

Safe Routes to Nowhere: The UK's Broken Promises on Family Reunion

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RAMFEL

The Refugee and Migrant Forum of Essex and London (RAMFEL) is a company limited by guarantee (no. 08737163) and a registered charity (no. 1155207).

We provide advice to migrants in the community on issues related to their immigration and asylum claims, welfare/benefits, access to housing and prevention of destitution, and holistic casework support. Our immigration and asylum advice service is accredited by the Office of the Immigration Services Commissioner (OISC).

In addition to our advice service, RAMFEL actively challenges discriminatory practices and procedures and campaigns for migrants in the UK to be treated more humanely and.

In 2023, we directly supported 2604 individuals (with 2434 dependent family members also benefitting from our work). We submitted 888 immigration applications in this period.

ACKNOWLEDGMENTS

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Executive Summary

The “family reunion” system is meant to offer a route for refugee families to safely reunite in the UK. If functioning effectively, overseas family members could simply submit applications, which the UK government would swiftly consider and process and visas would then be issued. This would reduce the need for those seeking sanctuary and family reunification, including those fleeing conflict zones such as Sudan and Gaza, to take dangerous journeys. With it widely acknowledged, including by the UK government, that refugees often specifically want to come to the UK because of family ties, creating safe routes for such people could greatly reduce the numbers arriving by boat and other means.

As things stand, the family reunion system is not an effective safe route to the UK. Even making applications is impossible for many, with the UK government requiring people to attend Visa Application Centres (VAC) to enrol their biometrics. Many countries, especially conflict zones, do not though have a functional VAC. If people cannot attend a VAC, they cannot apply for family reunion. The government’s position is that people in this position, even unaccompanied children, should make dangerous and irregular cross-border journeys to try and attend a VAC in neighbouring countries.

This report evidences how the UK government systematically fails to display any flexibility with these requirements, with just one person excused from VAC attendance between May 2023 and February 2024 despite many people from conflict zones like Sudan, Gaza and Afghanistan trying to apply for family reunion. The government’s approach effectively prevents them from even

applying. When we say there are no safe routes, we mean it.

However, even when people manage to apply for family reunion, which is impossible for many due to a lack legal aid and the rules being so complex, the government looks to refuse rather than grant applications. Two-thirds of family reunion refusals are overturned at the Immigration Court, demonstrating how poor the government’s decision-making process is. RAMFEL have never failed to overturn a refusal decision, but for those in conflict zones, waiting years for a day in court is simply not an option, and again leads to many taking flight and seeking alternative routes to the UK.

The government talks tough on ending irregular migration, but until it creates effective safe routes it is inevitable that desperate people seeking safety with their loved ones will continue to make their way here. If they are serious about reducing the need for dangerous journeys, an overhaul of the family reunion system is needed. Five measures could though be introduced that would make a difference.

First, the government must make it easier for people to actually make family reunion applications by removing the need to attend VACs when no VAC is operating in the country of application. Such a process is not unprecedented, and was exactly what was done for Ukrainians in the wake of Russia’s invasion. It could easily be replicated in Sudan, Gaza, Afghanistan and other conflict zones.

Secondly, a more expansive definition of “family member” is needed, as the current version is not fit for purpose when applied to family units separated by conflict. Third, and in conjunction, the government should look to approve rather than refuse family reunion applications.

Fourth, the government must invest in Home Office decision-makers so that family reunion applications are processed more quickly. People in conflict zones cannot wait years for a decision, and delays not only drive people to flee but can even be a matter of life and death.

Fifth, and finally, whilst current systems remain in place, legal aid must be immediately restored for all forms of family reunion application. Legal representation gives people a chance of overcoming existing challenges, and in turn gives those overseas hope that they may be able to safely travel to the UK.

TERMINOLOGY AND GLOSSARY

Terminology and methodology

The UK government’s “family reunion” scheme for refugees is very restrictive and limited to what they deem “immediate family”. This is pre-flight spouses, i.e. a marriage/relationship that existed prior to the UK-based refugee fleeing their home country, and children under the age of 18 or children over 18 in truly exceptional circumstances. Any other family member does not meet the criteria for family reunion in the strictest sense.

RAMFEL specialise in what we call complex family reunion applications. These are applications for family members who do not qualify for family reunion under the government’s strict parameters, most typically siblings of UK based refugees. For the purposes of this report, the term “family reunion” is though used to describe both applications that meet the government’s criteria for family reunion and our complex family reunion applications. In all of these cases, the UK based sponsor will have had refugee status.

The figures included are accurate as of 30 April 2024. Names have been changed to protect identities.

Glossary

Below is a list of abbreviated terms that are used throughout the report.

Term	Abbreviation
Adult Dependant Relative	ADR
Appendix Child staying with or joining a Non-Parent Relative (Protection)	Appendix CNP
Appendix Family Members	Appendix FM
European Convention on Human Rights	ECHR
Independent Chief Inspector Borders and Immigration	ICIBI
Immigration and Asylum Chamber	IAC
United Nations High Commissioner for Refugees	UNHCR
Visa Application Centre	VAC

Introduction

As the numbers of refugees arriving in the United Kingdom by boat has soared since 2020, successive Prime Ministers, Home Secretaries and all manner of other senior politicians on both sides of the aisle have repeatedly said that rather than taking dangerous journeys, refugees should use so-called “safe and legal routes”. For anyone familiar with UK immigration law, they know that such routes simply do not exist for the vast majority of people attempting to seek sanctuary and reunite with family in the UK.

Applying to come to the UK is, for most, extremely complicated and expensive, with multiple bureaucratic hurdles and significant costs, be that visa application fees, meeting application admissibility criteria or even just instructing a qualified representative. This is especially true for overseas family members seeking to reunite with a UK-based refugee.

We work extensively with those in Sudan, Afghanistan and more recently Gaza, some of the most dangerous environments on earth. All of these people are trying to reunite with loved ones in the UK, yet all face almighty challenges doing so, with many ultimately unable to submit applications through no fault of their own. This report explores the myriad challenges such people face, and dismisses any notion that family reunion constitutes an effective “safe route” in any meaningful sense.

In the first section, we explain the family reunion routes that theoretically exist under UK immigration law. Whilst five such routes are on paper available, in practice the government is extremely unlikely to approve the majority of these family reunion applications, with court challenges through appeals to the Immigration and Asylum Chamber necessary. We explore our own data since January 2022, during which we have had a 100% success rate in challenging government decisions in court.

Despite this, lengthy and costly court challenges are simply not an adequate safeguard for those stuck in conflict zones seeking family reunion. In some senses though, they are in a stronger position than many others, as at least they have managed to submit their family reunion application and get the government to consider their case.

In section two, we detail the often insurmountable hurdles that must be overcome – from preparing an application, successfully completing bureaucratic requirements that are often impossible to meet, waiting months or even years for a decision and then inevitably having to take the government to court – to successfully apply for family reunion. Real-life case studies are included, showing the harm the government’s existing approach causes those stuck in this system.

Our report concludes with five recommendations to the government to improve the existing family reunion system. Such changes are not only morally the right thing to do, but will create a meaningful and effective safe route of travel and vastly reduce the need for refugees seeking to reunite with family to take alternative, dangerous journeys to the UK.

Family reunion: the legal framework



WHAT IS FAMILY REUNION, AND WHY DOES IT MATTER?

The right to family life is expressed in the Charter of Fundamental Rights of the European Union and in international human rights law

(e.g. the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child, and at article 8 of the European Convention on Human Rights). As stated by the Council of Europe’s Commissioner for Human Rights, the principles underlying these international instruments “support a strong right to family reunification for refugees”.¹

Family reunion in the UK is an immigration route by which “close relatives” of a recognised refugee in the UK are granted permission to join them here. The European Court of Human Rights has emphasised that family unity is an essential right for refugees and that family reunification is a fundamental precondition for allowing persons who have fled persecution to re-establish a normal life² with UNICEF recognising this principle too: “unified families are more likely to prosper through participation in economic, social, cultural and political life and through quicker integration.”³

RAMFEL works with many newly arrived refugees. Reuniting with family is generally their number one priority, and many feel unable to begin their life in the UK until reunification has happened. The harmful impact of delaying or obstructing family reunification for UK-based sponsors is widely documented.⁴

Unfortunately, the UK’s family reunification system is systematically failing to afford people the fundamental right to family reunion. Family structures in which a sponsor’s closest family members are not spouses or children exist in many countries, especially those where family structures are affected by conflict or other forms of persecution. For example, in places with mandatory or indefinite military conscription, or in active conflict zones where fathers are

conscripted or killed, elder siblings will often take on more significant, pseudo-parental caring roles for their younger siblings. Despite this, the UK has narrow and inflexible rules concerning who they deem a close relative that are not fit for purpose when applied to families fleeing conflict zones.

Additionally, labyrinth and impractical bureaucratic requirements, systematic delays and poor government decision-making combine to produce a system that is failing on every measure. The consequences could not be more serious, with refugee family members unable to move forward with their lives in the UK, and family members – often children – left stranded in extreme danger, and forced into undertaking irregular and dangerous journeys to the UK.



1 ‘Realising the right to family reunification of refugees in Europe’, Council of Europe Commissioner for Human Rights Issue Paper, available at: <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

2 Mugenzi v. France, Application No. 52701/09 (10 July 2014) paragraph 54; and Tanda-Muzinga v. France, Application No. 2260/10 (10 July 2014) paragraph 75

3 ‘Family Unity in the Context of Migration’, UNICEF Working Paper, available at: <https://www.unicef.org/media/58341/file/Family%20unity%20issue%20brief.pdf>

4 ‘Information note on family reunification for beneficiaries of international protection in Europe’ European Council on Refugees and Exiles (ECRE), June 2016, available at: https://ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Information-Note-on-Family-Reunification-for-Beneficiaries-of-International-Protection-in-Europe_June-2016.pdf

UK FAMILY REUNION RULES

For refugees in the UK, there are essentially five application routes by which they can seek to sponsor overseas family members: under **Appendix Family Reunion (Protection)**; under **Appendix CNP**; under **Appendix FM**; under **paragraph 297 of the Immigration Rules**; and under **Appendix Adult Dependant Relative**.

