



Briefing: Refugee family reunion for unaccompanied children

Nationality & Borders Bill: Report Stage

As 47 organisations, we have come together to urge Members of the House of Lords to vote in favour of Lord Dubs' amendment to open a new safe route to family reunion for refugees in Europe.

Twenty-seven people lost their lives attempting to cross the Channel only months ago. This was the greatest loss of life in years. The tragic truth is that these deaths could – and should – have been prevented.

No one should have to risk their life to reach safety. Yet without safe routes, men, women and children must risk dangerous journeys every day to try to reach sanctuary and loved ones here in the UK. Instead of penalising and punishing refugees for travelling to safety here in the UK, we urge the Government to instead welcome and offer compassion to those forced to seek sanctuary.

To prevent a repeat of this recent tragedy, refugees urgently need safe routes to the UK. People will continue to risk their lives taking dangerous journeys to reach protection and loved ones when safe routes, like family reunion, aren't available. **Safe routes save lives, reunite families and support refugees to rebuild their lives and be welcomed by our communities.**

Since the revocation of the EU's Dublin III Regulation after Brexit, unaccompanied children and separated families find it next to impossible to reach their close family in the UK. Unaccompanied child refugees are now reliant on the UK's broken Immigration Rules which are too restrictive, takes too long and is less guaranteed to succeed. Of the family reunion cases Safe Passage supported to access the EU's Dublin III Regulation, it is estimated that 95% would now be very unlikely to qualify under the UK's Immigration Rules.

Jabir was an unaccompanied child in northern France, who was desperate to join his family in the UK. He was willing to risk crossing the Channel to be reunited with his loved ones.

Having already lost a young family member to the treacherous crossing, his family are desperate to find a safe way for Jabir to be reunited with them but that just doesn't exist.

Whilst he would have had a clear case under the EU's Dublin III Regulation, he doesn't under the UK's Immigration Rules.

Open a new safe route to family reunion from Europe

Providing safe routes is the best way to prevent people from being forced to travel in lorries or on small boats across the Channel. This Bill is a missed opportunity for desperately needed reforms.

We urge members of the House of Lords **to vote for Lord Dubs' amendment to the Bill, which would give safe passage to unaccompanied children currently in Europe seeking asylum who have family in the UK**

"When I finally saw my aunt and got to hug her...I was so relieved to be with her – to have a place to call home; to have a family; and to be able to relax.

I had been travelling and searching for safety for such a long time, and now that search was over."

Ridwan fled Eritrea aged 9 with his mum and brother. Separated while crossing the Mediterranean, his family tragically died at sea. After being alone in Italy, Ridwan was reunited with his aunt in the UK under the EU's Dublin III Regulation.

This amendment would open a much-needed safe route to the UK for children and separated families who need international protection and are desperate to be with their loved ones. Stranding children alone in Europe without a safe route to close family in the UK is a critical failure in refugee and child protection – putting children at risk.

We know that when people have no safe route to reach their families, they are more likely to risk their lives on dangerous journeys to reach loved ones. When access to family reunion is delayed or at risk, children are particularly likely to resort to people smuggling.¹

The Government claims to recognise how vital safe routes are to refugee protection but has failed to propose new safe routes in their New Plan for Immigration or this Bill. Only recently, the Government closed two routes to sanctuary: ending the Dubs scheme for unaccompanied refugee children in Europe, and refusing to replace the EU's Dublin III Regulation, which allowed for family reunion.

The revocation of the EU's Dublin III Regulation after Brexit was devastating to children and separated families seeking asylum and reunification with their loved ones in the UK. With no comparable safe route to the UK, these children and families are now reliant on the UK's broken Immigration Rules. **Of the family reunion cases Safe Passage supported to access the EU's Dublin III Regulation, it is estimated that 95% would be very unlikely to qualify under the UK's Immigration Rules.**

Omar is alone in a refugee camp in Greece. At 14, he escaped Syria after suffering physical abuse and threats to his life.

He hopes to join his older brother Abdul, who has rebuilt his life in the UK as a refugee. The brothers have no other surviving family and are desperate to reunite.

Under the UK's rules, Omar is not eligible for Refugee Family Reunion. His only option is to apply 'outside the rules', which is extremely difficult and much less likely to succeed.

