

ANNEX A: INFORMATION SHEET – SAFE AND LEGAL ROUTES INCLUDING FAMILY REUNION FOR UNACCOMPANIED ASYLUM-SEEKING CHILDREN

This background information is intended to help you answer questions in this consultation. The Government has a proud record of providing protection to those who need it. Within this, we remain committed to the principle of family unity and to supporting vulnerable children.

Key stats

- Since 2010 we have granted protection or other forms of leave to over 44,000 children seeking protection.
- The UK received 3,775 asylum applications from unaccompanied children in 2019, more than any country in the EU and accounting for approximately 20% of asylum claims made in the UK and the 27 EU Member States.
- There are 5,000 unaccompanied children being cared for in England alone, a significant increase since before the 'migration crisis' in 2014.
- In the year ending December 2020, 5,428 refugee family reunion visas were issued to partners and children of those previously granted asylum or humanitarian protection in the UK.
- We have issued over 29,000 refugee family reunion visas in the last five years, with over half being for children.

Background

- Since the end of the transition period at 23h 00 on 31 December 2020, the UK is no longer bound by the Dublin Regulation – an EU instrument for determining which participating EU Member State is responsible for assessing an individual's asylum claim. Dublin includes provisions which allow for the family reunion of asylum seekers in one State with family members in another State, including for unaccompanied asylum-seeking children, adults and families (adults and accompanied children). Statistics on the Dublin Regulation can be found at the link below:
<https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#dublin-regulation>
- Under the existing UK Immigration Rules, unaccompanied asylum-seeking children, in Europe with family members in the UK, are able to apply to join those eligible UK sponsors, such as those with refugee leave or humanitarian protection or with British or settled status. Provisions also exist in the Rules for adults and accompanied children to reunite with relatives in the UK. These routes have not been affected by our exit from the EU or the end of the Transition Period.
- While the Trade and Cooperation Agreement between the European Union and the United Kingdom, which was signed on 24 December 2020, does not include provisions on family reunion for unaccompanied minors, the parties agreed a joint political declaration on asylum and returns. This noted the UK's intention to engage

in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration, in accordance with the Parties' respective laws and regulations. Ongoing co-operation on asylum and returns is in the interests of the UK and Member States and we are seeking to establish bilateral arrangements.

- Alongside work on bilateral arrangements, as part of our new global immigration system we are developing our future approach to safe and legal routes, including routes for family reunion for unaccompanied asylum-seeking children (UASC).
- Section 3 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 sets out a number of statutory duties on the Government, including to:
 - a) review legal routes to the UK for protection claimants in the EU – including for the family reunion of unaccompanied asylum-seeking children;
 - b) publicly consult on legal routes for family reunion for unaccompanied asylum-seeking children;
 - c) prepare a report on the outcome of the review, publish that report and lay that report before Parliament.

This consultation is intended to meet statutory duty (b), as set out in Section 3(3) of the 2020 Act, and the consultation findings will help inform the review in statutory duty (a). A link to the legislation is below:

<https://www.legislation.gov.uk/ukpga/2020/20/section/3/enacted>

- For the purposes of this consultation, protection claimants are either:
 - individuals who have left their own country and who have made an application for international protection, such as an asylum claim, in another country – this includes those who are from countries outside the EU who have travelled to the EU and have made an application for international protection to an EU Member State; or
 - individuals who are seeking to come to the UK, either from an EU Member State or from a country outside the EU, for the purpose of making a protection claim.
- Whilst our commitments in the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 relate to protection claimants in the EU including unaccompanied asylum-seeking children wanting to join relatives in the UK, our review also looks at safe and legal routes for protection claimants both in EU member states and globally. Legal routes mean having a way to enter the UK lawfully.
- Unaccompanied asylum-seeking child means a person under the age of 18 who is *not* in the care of a person who
 - a) is aged 18 or over, and

b) by law or custom of the country or territory in which the child is present, has responsibility for caring for the child, and

c) is a protection claimant as set out above.

- Some of those unaccompanied asylum-seeking children will have family members in the UK.

Existing family reunion routes in UK Immigration Rules

- Asylum seekers in the EU, including unaccompanied asylum-seeking children, who would have been eligible to reunite with family in the UK under the Dublin Regulation, are able to apply under existing UK Immigration Rules, if their family member has the relevant immigration status and they will be granted leave if they can meet the requirements of the Rules.
- The key policies relevant to family reunion under the UK Immigration Rules are set out below:
 - a) [Paragraphs 352A-352FJ in Part 11 of the Immigration Rules](#) set out the requirements for leave to enter or remain in the UK for the purposes of refugee family reunion. These family reunion provisions allow a spouse or partner and children under the age of 18, who formed part of the family unit before their sponsor fled their country, to be reunited with a family member who has been granted refugee status or humanitarian protection in the UK. There are no application charges or biometric enrolment fees for applications under Part 11 of the Immigration Rules. These rules are more generous than other family routes, as they are designed to acknowledge the speed and manner in which families may become separated by conflict and persecution, recognising the stress this may cause and providing a means for immediate family members to reunite in the UK.
 - b) [Paragraphs 319X-319XB in Part 8](#) of the Immigration Rules set out the requirements for leave to enter or remain in the UK as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom.
 - c) [Paragraph 297](#) in Part 8 of the Immigration Rules sets out the requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom.
 - d) [Appendix FM](#) of the Immigration Rules sets out the requirements for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British Citizen, is settled in the UK, is in the UK with limited leave as a refugee or person granted humanitarian protection (and the applicant cannot seek leave to enter or remain in the UK as their family member under Part 11 of these rules), or is in the UK with limited leave under Appendix EU (as

set out in Appendix FM).

- e) There is also discretion for the decision-maker to grant leave to enter outside the Immigration Rules, where there are exceptional circumstances which mean a refusal under the Rules would result in unjustifiably harsh consequences for the applicant or their family, which would result in a breach of the Article 8 ECHR (European Convention on Human Rights) right to family life or which constitute compelling compassionate grounds.

New guidance has been published on GOV.UK providing an overview of family reunion routes in the Immigration Rules and outside the Rules:

<https://www.gov.uk/government/publications/overview-of-family-reunion-options-in-the-immigration-rules>

Unaccompanied asylum-seeking children without UK family links

- In July 2020 the Government completed its commitment under Section 67 of the Immigration Act 2016 which was introduced following an amendment tabled by Lord Dubs, which committed the Government to transfer 480 unaccompanied asylum-seeking children (UASC) from Europe. This scheme for UASC was not a family reunion scheme. A factsheet about that scheme is at the link below:
- <https://www.gov.uk/government/publications/policy-statement-section-67-of-the-immigration-act-2016/factsheet-section-67-of-the-immigration-act-2016>

END OF ANNEX