Whilst it may sound like refugees have several options to sponsor and reunite with their family members, in reality very few people meet the criteria for these five routes, and even when the criteria are met, there remain significant obstacles to actually submitting an application. The chances of the government then approving the application at first instance are also extremely small, as detailed at the close of this section. Each of these routes is now outlined in turn.



The UK is the only country in Europe (other than Switzerland) that does not allow unaccompanied refugee children to bring their parents to the UK under family reunion rules.

Appendix Family Reunion (protection)

The government’s definition of “family member” for the purpose of family reunion is extremely narrow. This is despite the United Nations High Commissioner for Refugees emphasising as far back as 1981 that “it is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.”⁵

Appendix Family Reunion essentially limits “family members” to pre-flight spouses and children under 18. Children over 18 have recently been added but only when it can be demonstrated that they are still dependent on their parent(s), they are not living an independent life and there are exceptional circumstances which would result in unjustifiably harsh consequences for the family if not reunited. This threshold is extremely difficult to meet. All other family members are excluded from qualifying for family reunion under this route, irrespective of the specific or compassionate circumstances.

These rules also recognise filial relationships, but only in one direction – parents are able to sponsor their children, but refugee children are unable to sponsor their parents. The UK is the only country in Europe (other than Switzerland) that does not allow unaccompanied refugee children to bring their parents to the UK under family reunion rules.⁶ The government claims that this is to deter children from travelling to the UK alone, but has never produced any evidence to support this assertion.

On the contrary, the government has repeatedly failed to provide any evidence of children being forcibly sent ahead by their parents when they can subsequently sponsor them under family reunion provisions, as allowed in many other European countries.⁷ Legal analysis carried out by Amnesty International, the Refugee Council and Save the Children also found that the UK’s position “puts it directly at odds with international law” which holds the family as a protected concept.⁸

Provided the government accepts the familial relationship between parent and child or between partners/spouses as genuine and subsisting,

5 Executive Committee (ExCom) Conclusion No. 24 (XXXII) 1981, UNGA Doc No. 12A (A/36/12/Add1), paragraph 5, available at: <https://www.unhcr.org/uk/publications/family-reunification>

6 ‘All Families Matter: An Inquiry into family migration’, House of Lords Justice and Home Affairs Committee, 28 February 2023, page 30, available at: <https://publications.parliament.uk/pa/ld5803/ldselect/ldjusthom/144/144.pdf>

7 Hansard Debate, Refugee Family Reunion (Immigration Rules), 29 November 2016, available at: [https://hansard.parliament.uk/Commons/2016-11-29/debates/16112935000003/RefugeeFamilyReunion\(ImmigrationRules\)?highlight=family%20reunion%20children%20sponsor%20parents#contribution-CDBF0004-6294-46C4-BFAE-DE80CEF71E87](https://hansard.parliament.uk/Commons/2016-11-29/debates/16112935000003/RefugeeFamilyReunion(ImmigrationRules)?highlight=family%20reunion%20children%20sponsor%20parents#contribution-CDBF0004-6294-46C4-BFAE-DE80CEF71E87)

8 ‘Without my Family: The impact of family separation on child refugees in the UK’, Amnesty International, Refugee Council, Save the Children, 2019, available at: https://families-together.uk/wp-content/uploads/2020/02/Without_my_family_report.pdf

there are no other requirements to meet and the overseas family member(s) should be granted leave to enter/remain in the UK in line with their refugee sponsor. When the sponsor qualifies for indefinite leave to remain (ILR), their family members can apply as their dependants and be granted ILR in line with them. Crucially though, the UK government, when approving family reunion applications under these provisions, will not automatically recognise the overseas family members as refugees once they arrive in the UK. Consequently, if the familial relationship were to breakdown before the family secured ILR, the family members may lose their right to remain in the UK.

Unlike all other routes, this application is free of charge, though those applying often have to pay for additional evidence to establish their familial relationship, e.g. translating official documents and/or completing DNA tests. There are also extremely long waiting times for decisions, as explained in the next section of this report.

Appendix CNP

There are separate provisions within the Immigration Rules under ‘Appendix CNP’ for children applying to join a non-parent family member with refugee status, such as a sibling, aunt or uncle. However, it is much more difficult to succeed under this route, with the government accepting the familial relationship just one of many requirements that must be met.

Applicants must meet a much higher evidentiary threshold, satisfying accommodation and financial requirements and demonstrating that there are serious and compelling family or other considerations that make “exclusion of the applicant undesirable”. If they cannot meet these strict requirements, they will need to demonstrate that there are exceptional circumstances, a threshold that our casework demonstrates is almost impossible to satisfy.

The application fee is £404.00 per person and there is an additional Immigration Health Surcharge of £776.00 per year. As with applications under Appendix Family Reunion, additional costs including commissioning expert reports, translating documents and establishing the family relationship are, almost without exception, essential.

In RAMFEL’s own experience, the government is almost certain to refuse applications under Appendix CNP, with these refusal decisions highly likely to be overturned on appeal, leading to an application process that can take around two years, discounting time preparing the application and commissioning the aforementioned expert reports. Common reasons for government refusals are disregarding or distrusting independent expert evidence supporting the case for reunification, or disputing that such expert evidence demonstrates that there are “exceptional circumstances” that require reunification.

If the application is granted, the applicant should be granted leave in line with their sponsor, i.e. for the same duration and with the same conditions. This means that when the sponsor qualifies for ILR, the child can apply as their dependent.

If, as is common, the government refuses the application, an appeal can be brought at the Immigration and Asylum Chamber (IAC).

Appendix FM

This provision is applicable for a “post-flight” spouse or child of a refugee with limited leave to remain or ILR. Post-flight means that the family life between the UK-based refugee and their family member did not exist before they fled their country of origin/habitual residence, i.e. they had not yet married their spouse or conceived their child. This is different from applications under Appendix Family Reunion, when the family life will have existed before the UK based refugee fled their country of origin.

Under Appendix FM, applicants need to satisfy much more rigid requirements, including satisfying the government of the nature of their relationship and meeting English language requirements (though children are exempt).

The UK-based refugee must also meet the financial and accommodation requirements, meaning they need to evidence that they can maintain and provide adequate accommodation for the whole family. The minimum income threshold has recently increased to £29,000.00 per year, and by early 2025 will be even higher at £38,700.00. According to the Migration Observatory, 70% of UK employees earn less than this sum, meaning they would be unable to sponsor a family member under Appendix FM.⁹

The application fees are also far higher for Appendix FM applications. The application fee is £1,846.00 per person and there is an immigration health surcharge of £1,035.00 per year for adults and £776.00 per year for children. As the visa, if issued, is valid for 30 months (plus an additional 3 months to allow travel to the UK) the surcharge totals £2,587.50 for adults and £1,940.00 for children. An Appendix FM application for a spouse and one child would therefore cost £8,219.50.

These requirements and fees are extremely difficult to meet, especially since the minimum income threshold increased.

If the requirements cannot be met, the government must consider whether there are “exceptional circumstances” that would result in unjustifiably harsh consequences for the applicant, their partner or a relevant child. In our experience though, the government almost never accepts that this threshold is met and refuses such applications. Consequently, appeals to the IAC are again needed, necessitating a protracted and expensive court process.

If the application is granted, whether at first instance or following an appeal, the applicant is given 33 months leave to enter on a 5- or 10-year route to settlement (depending on whether they met the minimum income threshold). They must then extend their visas at 30-month intervals, paying the application fees and health surcharge each time, before completing either 5 or 10 years of “continuous lawful residence” and qualifying for ILR.

9 ‘Family fortunes: The UK’s new income requirements for partner visas’, Migration Observatory, 1 February 2024, available at: <https://migrationobservatory.ox.ac.uk/resources/commentaries/family-fortunes-the-uks-new-income-requirement-for-partner-visas/>

Paragraph 297 of the Immigration Rules

Paragraph 297 of the Immigration Rules applies to child applicants of a parent or relative in the UK with ILR (including refugees who now have ILR).

For families which have been displaced because of conflict, it could in theory act as a route for UK based refugees to sponsor child family members where they have assumed a parental role. However, for refugees still in their qualifying period, during which they have an initial 5-year visa, the route is closed as they do not yet have ILR. Additionally, and as with the three previous routes, the government’s default position is to look for reasons to refuse such applications and distrust the evidence provided.

This route is only open for children under the 18 who are not leading an independent life, and they can apply to join a parent/relative under the following circumstances:

- both the child’s parents must be present and have ILR in the UK or be being admitted with ILR;
- one of the child’s parents is already present and has ILR in the UK or be being admitted with ILR and has sole parental responsibility of the child or the other parent is dead; or
- one of the child’s parents or relatives is already present and has ILR in the UK or be being admitted with ILR, there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child’s care.

In practice, if the child’s relationship with their parents is akin to either of the first two scenarios then they would almost certainly qualify under Appendix Family Reunion.

The third option though does in theory present a route to family reunion, but demonstrating to the government’s standards that there are “serious and compelling circumstances” and/or that the sponsor has sole parental responsibility is again an almost insurmountable hurdle. The government’s expectation of what evidence would establish this is often not realistic, especially for those fleeing or having fled conflict zones, and they often refuse applications because the applicant cannot obtain evidence, for example, that their parent is missing or has been displaced.

The government charges £1,846.00 for this application and no fee waiver exists.

If all the requirements under paragraph 297 are met, the applicant will be granted indefinite leave to enter and remain in the UK.

Adult Dependant Relative

RAMFEL have not made any applications under the Adult Dependant Relative (ADR) route, but this route is open for refugees so we have included it here for completeness.

The rules for this route are contained in Appendix Adult Dependant Relative, and allow British citizens, those with ILR, those with protection status, i.e. refugees, and some European nationals with status under the EU Settlement Scheme to sponsor adult relatives to join them in the UK. The relatives in question are: parents; grandparents; adult children; or siblings.

However, the applicant seeking to reunite with their UK sponsor must “require long term personal care to perform everyday tasks”, and the care must either be unavailable in the country they are living or unaffordable. This is an extremely high bar to meet, and essentially rules out any individuals who are not seriously ill, even if they are trapped in conflict zones. Between 2017 and 2020, the government refused 96% of ADR applications.¹⁰

The application costs £2,885.00 and no fee waiver exists. It is therefore not only difficult to succeed under this route, but it is also prohibitively expensive.