Their application would have been straightforward under EU rules.

The UK's rules are too restrictive, take too long and are less guaranteed to succeed, which means children end up resorting to dangerous journeys to be with family. In 2021, **more than half of the unaccompanied children Safe Passage was helping reunite with family lost faith in the legal process and travelled to the UK irregularly**, instead of pursuing their claim under the UK's rules.² None did so in 2020 under the EU's Dublin III Regulation.

The Government has argued that there is discretion to allow family reunion "outside the rules" in compassionate circumstances but such discretion is rarely exercised. The very few cases which are granted "outside the rules" are mainly done so only on appeal, which can leave unaccompanied children waiting months alone and in vulnerable situations. Unaccompanied children should not have to rely on Home Office discretion to reunite with close family in the UK, which often prevents them from safely joining their loved ones at all.

Lord Dubs' amendment would put right some of what has been lost since Brexit. This new safe route would enable child refugees to join:

- Family members including grandparents, aunts, uncles and siblings, as well as parents. The majority of Safe Passage's family reunion cases are child refugees seeking to reunite with close family members in the UK such as aunts, uncles or siblings. **Since Brexit, two thirds of Safe Passage's family reunion cases are siblings trying to reunite.** For some, these are their closest surviving relatives as some child refugees lose their parents before they left their country or on their journey to sanctuary.³
- Relatives who are ordinarily and lawfully resident here, such as those with British citizenship or indefinite leave to remain. **More than one third of Safe Passage's family reunion cases under EU's Dublin III Regulation were unaccompanied children reuniting with refugee family members who had been granted British citizenship.**

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

| Dublin III Regulation | UK Immigration Rules |
|--|---|
| <p>Free for families reuniting – no fees</p> | <p>Families can face a fee of up to £1523⁴ for applying for family reunion, which can be unaffordable. Only applications under the extremely limited refugee family reunion rules under Part 11 are free.</p> |
| <p>Reasonable evidential thresholds meant refugee families were able to prove a family link in order to be reunited.</p> | <p>Higher, prohibitive evidential thresholds required to prove a family relationship, which are often difficult - if not impossible - for families to meet.</p> |
| <p>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.</p> | <p>Stringent maintenance/income and accommodation requirements in some cases, which can be difficult for families to meet. Only the extremely limited refugee family reunion rules (Part 11) do not require this.</p> |
| <p>Separated families had to show they had a family link and that it was in the best interest of the child to reunite.</p> | <p>Families can be required to prove there are serious and compelling circumstances in order to reunite.</p> |
| <p>Better protection for unaccompanied children seeking asylum as the process was designed to facilitate family reunion.</p> | <p>Often fails to protect unaccompanied asylum-seeking children, as being an unaccompanied child applicant is not a serious and compelling reason for family reunion according to the Home Office.</p> |
| <p>The process for family reunion is the same for refugees who become British citizens as anyone who is “legally present” can sponsor family.</p> | <p>Different, harsher rules depending on the status of the family member in the UK, with it being more difficult for refugees to reunite if the family member in the UK has become a British citizen.</p> |
| <p>The process for family reunion is the same for siblings as other types of family member, e.g. parent/child.</p> | <p>Different, harsher rules depending on the type of family relationship, which means it is more difficult for refugee siblings to reunite.</p> |
| <p>Established timeline for decision-making with cases accepted by default if the UK didn’t respond within a 2-month period.</p> | <p>Uncertain and long waits for decisions - whilst the Home Office aims to make decisions in 12 weeks, no Safe Passage case has so far been processed within that timeframe.</p> |
| <p>More accessible application process, which can be done from the applicant’s location with no need to travel.</p> | <p>Need to travel to inaccessible Visa Application Centres to complete the application process.</p> |
| <p>International cooperation on family reunion</p> | <p>No international cooperation on family reunion - with the burden falling on children and families, refugees seeking family reunion must find out how to apply, secure appropriate advice, and go through the complicated and onerous application process.</p> |

¹ UNHCR (2019) [Desperate Journeys](#)

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

³ UNHCR (2019) [Destination Anywhere](#)

⁴ Unaccompanied asylum-seeking children and their families can face a £1523 fee, if the child is joining a relative who is a British citizen or has indefinite leave to remain