers and sisters, aunts and uncles and grandparents in the UK – relatives who could provide them with the care and protection they need

Every 30 minutes a child is trafficked or exploited on the Central Mediterranean journey to Europe. Many are dying on route.

A child is a child, no matter where they come from or where they are going. All children deserve a safe home and the security of being with loved ones.

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