These complicated and inflexible schemes are in stark contrast to the Ukraine family scheme, which the government introduced in the wake of Russia’s invasion in February 2022. This scheme, whilst not perfect, allows UK-based family members to reunite with “extended family members” including: parents even where the sponsoring child is no longer a minor; adult children; grandparents and grandchildren; siblings; aunts and uncles; nieces and nephews; cousins; parents-in-law; grandparents-in-law, and even siblings-in-law.¹¹ This expansive definition of “family member” more appropriately reflects the breadth and variety of significant family relationships, and how conflict causes separation. Such an approach should be applied to refugees from countries other than Ukraine.

RAMFEL SAMPLE

This report is based on RAMFEL’s extensive experience submitting family reunion applications, and covers the period 1 May 2022 to 30 April 2024. Some of the applications will have been submitted prior to 1 May 2022, but were decided by the government after this date.

In this period, we have:



Seen the government approve 23 family reunion applications at first instance. Of these 23 cases, 17 were applications made under Appendix Family Reunion, thereby meeting the government’s strict criteria for family reunion. The other six cases comprised a single family unit, so was effectively only one application. This means, in only one instance the government processed a complex family reunion application without court intervention.



Taken the government to court 39 times to challenge family reunion refusal decisions. All of these were family reunion applications made under Appendix CNP, Appendix FM or Paragraph 297.



Successfully overturned refusal decisions in 20 of these appeals. In nine instances, the government withdrew their refusal decision before the appeal hearing took place. The government has not successfully defended any of their refusal decisions, with 19 appeals still pending.

A further 24 applications are still pending, with the government yet to decide them. Based on our experience, we anticipate the government refusing the majority if not all complex applications within this pool.

The fact that RAMFEL has, to date, never failed to overturn a government refusal decision shows not only how poor the government’s family reunion decision-making is, but also how the system is not designed to facilitate but rather prevent family reunion. In other words, it is not really a safe route in any meaningful sense, as the government’s default position is to refuse applications and prevent people securing visas and entering the UK.

The large volume of direct frontline casework that we have completed gives us insight into the problems facing those applying for family reunion, which extend beyond the government’s propensity to refuse applications no matter the circumstances. These problems include: practical barriers to applying; extensive delays in processing applications; poor quality government decision-making; and the devastating human impact of these failings upon UK based sponsors and their relatives (often children) stranded abroad. This is addressed in the following section.

10 ‘Getting an adult dependant relative visa is hard but not impossible’, Free Movement, 29 August 2023, available at: <https://freemovement.org.uk/adult-dependent-relative-visas-not-impossible/#::~:~:text=Adult%20dependent%20relative%20visas%20have,try%20make%20them%20go%20right.>

11 UKVI and Home Office Guidance: ‘Apply for a Ukraine Family Scheme visa’, available at: <https://www.gov.uk/guidance/apply-for-a-ukraine-family-scheme-visa#eligibility>

The challenge of even applying for family reunion

Restrictive and inflexible applications rules and definitions of “family members” are not the only barriers to applying for family reunion. The UK also imposes stringent bureaucratic and evidentiary requirements, which many cannot meet despite clearly satisfying the government’s own defined family reunion rules.

These barriers are: almost insurmountable evidentiary thresholds means significant work is needed to prepare an application that has any chance of being approved but a lack of legal aid for most types of application makes this unaffordable for many; inflexible bureaucratic requirements, such as needing to attend a Visa Application Centre (VAC) to enrol biometrics; lengthy waits for government decisions; and poor-quality government decision-making, resulting in lengthy and protracted appeal processes. The consequence of all these factors is that those living in conflict zones and unsafe environments have no choice but to flee and seek safety by other means.

LEGAL REPRESENTATION IS IMPERATIVE BUT LEGAL AID IS OFTEN NOT AVAILABLE

The Council of Europe Human Rights Commissioner has stated that:

“Refugees may face particular problems in gathering evidence to support their family reunification claims. As such, when assessing family relations, states should consider a range of evidence to demonstrate family ties, not only documentary proof. Flexible approaches should be adapted to the particular situations of different refugee populations.”¹²

This though is far from the reality in the UK, despite the Home Office’s own guidance acknowledging that those “fleeing conflict zones or dangerous situations may not have time to collect supporting documents or have realised they would be required.”¹³

Applying for family reunion is a complex process requiring specialist legal assistance. This is the case even when someone qualifies for family reunion under Appendix Family Reunion, which should in theory be a more straightforward process

Preparing family reunion applications takes a significant amount of time and resources and often requires costly expert reports to have any prospect of the government approving it. For applications for children under Appendix CNP, the evidentiary requirements are so great that it is almost impossible to succeed without legal assistance.

Applicants may though have difficulty providing documentation due to issues in their country of origin or the nature of the refugee journey; evidence may be in a format that does not conform to UK government specifications; there may be a requirement for additional evidence, such as DNA tests, to prove family relationships or expert reports from, for example, independent social workers or psychologists stressing the need for reunification; there may be language barriers and a requirement to pay for interpretation or

translation; difficulty with VAC access; the need to challenge initial government decisions in the courts, either by appeal to the IAC or via judicial review. This list is not exhaustive but these specific challenges are common.

As the Independent Chief Inspector of Borders and Immigration (ICIBI) stated in a report on family reunion that was highly critical of the Home Office: “it is unrealistic to think that family reunion sponsors and applicants could readily understand from the guidance what evidence they might need to provide to demonstrate that exceptional circumstances and compassionate factors apply in their case.”¹⁴ The need for legal support is then acute.

However, cuts to legal aid introduced under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) significantly limited the scope of legal aid, removing family reunion applications unless either the applicant or the sponsor is an unaccompanied minor. Even when in scope, it is though exceptionally difficult to find a legal aid representative, with over half of asylum seekers in the UK now unable to secure legal aid representation.¹⁵ Consequently, applicants must either find the money to pay a private solicitor or rely on support from charities such as RAMFEL. These cases are very expensive to pay for privately due to their complexity, stringent evidentiary requirements including the need to commission expert reports and the high probability that an appeal to the IAC will

12 Realising the right to family reunification of refugees in Europe’, Council of Europe Commissioner for Human Rights Issue Paper, available at: <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

13 ‘Family reunion: for individuals with protection status in the UK’, Version 10.0, 17 July 2023, available at: https://assets.publishing.service.gov.uk/media/64b5438061adff001301b153/Family_reunion.pdf

14 ‘An inspection of family reunion applications’, The Independent Chief Inspector of Borders and Immigration, published October 2020, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924812/An_inspection_of_family_reunion_applications___June___December_2019.pdf

15 ‘Over half the people seeking asylum are now unable to access a legal aid lawyer’, Free Movement, 25 October 2023, available at: <https://freemovement.org.uk/over-half-the-people-seeking-asylum-are-now-unable-to-access-a-legal-aid-lawyer/#:~:text=At%20least%2051%25%20of%20asylum,of%20new%20applications%20for%20asylum.>

be needed as the government is likely to refuse applications at first instance.

Many people, especially refugees who arrived relatively recently in the UK, will simply not be able to afford this so will be unable to even apply for family reunion. A report published in 2021 by Families Together documented the disastrous impact of the legal aid cuts on preventing people from accessing the family reunion process. They found that while some are shut out from the process entirely, others go to extreme measures – such as eschewing basic necessities – in order to find the money to pay for legal assistance.¹⁶

Our clients are only able to submit strong applications because they have the assistance of a dedicated charity with a strong network of partner organisations and professionals that, like RAMFEL, often work free of charge. This includes the organisation Social Workers Without Borders, who complete expert children’s best interests reports on a pro-bono basis, and barristers who volunteer their time to act in appeals and provide legal advice about family reunion rules and procedures. However, due to the amount of work needed to prepare a family reunion application, this support can only be provided for a small minority and the vast number of people do not have specialist and free of charge/affordable representation.

BIOMETRIC ENROLMENT REQUIREMENTS ARE NOT SUITED FOR CONFLICT ZONES OR VULNERABLE UNACCOMPANIED CHILDREN

Assuming legal representation is secured and the extensive preparatory work and evidence-gathering is completed, making family reunion applications to the UK still remains impossible for many.

Applicants must complete an online form, attend a VAC to enrol their biometrics and also attend a specified medical centre to complete a Tuberculosis test. The application is not valid and the UK government will not even look at the circumstances and evidence until all of these steps are completed.

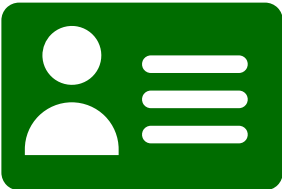
However, enrolling biometrics is often not possible, meaning the government will not validate and proceed to consider the application. In unstable environments, attending a VAC can be extremely dangerous, perhaps requiring applicants to travel hundreds or thousands of miles to attend a capital city.

In other instances, a VAC may not even exist or be operational. For example, when conflict broke out in Sudan in April 2023, the UK government closed their Khartoum VAC making it literally impossible for anybody in Sudan to enrol biometrics. The VACs in Afghanistan, Somalia, South Sudan, Syria and Yemen are also closed or have never operated – all countries where there are many stranded family members of UK-based refugees. The consequence is that applicants must make extremely dangerous border crossings, often with no entry clearance visa to a neighbouring country, to attend a VAC, and subsequently either wait for months or even years in that country while their application is decided, or make a second irregular and dangerous crossing back to the country once the UK government has decided their application. Safe Passage International report that getting to a VAC “can include crossing conflict zones and closed borders, with one in five having used smugglers to cross borders as part

of their journey to make their application”.¹⁷ In other words, attending a VAC can be extremely dangerous and presents a significant obstacle to even applying for family reunion.

In theory, the UK government can waive the requirement to enrol biometrics, with guidance on the process and requirements publicly available.¹⁸ However, the narrow way that the guidance is drawn combined with the government’s restrictive application means it is of little use to those individuals who are trapped in dangerous circumstances desperately needing flexibility to be applied.

The UK has though demonstrated that it can easily lift these requirements for particular groups – between 15 March 2022 and 7 December 2023, Ukrainian nationals were able to apply online to Ukraine visa schemes without needing to enrol their biometrics until after their arrival in the UK.¹⁹ Such a flexible and common-sense approach has never been applied to other conflict zones, such as Sudan, Afghanistan and now Gaza.



