



Greater Manchester

IMMIGRATION AID UNIT

Refugee Family Reunion

Introduction

Greater Manchester Immigration Aid Unit works in collaboration with the British Red Cross to provide refugee family reunion services to people in the North West of England with sites in Manchester, Liverpool, and Preston.

Our model involves three main elements -

- a co-ordinator who manages all aspects of the project including the recruitment of volunteers;
- Volunteers: particularly volunteers with a refugee background, who assist with gathering the supporting documents;
- a qualified immigration adviser to submit applications and appeals.

Who qualify?

The person in the UK who wants to bring their family here is known as the “sponsor”. In order for their family to qualify for refugee family reunion, the sponsor must have either **Refugee status** or **Humanitarian Protection**.

Humanitarian protection is quite rare and you are less likely to meet anyone with this kind of status. However, it is understood that Syrian refugees who are coming to the UK through the ‘Syrian Vulnerable Persons Resettlement Scheme’ will have Humanitarian Protection rather than Refugee status. Like refugee status, it is granted for 5 years initially, and then indefinite leave to remain is granted after 5 years. It gives rise to the same rights and entitlements as refugee status for the most part.

Pre-Existing Family

Refugees are allowed to bring their pre-existing family to the UK under the refugee family reunion rules. The pre-existing family includes:

- ▶ The refugee's spouse or civil partner, where the marriage took place before the refugee fled their own country to seek asylum in the UK
- ▶ The refugee's unmarried or same sex partner, where the refugee and their partner had been together for two years or more before the refugee fled their own country to seek asylum in the UK
- ▶ The refugee's children who are under the age of 18 and who were part of the refugee's family unit before he/she fled to seek asylum
- ▶ The refugee's children who had been conceived but not born prior to the refugee leaving to seek asylum
- ▶ The refugee's step-children who are under the age of 18 and who were part of the refugee's family unit before he/she fled to seek asylum, but only if the child's biological mother/father is dead

Immigration Rules- Spouse

352A. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse civil partner of a refugee are that:

- (i) The applicant is the partner of a person who currently has refugee status granted under the immigration rules in the United Kingdom; and
- (ii) The marriage or civil partnership did not take place after the person granted refugee status left the country of their former habitual residence in order to seek asylum or the parties have been living together in relationship akin to marriage or a civil partnership which has subsisted for two years or more before the person granted refugee status left the country of their former habitual residence in order to seek asylum; and
- (iii) The applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these rules or Article 1F of the Refugee Convention if they were to seek asylum in their own right; and
- (iv) The relationship existed before the person granted refugee status left the country of their former habitual residence in order to seek asylum;
- (v) each of the parties intends to live permanently with the other as their spouse or civil partner and the marriage is subsisting and
- (vi) the applicant and their partner must not be within the prohibited degree of relationship; and
- (vi) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity;

Immigration Rules- Children

352D. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with the parent who is currently a refugee granted status as such under the immigration rules in the United Kingdom are that the applicant:

- (i) is the child of a parent who is currently a refugee granted status as such under the immigration rules in the United Kingdom; and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) was part of the family unit of the person granted asylum at the time that the person granted asylum left the country of his habitual residence in order to seek asylum; and
- (v) would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right; and
- (vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

These are the only requirements that need to be met. Notice that there is no requirement that the refugee should be able to support their family financially, or provide accommodation for them.

This is a big difference between the family reunion rules and other categories of the immigration rules, where the person who is coming to the UK will always need to show that they have enough money to support themselves and their family.

Members of the family who are not pre-existing family may be able to come to the UK under other provisions of the immigration rules or under Article 8 of the European Convention on Human Rights (the right to family life), but they do not qualify for family reunion and their applications are much more complex.

GMIAU Model

- The project received referrals.
- Immigration caseworker advises sponsor about whether they are eligible for refugee family reunion, and the requirements of the rules.
- Project co-ordinator starts the process with the sponsor and adult applicant (i-e spouse or legal guardian if application for a minor child).
- The process involves on helping the sponsor gather the documents that will be needed, assist with the on-line application, book the VAC appointment.
- The whole application including documents evidence are passed to the Caseworker who checks the application is complete.
- Evidence are uploaded on the website and book appointment for applicant(s) to attend the VAC
- When decision is made, project coordinator discusses about travel assistance, hotel quarantine if applicants are arriving from country in the Red List, travel assistance then referral to organisations that can assist such as Together Now, Red Cross
- Project coordinator advise the family members who arrived to collect their BRP at post office or contact the Home Office

Where to find information?

full version of the Immigration Rules here:

www.gov.uk/government/collections/immigration-rules

The guidance relating to family reunion can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541818/Family_reunion_guidance_v2.pdf

Thank you