16 See for example: ‘Cuts that cost: The impact of legal did cuts on refugee family reunion’, Families Together, October 2020, available at: <https://families-together.uk/wp-content/uploads/2021/04/Cuts-that-cost.pdf>

17 ‘All Families Matter: An Inquiry into family migration’, House of Lords Justice and Home Affairs Committee, 28 February 2023, page 33, available at: <https://publications.parliament.uk/pa/ld5803/ldselect/ldjusthom/144/144.pdf>

18 ‘Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications)’, Version 3.0, 3 May 2024, available at: <https://www.gov.uk/government/publications/biometric-information/unable-to-travel-to-a-visa-application-centre-to-enrol-biometrics-overseas-applications-accessible>

19 UKVI and Home Office guidance: Ukraine Scheme, available at: <https://www.gov.uk/government/publications/ukraine-scheme/ukraine-scheme-accessible#:~:text=The%20scheme%20enables%20Ukrainian%20nationals,to%20stay%20in%20the%20UK.>

PROBLEMS WITH GOVERNMENT GUIDANCE ON BIOMETRIC EXEMPTIONS AND DEFERRALS



As of February 2024, the government has approved just one person for biometric excusal.

The government’s biometric deferral/exemption guidance²⁰ itself is extremely narrow and designed to exclude almost all applicants, no matter their circumstances.

As Stuart McDonald MP said to the House of Commons concerning the biometric deferral policy, “even a cursory look at the relevant policy document shows that it is only in very few circumstances indeed where the Home Office allows that to happen”.²¹

The guidance details when a family reunion application may be pre-determined without biometric enrolment or enrolment is excused entirely. If the government agrees to pre-determine an application, it will decide it “in principle” before biometrics are enrolled. The applicant will still need to enrol their biometrics at a VAC before travelling to the UK, but provided no concerns are identified, the visa should then swiftly be formally issued, meaning there is no need for a prolonged period in a third country waiting for a decision.

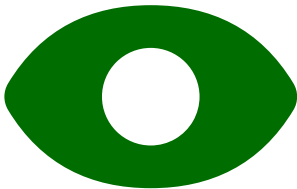
Figure 1: Extract from Government letter

circumstances beyond his apparent residence in Khartoum, the claim that your client is in imminent danger or faces any immediate threat is not a credible one; at least not beyond any hardships that any one of the other 126,000 Eritrean refugees in Sudan currently face.

Biometric excusal is when the government allows the applicant to come to the UK if the family reunion application is granted without enrolling their biometrics overseas. Once in the UK, they will however be required to enrol their biometrics at a Visa Service Support Centre (similarly to the process for Ukrainian nationals until December 2023).

The government has stated that the requirement to enrol biometrics will be “compromised only in the most exceptional circumstances”.²² However, in practice, the government applies this threshold so stringently that it effectively cannot be met, rendering the guidance itself redundant. For our child clients trapped in Sudan, the government has, for example, stated that being a child trapped in a war zone is insufficient, and there must also be something unique about the particular circumstances that go above and beyond the danger that would be faced by any other unaccompanied child trapped in a war zone. Meanwhile, in the context of Afghan resettlement schemes, the ICIBI recently recognised that the inability to even apply for biometric deferral/excusal was preventing women and girls from accessing the schemes as travelling to VACs in neighbouring countries was simply too dangerous.²³

20 ‘Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications)’, Version 3.0, 3 May 2024, available at: <https://www.gov.uk/government/publications/biometric-information/unable-to-travel-to-a-visa-application-centre-to-enrol-biometrics-overseas-applications-accessible>
21 Hansard Debate, Refugee Family Reunion Routes (Sudan), 29 November 2023, available at: <https://hansard.parliament.uk/commons/2023-11-29/debates/4121EA45-F2F4-41C4-B3B5-EBEECF8E6F1A/RefugeeFamilyReunionRoutesSudan>
22 Hansard Debate, Refugee Family Reunion Routes (Sudan), 29 November 2023, available at: <https://hansard.parliament.uk/commons/2023-11-29/debates/4121EA45-F2F4-41C4-B3B5-EBEECF8E6F1A/RefugeeFamilyReunionRoutesSudan>
23 ‘An inspection of the Home Office’s Afghan resettlement schemes’, Independent Chief Inspector of Borders and Immigration, February 2024, available at: https://assets.publishing.service.gov.uk/media/65e081203f6945001d035fcd/An_inspection_of_the_Home_Office_s_Afghan_resettlement_schemes__October_2022_to_April_2023.pdf



Case Study: Mustafa and sister, Adila

Mustafa, our UK based client, is seeking to bring his 16-year-old sister, Adila, to join him in the UK. She is an Eritrean national currently living in Sudan, having fled forced conscription and forced marriage in her home country. She was previously living in Khartoum with other adults who she didn’t know, but has now been displaced to another city in Eastern Sudan. The government refused her application to be exempted from biometric enrolment, despite the VAC in Sudan being closed and her status as an unaccompanied female child who is suffering severely with her mental health.

The refusal letter emphasised the need to ‘protect public safety’ by completing identity and background suitability checks using biometrics. The letter also stated that, because she had previously had assistance crossing the border from Eritrea to Sudan, she could also receive help in attending a VAC in a neighbouring country. There was seemingly no consideration of the danger this would entail, especially considering Adila’s specific characteristics and vulnerability.

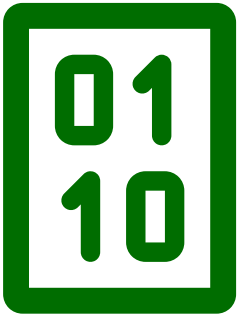
One year on from the conflict starting, Adila has still not been able to even submit her family reunion application.

Since the government introduced this guidance in May 2023, RAMFEL has submitted biometric deferral/excusal for 12 applicants. All applications were for people in countries with no VAC, with the majority unaccompanied children who were exceptionally vulnerable. The government refused all of these requests, though one remains pending, meaning none of these

applications were validated and progressed to consideration stage.

Our figures again sadly reflect broader trends, with the government confirming in response to a Freedom of Information request that as of 7 February 2024 they had approved only eight pre-determination requests. Staggeringly, they had also approved just one exemption request, meaning that in the nine months since their deferral/excusal guidance was introduced, just one person had managed to meet their test for biometric excusal. This despite there being ongoing conflicts in Sudan, Gaza, Afghanistan, Syria and Yemen, all countries with no VAC and from which people are desperately seeking to reunite with loved ones in the UK. (see Annex 1)

It is clear that the guidance on waiving biometric requirements is effectively redundant – if these bureaucratic requirements cannot even be waived for children trapped in war zones then it is difficult to see why the provision exists in the first place. This also means that those seeking to apply for UK visas from such conflict zones cannot clear the first hurdle of even submitting



Case study: Mohamed and Fatima

Mohamed is an Eritrean national with refugee status in the UK. His younger sister, Fatima, also fled Eritrea and was living alone in Sudan. At the beginning of the conflict, she was 15 years old, lived in constant fear, could regularly hear bombs falling, and was lacking food.

In March 2023, just few weeks before the Sudan conflict started, Fatima submitted a family reunion application. A biometric enrolment appointment was booked at Khartoum’s VAC, but due to the conflict the VAC closed before Fatima attended. Fatima’s entry clearance application process therefore completely stopped, with the government not even considering her case.

A few weeks after the conflict started, Mohamed told us that his sister had fled Khartoum. We later discovered that she has been trafficked to South Sudan and only released upon payment of a ransom. She continues to be at risk of kidnapping and sexual exploitation. South Sudan also does not have a VAC.

The UK government subsequently refused a request for biometric excusal. RAMFEL therefore attempted to book (and even pay) for a mobile biometric enrolment (i.e. for a VAC representative to go to South Sudan to allow Fatima to enroll her biometrics remotely). This was also refused.

a valid application for the government’s consideration. When we say there are no safe routes for those in places such as Sudan and Gaza, we are not exaggerating; people cannot make visa applications as they cannot enrol their biometrics and the government refuses to exempt them from this requirement.

The House of Lords Justice Committee in their report on family migration stated that “The Home Office should exercise its discretion to lift or delay the requirement to submit biometrics when this would involve travelling in dangerous conditions or outside the applicant’s country of residence. The Home Office should allow biometrics to be completed on arrival to the UK for a wider range of nationalities in crisis situations”,²⁴ Sadly, as seen, this is not happening and inevitably leads to people having no option but to seek alternative routes to the UK.

24 ‘Family Migration: Justice and Home Affairs Committee Report’, 11 September 2023, available at: <https://lordslibrary.parliament.uk/family-migration-justice-and-home-affairs-committee-report/#:~:text=The%20committee%20found%20that%20family,badly%20by%20the%20Home%20Office.>

DELAYS HAVE SERIOUS CONSEQUENCES

As with almost all UK visa application processes, family reunion decisions are subject to excessive delay.

The ICIBI has published regular reports criticising the government’s management of family reunion applications, in February 2023 concluding that their performance since 2019 had “deteriorated”,²⁵

The ICIBI has further found “a system beset with delays and a team ill-equipped to manage the complexity and volume of applications” and that the scale and growth of the backlog was staggering. Their inspection found there to be 8,000 pending applications, 72% of which were already outside of the 12-week service standard. Almost 40% had been waiting twice as long. The Home Office was “constantly firefighting”: prioritising only those cases where legal action had been threatened, or an MP was chasing a decision – creating a two-tier system. This mirrors RAMFEL’s experiences, with family reunion applications (even those classified as “straightforward” and meeting the requirements under Appendix family reunion) frequently subject to unjustifiable delays with potentially seriously harmful and even fateful consequences for those affected.

These delays are arguably more harmful than delays for other types of visa applications, such as those that do not concern protection issues, or where the applicant is already safe in the UK. When it comes to family reunion applications, delays usually mean vulnerable people are trapped for longer living alone or in precarious circumstances, at risk of kidnapping, imprisonment, exploitation or trafficking. RAMFEL, for example, have clients who are at direct risk of being kidnapped and returned to their country of origin, where they fled conflict, persecution or forced conscription. Other clients are children who are at risk of being conscripted to the army in the country that they are residing, whilst one of our clients was kidnapped and held for ransom. In one tragic case, two people in Gaza died whilst waiting for

the government to just consider their biometric deferral/excusal request.²⁶

Our sample pool referred to in the previous section included 30 applications submitted in the last 12 months, though 1 was withdrawn as the applicant died. 12 of these applications have been decided, with an average waiting time of 121 days, way beyond the 12-week period the ICIBI identified. The 17 outstanding applications had been pending on average for 195 days, with three pending for over 300 days. This also does not take into account the time spent preparing the application, gathering relevant evidence and securing expert reports, which as detailed is not only expensive but time consuming.

When families are reunited, not only does this allow the sponsor to finally “get on with their life” but it also enables them to help their arriving family members to more rapidly and effectively establish themselves in the UK. The fact that it is a key priority for refugees upon arrival in a new country is widely documented,²⁷ as is the harmful impact of delaying reunification. The European Commissioner emphasised that “separation causes severe stress, social isolation and economic difficulties that prevent a normal life”,²⁸ and the UNHCR has repeatedly stressed that reunification reinforces the social support system available to a refugee and is vital to the integration process. Making it quicker and more straightforward for refugees to reunite with close family members, would greatly benefit UK based refugees and broader society as they would find settling into UK life far easier than remaining stuck in limbo for a prolonged period.

At the very least, it should not be taking up to a year to process family reunion applications, especially as for many that does not even result in their visas being issued.

25 ‘A reinspection of family reunion applications’, Independent Chief Inspector of Borders and Immigration, February 2023, available at: <https://www.gov.uk/government/news/inspection-report-published-a-reinspection-of-family-reunion-applications-september-october-2022>

26 ‘Two Palestinians died waiting for Home Office to waive fingerprint rules’, The National, 24 March 2024, available at: <https://www.thenational.scot/news/24205662.two-palestinians-died-waiting-home-office-waive-biometric-rules/>

27 ‘Information note on family reunification for beneficiaries of international protection in Europe’ European Council on Refugees and Exiles (ECRE), June 2016, available at: https://ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Information-Note-on-Family-Reunification-for-Beneficiaries-of-International-Protection-in-Europe_June-2016.pdf

28 ‘Realising the right to family reunification of refugees in Europe’, Council of Europe Commissioner for Human Rights Issue Paper, available at: <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

POOR QUALITY OF FAMILY REUNION DECISION-MAKING

As RAMFEL and broader data on appeal rates demonstrates, government decision-making in family reunion cases is frequently poor, with the government having an inbuilt distrust of evidence and/or explanations provided and a clear propensity to look for reasons to refuse rather than approve applications. Though unsuccessful applicants are given written reasons for the government refusing their application, these decisions are often littered with errors, ignore key pieces of evidence and overlook key case law and relevant principles.

As detailed, it is often imperative to secure independent expert evidence, such as a report from an Independent Social Worker or the UNHCR in the applicants’ country of residence, to support family reunion applications. However, even when provided, the government frequently ignore such expert reports.

Other refusal letters RAMFEL have received contained inaccurate information about the family’s situation, cited non-existent requirements, and referred to application types or resettlement schemes not relevant to the application or no longer operational. In one case, the government fought the case all the way to court but then failed to provide a representative on the day of the appeal. This is a waste of time and resources for the applicant, their representative, and indeed the taxpayer, but most importantly keeps vulnerable individuals trapped in dangerous conditions overseas for no reason at all.

Such problems are particularly prevalent when it comes to applications outside of strict family reunion rules, such as under Appendix CNP. These applications require decision-makers to apply a complex set of principles and case-law, rather than follow a straightforward set of guidance. Such an approach is not fit for purpose when the government is effectively looking to refuse such applications, rather than exercise discretion, compassion and common-sense and approve them.

Data obtained through a Freedom of Information request shows that between 12 April and 30 September 2023, the government issued 37 visas under Appendix CNP, refusing 186 applications in the same period. This means the government approved just 17% of Appendix CNP applications, giving an indication of just how difficult it is to qualify for family reunion under this route. (see Annex 2)

17%

The government refused 186 applications under Appendix CNP, meaning they approved just 17% of applications received.

100%

RAMFEL has a 100% success rate challenging family reunion refusals in court, showing how often the government gets it wrong.

This reflects RAMFEL’s experiences, with it fully anticipated that applications under Appendix CNP will be refused; as detailed in section two, of our applications that the government approved at first instance, all met the requirements and were made under Appendix Family Reunion apart from one, comprising of six applicants. All our Appendix CNP applications were refused, even when the application was accompanied by significant independent evidence and clearly had a particularly compelling and sympathetic set of facts.

Since January 2022, we have though had a 100% success rate in challenging government refusal decisions, demonstrating just how poor their initial decision-making was. As we have 19 appeals still pending, we have every reason to be confident that the government’s refusal to grant family reunion will be reversed, though this is of little comfort to the families suffering as the court process drags on, especially those living in unimaginable danger in conflict zones overseas.

Case study: Ahmed and Sagal

Ahmed, a young refugee from Eritrea, fled indefinite military conscription. After several years in the UK, he discovered that two of his younger sisters had also fled and were in a refugee camp in Ethiopia. One was captured by Eritrean military and forcibly returned to Eritrea. Ahmed’s younger sister, Sagal, managed to escape to Addis Ababa, where she lived with other young people in a similar situation.

We applied for family reunion for Sagal, then aged 15. Sagal had no immigration status in Ethiopia, no adults to care for her, and no support to pay for food or accommodation. As part of her application, a report from an Independent Social Worker was provided, which concluded that Sagal was “at imminent risk of significant harm“, with the social worker stated that they “have never assessed a child to be at as at great risk of harm as [Sagal]”. After an 11-month wait, the government refused the application, with the decision making no reference to the social worker’s report.

We appealed against their decision, and after a six-month wait, Sagal finally had her day in court. The government did not bother to send a representative on the day of the hearing.

The judge allowed the appeal on the spot, and urged Ahmed to plead with his sister not to travel to Libya and seek to travel across the Mediterranean to Europe. In their written determination, the judge noted that there had been ‘a total failure by [the Home Office] to carry out fair or timely decision making for refugee family reunion or to consider the evidence’. Concurring with the social worker, the judge also found that Sagal was in ‘the most dangerous of circumstances and found to be at risk of imminent harm’.

This may sound like a happy ending, but we started working on Sagal’s visa application at the beginning of 2021 and she did not arrive in the UK until May 2023.

RAMFEL’s casework experience is clearly not an anomaly either. Additional data obtained under the Freedom of Information Act demonstrates that between 2019 and 2022, 66% of appeals against family reunion decisions have been successful. Whilst not quite as high a success rate as our own figures, two thirds of government refusal decisions are still overturned on appeal, an astonishingly high rate considering the stakes. (see Annex 3)

The government has refused to disclose data about appeal success rates from 2023 onwards, advising that they are “currently in the process of transitioning to a new casework system and development of a statistical reporting system”, and that it would consequently require a “manual trawl” to provide the figures. Based on our experiences, there is no reason to believe the quality of decision-making improved in 2023 though, and the family reunion system as

it stands sees the government refuse the vast majority of applications, but courts then overturn the vast majority of these decisions on appeal. (see Annex 4)

Year	Refusals	Total Appeals Heard FTT	Appeals Allowed at First Tier	
			Count	%
2019	1,422	90	71	79%
2020	1,394	244	138	57%
2021	2,078	867	559	64%
2022	1,189	905	618	68%
Grand Total	6,083	2,106	1,386	66%

Not only does this raise serious concerns about the standards of government decision-making, but these incorrect refusals have grave consequences for applicants and UK based sponsors. For those that go through the appeals process, it creates extended and ultimately entirely unnecessary delays, with it often taking up to a further year for an appeal hearing to actually make it to court.²⁹

29 As of December 2023, the average waiting time for an appeal hearing was 43 weeks. See quarterly Tribunal statistics at: <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-july-to-september-2023/tribunal-statistics-quarterly-july-to-september-2023#immigration-and-asylum>

This in turn makes applicants in conflict zones more likely to lose hope of being granted their visa to the UK and instead attempting irregular and dangerous border crossings. A recent report from the Refugee Council and Safe Passage found that more than a quarter of the children the latter organisation was working with on family reunion applications had given up and sought alternative routes to the UK.³⁰

Additionally, the crisis in immigration legal advice and the lack of availability of legal aid for family reunion means that many will be blocked from the appeals process completely. Those who are unrepresented may not even be aware of their right to appeal upon the government refusing their application, and if they are may have no idea how to submit an appeal.

There is a more fundamental point here that applies to the government's decision-making on visa applications and culture beyond the family reunion department. Poor decisions, inflexibility and the inability to see the human being behind the case file, are deep-rooted institutional problems that have been present in the Home Office for years and revealed most strikingly by the Windrush scandal. No other public body gets decisions wrong so reliably, least of all when there are life and death consequences.



THE LACK OF FUNCTIONING SAFE ROUTES DRIVES IRREGULAR MIGRATION

“The Families Together Coalition told us that the UK was “an outlier in Europe” because, with Switzerland, it was the only country not to make any provisions for child refugees to sponsor their families. Until recently, children could join relatives in the UK or elsewhere in the EU for their respective asylum claims to be heard together. This arrangement, which derived from the EU’s Dublin III Regulation, no longer exists. This has had an effect not only on child refugees in the UK but on those attempting to join them. Safe Passage International told us that, in 2021, more than half of the unaccompanied children [they] worked with lost faith in the legal process and travelled to the UK irregularly, instead of pursuing an application under UK’s Immigration Rules”.



This passage, from the House of Lords Justice and Home Affairs Committee, rings true.³¹

For UK based sponsors, safely bringing their loved ones to the UK is invariably their main priority, and as noted many are unable to truly start their lives in their new home until they are reunited.

30 ‘Families Belong Together: Fixing the UK’s broken family reunion system’, Refugee Council and Safe Passage, 13 May 2024, available at: <https://www.refugeecouncil.org.uk/latest/news/refugee-family-reunion-policy-is-broken-and-leading-to-dangerous-channel-crossings-warn-leading-charities/>

31 ‘All Families Matter: An Inquiry into family migration’, House of Lords Justice and Home Affairs Committee, 28 February 2023, page 30, available at: <https://publications.parliament.uk/pa/ld5803/ldselect/ldjusthom/144/144.pdf>



For those waiting to come to the UK, the consequences could not be more grave. We have referred at several points during this report to the risks of destitution, kidnapping, trafficking, exploitation or even enslavement, refolement and forced conscription that our clients, who are often children, face while they are waiting for a family reunion decision. The result: many see no hope of reuniting with their loved ones through the family reunion application process and take matters into their own hands, attempting dangerous journeys. The British Red Cross found that many people crossing the Channel have family members in the UK,³² and internal government documentation confirms that at least one third of refugees who choose to come to the UK do so because of family ties. (see Annex 5)

There is always the risk that people in these dire circumstances will give up hope and seek to come to the UK through irregular means, which is exactly what some of our clients based in Sudan did. This again is not merely borne out by RAMFEL’s experiences, but was again recognised by the ICIBI, who found in his 2022 report that “the lack of an effective family reunion route carries with it the risk that vulnerable people will resort to dangerous journeys to join their family members in the UK”³³.

Case study: Yousif and Daoud

Yousif is a refugee here in the UK seeking to apply for family reunion for his 16-year-old brother, Daoud. Daoud fled Eritrea in order to avoid conscription, living in Khartoum when the application was made. However, he was still waiting for a decision when conflict in Sudan erupted, with the government not prioritising his case despite the urgency.

With no other options, Daoud fled to South Sudan and subsequently to Libya, where he is currently being arbitrarily detained without trial. This has caused immense anguish and distress for Yousif, and it is now impossible to progress the family reunion application because neither us nor Yousif can contact Daoud. Had the government acted more swiftly and prioritised this urgent case of a child trapped in a war zone, they might have been able to prevent him embarking on a dangerous journey to reach Europe.

32 ‘Facts about Channel crossings and why people make them’, British Red Cross, available at: <https://www.redcross.org.uk/stories/migration-and-displacement/refugees-and-asylum-seekers/5-reasons-people-cross-the-channel#:~:text=Sometimes%20people%20come%20here%20to,Everyone’s%20story%20is%20different>
33 ‘A reinspection of family reunion applications’, Independent Chief Inspector of Borders and Immigration, February 2023, available at: <https://www.gov.uk/government/news/inspection-report-published-a-reinspection-of-family-reunion-applications-september-october-2022>

Figure 2: Extract from Government refusal decision

In the UNHCR Report it is recommended that you reunite with you sponsor in the UK as you will otherwise embark on a hazardous journey across North Africa and the Mediterranean to Europe. This recommendation is based on speculation, as it cannot be said conclusively what you may or may not decide to do in future, and there is no objective evidence that supports this conclusion.

The government constantly talks tough on reducing irregular migration but either refuses to understand or is unwilling to understand its root causes. It refuses to accept the link between restrictive family reunion policies and poor decision-making, and the use of irregular routes such as crossing the Channel. For example, in a recent family reunion refusal decision, the government concluded:

“In the UNHCR Report it is recommended that you reunite with you sponsor in the UK as you will otherwise embark on a hazardous journey across North Africa and the Mediterranean to Europe. This recommendation is based on speculation, as it cannot be said conclusively what you may or may not decide to do in future, and there is no objective evidence that supports this conclusion.”

Sadly, as repeatedly agreed by experts in the field, such assessments are far from speculation, but instead a reflection of the lack of choices for those living in extreme danger and seeking to reunite with UK based family.

Case study: Abdi, Abshir and Mohamed

Abdi, who was separated from his mother at a young age after she fled Somalia, was so desperate to be reunited with his only surviving family members (his brothers in the UK, Abshir and Mohammed) that he considered taking a dangerous journey across the Mediterranean. Abshir had himself travelled to the UK irregularly, having twice applied for and been refused family reunion with Mohamed in 2015.

Abshir repeatedly urged his younger brother against travelling irregularly, warning him about his own traumatic journey in which he witnessed friends dying, and was imprisoned for a period with adults in dire circumstances. In Abshir’s words, “The only hope he has is to come and be reunited with us. If not, the only route he has to go down is the one that I did, the smuggler’s route.”

After months of gathering evidence, we submitted Abdi’s family reunion application in January 2022. Evidence included a UNHCR report that warned that Abdi was at risk of embarking on a dangerous journey to reach Europe; this was reiterated by Abdi’s two brothers in the UK, and by Abdi himself. The UNHCR further warned that remaining in Ethiopia put Abdi ‘at risk of exploitation and abuse’ and that ‘the situation of children without any support is dire’, with many forced into labour in order to feed themselves.

The government, however, refused Abdi’s application partly on the basis that it was merely ‘speculation’ that Abdi might take this dangerous journey.

At the appeal itself though, the presiding judge, ruling in Abdi’s favour, concluded that:

“I find that if this appeal was refused, the Appellant would undertake the dangerous and illegal journey to the UK. The result of all of this would lead to unjustifiably harsh consequences for the Appellant if he was refused entry clearance.

SUDAN: AN ABJECT FAILURE OF THE UK’S FAMILY REUNION SYSTEM

Since April 2023, Sudan has been engulfed in violence concentrated in densely populated urban areas that have put many people at risk.

The United Nations humanitarian chief stated in October 2023 that the conflict has created “one of the worst humanitarian nightmares in recent history.”³⁴ He further stated that: “Horrific reports of rape and sexual violence continue to emerge, and clashes are increasingly taking place along ethnic lines, particularly in Darfur.” Food distribution has been badly affected, with the UN describing the conflict in March 2024 as the “world’s worst hunger crisis”³⁵, where “basic services are crumbling.”³⁶ Millions of people have been forced to flee³⁷ and the World Health Organization estimated earlier this year that nearly 8 million people have been displaced.³⁸ Over 15,000 people are believed to have died.³⁹

In recognition of the severity of the situation, the UK government evacuated 2,450 people to the UK, including 1,243 British nationals and 1,207 other nationals, on 24 flights out of Sudan from 25 April to 3 May 2023.⁴⁰ It has though done nothing to introduce any sort of resettlement schemes for those in Sudan, even when clear family ties exist in the UK. In fact, then-immigration minister Robert Jenrick justified the government’s failure to introduce any such scheme by saying they would “continue to provide safe and legal routes to the UK for those that require it,” suggesting that people in Sudan did not require such routes. (see Annex 6)

34 ‘UN aid chief says six months of war in Sudan has killed 9,000 people’, AP News, 15 October 2023, available at:<https://apnews.com/article/sudan-war-military-rsf-conflict-khartoum-f12975eb72c830ed86ed6a7a49e9658d>

35 ‘11 months into Sudan war, ‘world’s worst hunger crisis’ looms, UN News, 6 March 2024, available at: https://news.un.org/en/story/2024/03/1147287?_gl=1*5k46rw*_ga*M*TYwMjM4NzEwMy4xNzEwODQ4MDM2*_ga_TK9BQL5X7Z*MTcxMDg0ODAzNi4xLjEuMTcxMDg0ODAzNy4wLjAuMA..

36 tatement by UN Undersecretary-General Martin Griffiths from 15 October 2023, available at: <https://reliefweb.int/report/sudan/sudan-reeling-after-six-months-war-statement-martin-griffiths-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-enar>

37 ‘Fighting surges in Sudan even as ceasefire is extended’, The Guardian, 28 April 2023, available at: <https://www.theguardian.com/world/2023/apr/27/fighting-surges-in-sudan-as-three-day-ceasefire-comes-to-an-end>

38 ‘Urgent action needed to reach the most vulnerable in Sudan with life-saving health services’, World Health Organisation, 8 February 2024, available at: <https://www.emro.who.int/sdn/sudan-news/urgent-action-needed-to-reach-the-most-vulnerable-in-sudan-with-life-saving-health-services.html>

39 ‘Sudan Humanitarian Update’, Relief Web, 15 May 2024, available at: <https://reliefweb.int/report/sudan/sudan-humanitarian-update-15-may-2024-enar>

40 Written question submitted to the Foreign, Commonwealth and Development Office on 5 July 2023, available at: <https://questions-statements.parliament.uk/written-questions/detail/2023-07-05/192467>



Then immigration minister Robert Jenrick suggested that those in Sudan did not require safe routes to the UK.

Prior to the outbreak of conflict in Sudan in April 2023, RAMFEL was representing ten UK based clients, who collectively were and are applying (or trying to apply) for 14 family members trapped in Sudan to join them here. Of these, 13 were children. The majority are Eritrean nationals who have fled their home country and were already living in precarious circumstances in Sudan.

All 14 people were living in extremely dangerous conditions, yet all were persisting with the labyrinth application process to join their family in the UK. To date, over one year later, only two have had their family reunion applications processed and managed to safely travel to the UK. In one of these cases, we had to take the government to court to challenge their decision to refuse the application, with the government claiming in court that the outbreak of conflict in Sudan was not a change of circumstance that meant the case needed reconsidering.

These children face a number of acute dangers including kidnapping, trafficking or exploitation. They also face pre-existing discrimination as Eritrean nationals in Sudan, and remain at risk of refoulement. The lack of options to leave Sudan made it inevitable that they may commence a dangerous journey to reach the UK, as they would see no other option to safely reunite with their family members. Several of our clients who are unaccompanied minors did indeed leave Sudan, with one currently arbitrarily detained in Libya and another trafficked to South Sudan and raped en route

In April 2023, Khartoum’s VAC closed. This meant that those in Sudan effectively could not make applications for family reunion, as without

Figure 3: Extract from MP enquiry response

Visa applications are made online, and you will need to submit biometrics at a Visa Application Centre, prior to travel to the UK.

Due to the current situation in Sudan, the Visa Application Centre in Khartoum Sudan, is temporarily closed until further notice.

Visa Application Centres are open and operating in neighbouring countries. However, travel across Sudan is conducted at your own risk, and under your own discretion, considering whether it is safe to do so.

If you had already applied for a visa and given your biometrics, you can contact UK Visas and Immigration for information.

You can call the UKVI Contact centre on +44 (0)300 790 6268 - select option 1.

attending a VAC their application would not be validated and considered. The UK government’s position on this was staggeringly inflexible and callous, with them responding to an MP enquiry as follows:

“Visa applications are made online, and you will need to submit biometrics at a Visa Application Centre, prior to travel to the UK. Due to the current situation in Sudan, the Visa Application Centre in Khartoum Sudan, is temporarily closed until further notice. Visa Application Centres are open and operating in neighbouring countries. However, travel across Sudan is conducted at your own risk, and under your own discretion, considering whether it is safe to do so.”

Despite Sudan now being a war-zone and the VAC being closed, the government was refusing to waive biometric requirements. Instead they were directing individuals, including vulnerable unaccompanied children, to take dangerous journeys across a conflict zone, and to undertake irregular border crossings. This was exactly what our client who is now arbitrarily detained in Libya did.

The UK government’s inaction actually meant that refugees in Sudan were now in a far worse position than those applying to enter the UK from non-conflict countries, because the closure of Khartoum’s VAC made it impossible to complete the required bureaucratic processes before the government would even consider their family reunion applications. This was in direct contrast to the government’s response to the Ukraine crisis, when many application procedures were relaxed or withdrawn entirely.

One year on, of the 14 clients we were representing in Sudan:

- Eight remain trapped in Sudan, most of whom are children living in precarious living situations, in a war zone, facing extreme risks. We have lost contact with one. Within this group, two – both unaccompanied child refugees from Eritrea – are facing particularly dire and unsafe living conditions, at risk of forced conscription into the Sudanese military. Another two children we represent remain in the city of Omdurman, where they witnessed a member of their household being killed when their home was raided and looted. One of the children was also beaten during this incident. He describes the terror they live in: “Ever since the war started, the situation has become extremely dire, and our fears are renewed every single day, listening to the sounds of gunshots, heavy weaponry, helicopters and artilleries, fearing assault, violence, rape, looting or theft.” Their family reunion application was submitted in November 2022 and the application has still not been fully processed.
- Four have left Sudan, undertaking dangerous irregular border crossings. Two siblings are now in Uganda, one is arbitrarily detained in Libya and the third is in South Sudan.
- Just two have arrived in the UK.

The government has not agreed to waive or defer the biometric enrolment requirements for any of these 14 people, raising the question of who – if not an unaccompanied child in a war zone – could possibly meet the threshold imposed.

Conclusion and recommendations

The government’s focus since 2022 has been on trying to get its flagship Rwanda scheme off the ground. They consistently assert, with no evidence, that this will act as a deterrent and prevent refugees from taking dangerous journeys to the UK.

Boris Johnson, Priti Patel, Rishi Sunak, Suella Braverman, James Cleverly and a host of other government ministers have repeatedly said that refugees should use so-called “safe and legal routes” to get to the UK, with many, most notably Braverman, shamelessly claiming, either through sheer ignorance or in a deliberate attempt to mislead the public, that refugees hoping to come to the UK should apply through the UNHCR. In reality, the UNHCR selects refugees for resettlement and there is no process to even apply. In the year ending September 2023, the UK resettled just 1,810 refugees, a 73% decrease on the previous year.⁴¹

For the vast majority of refugees, resettlement is therefore not an option. However, family reunion, for those with clear UK family ties, could and should enable them to simply apply for visas and consequently safely travel to the UK. As we have shown in this report though, the family reunion scheme as it currently operates is failing in every metric, with those in conflict zones particularly affected by inflexible and burdensome rules and procedures, such as mandatory VAC attendance, that in many cases prevent people from even making an application. If a person is actually able to submit an application, the likelihood is that the government will refuse it and a lengthy and expensive court battle will ensue. With no prospect of securing family reunion, those fleeing conflict and with clear UK family ties have no choice but to embark on dangerous journeys.

It does not have to be this way. The government showed when responding to the Ukraine crisis that it can act swiftly and decisively, relaxing bureaucratic requirements that are not fit for purpose in a war zone and adopting a progressive and expansive definition of “family members”

to ensure UK residents can reunite with their loved ones. Sadly, such responses have not been replicated in Afghanistan, Sudan or Gaza, with the government barely trying to conceal the fact that this is because they have prioritised assisting white Ukrainians.

If though the government is serious about preventing dangerous journeys, there are five measures they could take to recalibrate and improve the family reunion system. With many people crossing the Channel having UK family ties, creating a visa route that allowed them to actually safely seek entry to the UK would unquestionably reduce the need for people to take alternative routes.

Recommendation 1 – Expand the definition of family member

The government’s current definition of “family member” under Appendix Family Reunion is simply too restrictive and not fit for purpose. Limiting family reunion to pre-flight spouses and essentially minor children only does not recognise both the wider role “extended family members” play in many other cultures, but also how conflict and displacement can drastically reshape the composition of family units, with older siblings in particular often assuming de facto parental roles.⁴²

An immediate start would be allowing child refugees to sponsor their parents, but also allowing refugees to sponsor minor siblings without having to meet the almost insurmountable thresholds that exist under Appendix CNP.

Recommendation 2 – Defer the requirement to attend a VAC when there is no operational VAC in the country of application

The government’s response to the crises in Sudan and Gaza has been shameful. People trapped in such unimaginably dangerous environments undoubtedly need to seek sanctuary elsewhere, and if they have UK family ties it is entirely understandable that they will seek to make their way here. The VAC closures though have literally made it impossible for them to even apply for family reunion unless they embark on a dangerous and, in many cases, undertake irregular cross-border journey to attend a VAC in a neighbouring country. In short, it’s not just that the visa routes available are too restrictive for those in Sudan and Gaza, it’s that they are effectively closed in the absence of a functioning VAC.

The failure to acknowledge this and still require VAC attendance means those from the most dangerous corners of the planet cannot apply to come to the UK. In conflicts such as these, the government should immediately defer or suspend biometric enrolment requirements and proceed to consider family reunion applications in principle, with people able to enrol in a third country or on arrival in the UK once their application is approved.

Recommendation 3 – Improve family reunion decision-making

The most recently available figures from 2022 show that in 66% of appeals against family reunion refusals, the government loses. Since 2022, RAMFEL have won 100% of our court challenges to family reunion refusals. Such poor-quality government decision-making should not be allowed and shows either a deliberate attempt to refuse applications and/or gross institutional incompetence.

Though the government loses most appeals, there are lengthy waiting times for those bringing the challenges and for those in conflict zones, they cannot sit tight and wait. These appeals are also a waste of public funds, with the government spending vast sums defending decisions it has clearly got wrong. Rather than look for reasons to refuse applications, when a person with clear UK ties applies for family reunion, the government should look to approve the application and facilitate a safe route.

Recommendation 4 – Decide family reunion applications quicker

It is no secret that visa decision-making is beset with delays; this includes family reunion, with the average processing time for RAMFEL’s applications well beyond the 12-week service standard the ICIBI identified.

The government could remedy this by recruiting more family reunion decision-makers. A simple way of raising the necessary funds could be to re-direct money earmarked for its Rwanda scheme, which will cost a staggering £541 million if 300 refugees are eventually sent there.⁴³ If just some of this money was spent on hiring more family reunion decision-makers, application processing times could be slashed and UK based sponsors would in turn find it far easier to convince their family members to remain patient whilst their claim is decided. This would again actually reduce the need for refugees with clear UK family ties to embark on dangerous journeys.

Recommendation 5 – Restore legal aid for all family reunion applications

All family reunion applications should be brought back within scope of legal aid, especially whilst the existing rules remain in place. The current system is simply far too complex to navigate without legal representation, but the need for expert evidence means paying for private representation is again not possible for many, especially newly arrived refugees.

The inability to secure legal representation again means for many there is no possibility of actually applying for family reunion, despite potentially qualifying, and therefore no safe route actually exists.

Improving access to legal representation would again aid UK based sponsors in persuading overseas family members that there is hope of them making it to the UK and once more reduce the need for dangerous journeys.

41 National Statistics, Safe and legal (humanitarian) routes to the UK, 7 December 2023, available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2023/safe-and-legal-humanitarian-routes-to-the-uk#resettlement>

42 ‘Rwanda plan to cost UK £1.8m for each asylum seeker, figures show’, The Guardian, 1 March 2024, available at: <https://www.theguardian.com/uk-news/2024/mar/01/rwanda-plan-uk-asylum-seeker-cost-figures#:~:text=The%20overall%20cost%20of%20the,over%20the%20five%2Dyear%20deal>

ANNEX 1 - DATA ON BIOMETRIC DEFERRALS AND EXEMPTIONS



Freedom of Information
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Central Operations
PO Box 3468
Sheffield
S3 8WA

Nick Beales

Email:
FOIRequests@homeoffice.gov.uk

Email: Nick.Beales@ramfel.org.uk

www.gov.uk/ukvi

FOI Reference: 2023 04179

18 March 2024

Dear Mr. Beales,

Thank you for your e-mail of 9 October 2023, in which you requested information in respect of Visa application centres. Your request is being handled as a request for information under the Freedom of Information Act 2000 (FOIA). We apologise for the delay in responding to your request.

Information Requested

I am writing to request disclosure of the following data:

- How many applications for biometric excuse have been granted since the publication of the Home Office policy ‘Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications)’¹ on 5th May 2023.
- How many requests for pre-determination of applications (without requiring the enrolment of biometrics at the time of application) have been granted since publication of the Home Office policy ‘Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications)’ on 5th May 2023

¹ =
https://assets.publishing.service.gov.uk/media/6453a646faf4aa000ce132f6/Biometric_enrolment_guidance_-_unsafe_journeys.pdf



Response

Please note that of 7 February 2024 there were 8 Predeterminations cases and 1 Excusal case that had been authorised.

Please note, as these figures have been taken from a live operational database, the numbers may change as information on that database is updated.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to **foirequests@homeoffice.gov.uk**, quoting reference **2023 04179**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff not involved in providing you with this response. If you remain dissatisfied after this internal review, you have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

A link to the Home Office Information Rights Privacy Notice can be found in the following link. This explains how we process your personal information: -
<https://www.gov.uk/government/publications/information-rights-privacy-notice>

Yours sincerely

M Egerton
Central Operations

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZN>

ANNEX 2 - DATA ON
APPENDIX CNP REFUSALS



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Reference: FOI2023/00440

7th February 2024

Dear [REDACTED]

Thank you for your enquiry of 3 November 2023. Your enquiries have been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

1. Please provide the number of applications under Appendix Child Non- Parent relative post 12 April 2023 2. Please provide the number of applications granted under Appendix Child Non- Parent relative post 12 April 2023 3. Please provide the number of applications refused under Appendix Child Non- Parent relative post 12 April 2023

Response

Please find attached, “FOI 2024 00440 – Annex 1” containing the information that you have requested.

Your attention is drawn to the fact that in line with Published Statistics, these figures are only up to the end of September 2023. Data for the fourth quarter (October - December) of 2023, will be published on 29 February 2024.

A link to the data is here below:



[Migration transparency data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/migration-transparency-data)

Please note, as these figures have been taken from a live operational database, the numbers may change as information on that database is updated.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference **FOI2023/0440**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department’s handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOI Act.

Yours sincerely

G. Heppenstall
Customer Services

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

FOI 2024/00440

[REDACTED]

- 1. Please provide the number of applications under Appendix Child Non- Parent relative post 12 April 2023
- 2. Please provide the number of applications granted under Appendix Child Non- Parent relative post 12 April 2023
- 3. Please provide the number of applications refused under Appendix Child Non- Parent relative post 12 April 2023

Our records indicate that...

Report 1 - Applications Made
Overseas data from CRS
UK and UK BIVs Destination
Endorsement is: 223- TO JOIN RELATIVE
Application Date > 12-Apr-2023 and <=30-Sep-2023

Table 1 - The number of 'TO JOIN RELATIVE' applications made after 12-Apr-2023 but on or before 30-Sep-2023.

Number of Applications Made
173

Report 2 - Visas Issued/Refused
Overseas data from CRS
UK and UK BIVs Destination
Endorsement is: 223- TO JOIN RELATIVE
Last Resolved Date > 12-Apr-2023 and <=30-Sep-2023
Last Resolved Outcome is either Issue or Refuse

Table 2 - The number of 'TO JOIN RELATIVE' visas issued or refused at last resolved outcome after 12-Apr-2023 but on or before 30-Sep-2023.

Number of Visas Issued	Number of Visas Refused
37	186

Notes
Data can only be provided to 30-Sep-2023 in line with published data.
The endorsement which constitutes Appendix Child Non- Parent Relative provided by Ops.
The visas issued/refused in Table 2 are **NOT** a subset of the applications made in Table 1.
Visas issued and refused are at last resolved outcome in line with published data.
Table 2 only includes those applications which have had visas issued or refused (at last resolved outcome) they do not include any other outcomes i.e. withdrawn or revoked as not specifically asked for.

1 These figures have been taken from a live operational database. As such, numbers may change as information on that system is updated.
2 Data extracted on 18-Jan-2024

ANNEX 3 - DATA ON FAMILY REUNION
APPEALS FROM 2019–2022



Rudy Schulkind
rudy.schulkind@ramfel.org.uk

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Services
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FOI Reference: 74351

31 May 2023

Dear Ms Schulkind

Thank you for your enquiry of 2 February 2023, in which you requested information relating to applications for refugee family reunion visas. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

The information I am requesting relates to applications for refugee family reunion visas.

- 1. How many applicants were refused family reunion, in
 - a. 2019
 - b. 2020
 - c. 2021
 - d. 2022
- 2. How many people appealed against those decisions, and what was the success rate of those appeals. Again, please provide the statistics for
 - a. 2019
 - b. 2020
 - c. 2021
 - d. 2022

Response

Please find the attached Excel document, which contains the information that you have requested.

Please be aware that these figures have been taken from a live operational database. As such, numbers may change as information on that system is updated.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference **74351**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff not involved in providing you with this response. If you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

A link to the Home Office Information Rights Privacy Notice can be found in the following link. This explains how we process your personal information:
<https://www.gov.uk/government/publications/information-rights-privacy-notice>

Yours sincerely

D Lowe
Customer Operations Support Services

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

Table 1 - Count of Family Reunion Applications refused per year

Refusal Year	Count
2019	1,422
2020	1,394
2021	2,078
2022	1,189
Grand Total	6,083

Table 1 Criteria

Data taken from CID
Application case type = Family Reunion Out of Country
First Case outcome is "Refused"
First Case Outcome date between 01/01/2019 and 31/12/2022
Count includes main applicants and dependants

Table 2 - Count of Family Reunion appeals heard at first tier and the number allowed/dismissed

Appeal Outcome Year	Total Appeals Heard at First Tier	Appeals Dismissed at First Tier		Appeals Allowed at First Tier	
	Count	Count	%	Count	%
2019	90	19	21%	71	79%
2020	244	106	43%	138	57%
2021	867	308	36%	559	64%
2022	905	287	32%	618	68%
Grand Total	2,106	720	34%	1,386	66%

Table2 Criteria

Data taken from CID
Application case type = Family Reunion Out of Country
Appeal case types included
 First Tier Hearing
 Immigration Judge Hearing
 Panel Hearing
Appeal Outcome Date between 01/01/2019 and 31/12/2022
Appeal outcome is allowed or dismissed
Count includes main applicants and dependants
Data is not a subset of the figures in Table 1
Where multiple hearings are recorded against one person/appeal all hearings are included

ANNEX 4 - HOME OFFICE REFUSAL TO DISCLOSE
2023 FAMILY REUNION APPEAL DATA



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Mr Rudy Schulkind
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www.gov.uk/ukvi

FOI Reference: FOI2024/00587

12 March 2024

Dear Mr Schulkind,

Thank you for your enquiry of 17 January 2024. Your enquiries have been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

*How many applicants were refused family reunion in 2023
How many of those people appealed against those decisions, and what was the success rate of those appeals.*

Response

Under section 12(1) of the FOIA, the Home Office is not obliged to comply with an information request where to do so would exceed the appropriate limit. We estimate that the cost of locating and collating any relevant information and extracting the information to meet your request would exceed the appropriate limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it. The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information can be included in the costs for these purposes.

This is because the information that you have requested is not held centrally in a reportable format. The Home Office is currently in the process of transitioning to a new casework system and development of a statistical reporting system for it is still



ongoing. Appeals are increasingly recorded in the new casework system, but also across a legacy system and we are currently unable to identify and collate statistics for them without a manual data trawl. It is estimated that the time taken to search for and collate any information falling within scope of your request would exceed the appropriate limit, therefore section 12 of the Act is engaged.

If you submit a refined request, for example, by narrowing the timescales down and only seeking data to 31 March 2023, we may be able to comply with a future request. However, I cannot guarantee that this would be the case. I should also point out that if you submit a revised request it is possible that other exemptions in the Act might apply.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference FOI2024/00587. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department’s handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOI Act.

Yours sincerely

A. Chapple
Customer Services


We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

ANNEX 5 - HOME OFFICE PRESENTATION ON DRIVERS OF IRREGULAR MIGRATION

Social networks often play an important role in shaping migrant decision-making and movements

Where migrants can exert a degree of agency over their destination choice, **social networks** often play an important role in shaping their journeys. These networks are usually understood to comprise **friends and family members, community organisations and intermediaries**.

 **How do social networks impact migrant decision making?**

- Social networks act as **facilitators of information** relating to:
 - Feedback mechanisms relating to the overall migration experience and life in the destination country.
 - Knowledge of accommodation and housing facilities
 - Information on employment prospects, opportunities and labour market demand.
- The presence of family, friends and communities exerts a particularly strong effect on decisions of ultimate country of destination.
 - For example, research shows that the **presence of friends and family accounted for one third of asylum seekers reasons for choosing the UK** as a destination country.¹
- Social networks lower the barriers to migration and provide migrants with the confidence and security required for an **easier integration to society**

**Social networks are relied upon throughout the whole journey**

- Across the journey, social networks are used for both provision of information and access to financial resources.** This can often lead to decisions over ultimate destinations being made by those that fund the trip (e.g. family members) or ‘travelling companions’ met en route.
- Social networks are often vital whenever smugglers are required.** In many cases, migrants determine which smugglers to trust based on recommendations from individuals they already know.²

**The source of information provided needs to be trusted in order to influence migration journeys**


- Information is perceived as trustworthy when transmitted by social networks** with whom the asylum seeker already shares a relationship of (at least some) trust.
- However, this information can vary in **quality, quantity and accuracy** and can lead to differences between perceptions and the realities individuals face upon arrival³.
- Government information campaigns aim to provide accurate information relating to asylum policies and practices, but their impact is limited due to the following:
 - Migrants trust their own knowledge and sources more than foreign governments**
 - People are resistant to information they believe comes from a vested interest
 - Their immediate situation makes the journey worthwhile (in spite of the risks)⁴

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Home Office Analysis and Insight

ANNEX 6 - ROBERT JENRICK LETTER



Home Office

Rt Hon Robert Jenrick MP
Minister of State for Immigration

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Rt Hon Sir Stephen Timms MP
House of Commons
London
SW1A 0AA

DECS Reference: MIN/0987115/23
Your Reference: ST106592

4 September 2023

Dear Sir Stephen,

Thank you for your letter of 12 August to the Home Secretary requesting the introduction of a visa scheme to enable people in Sudan to reunite with relatives in the UK. I am replying as the Minister of State for Immigration.

The UK Government is monitoring the situation in Sudan closely to ensure that it is able to respond appropriately. We recognise that some people displaced by the fighting may wish to join family in the UK, and where those family members do not have a current UK visa, they can apply for one via one of our standard visa routes, which remain available, and applications can be submitted at the nearest Visa Application Centre. Guidance on how to apply for a family visa can be found at: <https://www.gov.uk/uk-family-visa>.

The UK has a proud history of supporting refugees. The latest available published Immigration Statistics show that between 2015 and June 2023, over half a million people were offered safe and legal routes into the UK.


The UK continues to welcome refugees through our existing resettlement schemes which include the global UK Resettlement Scheme, Community Sponsorship and the Mandate Resettlement Scheme.

These schemes are run in conjunction with the United Nations High Commissioner for Refugees (UNHCR), which has a global mandate to provide protection for refugees of all nationalities from across the world. Our global resettlement schemes do not involve an application process. Instead, the UNHCR will refer cases that they deem in need of resettlement to the UK, in line with their resettlement submission categories which are based on people’s needs and vulnerabilities.

While our safe and legal routes are some of the most generous anywhere, we cannot accommodate everyone who wants to come to the UK, and we are not able to open a bespoke route for every situation.

The UK has no plans to introduce a designated scheme for Sudanese refugees. However, we will continue to provide safe and legal routes to the UK for those that require it.

Yours sincerely,



Rt Hon Robert Jenrick MP
Minister of State for Immigration



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