



HL Bill 13 of 2024–25

# Refugees (Family Reunion) Bill [HL]

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The [Refugees \(Family Reunion\) Bill \[HL\]](#) is a private member's bill seeking to expand the criteria of who qualifies as a family member of a refugee and of people granted humanitarian protection. Additionally, it would look to reintroduce legal aid for such cases. The second reading of the bill is scheduled to take place in the House of Lords on 18 October 2024. It has been introduced by Baroness Hamwee (Liberal Democrat).

Similar bills on refugee family reunion rules were introduced in the 2017–19 and 2019–21 parliamentary sessions by Baroness Hamwee and in the 2021–22 and 2022–23 parliamentary sessions by Baroness Ludford (Liberal Democrat). The latter bill completed its House of Lords stages in February 2023. The former Conservative government stated that it did not support the bill's provisions. However, Labour members supported the bill. It fell in the House of Commons after first reading due to dissolution.

## I. What is the background to the bill?

### I.1 UK immigration rules

Under current UK immigration rules, an individual can apply to settle in the UK (known as indefinite leave to remain) if they have a residence card and if they have protection status (as either a refugee or person with humanitarian protection).<sup>1</sup> As part of the application process, an individual may be able to include either a partner or any children as dependants on the settlement application if those dependants are already in the UK.

If an individual's partner or child is not already in the UK, they may apply for them to join them under the family reunion rules.<sup>2</sup> This applies if they were part of a family before being

<sup>1</sup> HM Government, '[Indefinite leave to remain \(permission to stay as a refugee, humanitarian protection, discretionary or section 67 leave\): Eligibility](#)', accessed 25 September 2024.

<sup>2</sup> HM Government, '[Indefinite leave to remain \(permission to stay as a refugee, humanitarian protection, discretionary or section 67 leave\): Family applying as dependants](#)', accessed 25 September 2024.





forced to leave their country and if the individual applying has refugee status, five years' humanitarian protection or settlement on protection grounds, but does not yet have British citizenship. However, an application cannot be made for a partner or child to join an individual in the UK if the person in the UK is under 18, or if they have not received a decision on their asylum claim.

Partners and children must also meet the following eligibility requirements:<sup>3</sup>

- **Partner:** This must be someone the applicant is in a “genuine relationship” with. An applicant is required to prove that they are either married or in a civil partnership with their partner. In cases where an applicant is not married or in a civil partnership, a partner may be able to join the applicant in the UK if both the applicant and their partner lived together in a relationship “like a marriage or civil partnership” for at least two years in the country that they had to flee.
- **Children:** To be included on an application, a child must be under the age of 18 and not married or in a civil partnership. If a child is aged 18 and over, they can apply as a child if:
  - they are dependent on the individual’s financial and emotional support
  - the parent of the child is in the UK or they are eligible to come to the UK for a family reunion and are planning on travelling to the UK
  - they do not live an independent life and cannot afford essential living costs
  - they have no other relatives to support them and cannot get support or work in the country where they are living.

If an application is successful, the individual and their dependents will have the same permissions as one another to come to and stay in the UK. There are currently no fees to apply for family reunion for eligible family members.<sup>4</sup>

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<sup>3</sup> HM Government, '[Indefinite leave to remain \(permission to stay as a refugee, humanitarian protection, discretionary or section 67 leave\): Family reunion](#)', accessed 25 September 2024.

<sup>4</sup> As above.



## 1.2 Legal aid for those seeking to come to the UK

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, refugee family reunion was removed from the scope of legal aid in England and Wales.<sup>5</sup> In 2019, the former Conservative government introduced secondary legislation—the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid for Separated Children) (Miscellaneous Amendments) Order 2019—to make provision for separated migrant children to be eligible for legal aid for civil legal services in relation to immigration applications and applications for registration as a British citizen or subject.<sup>6</sup>

In July 2022, during the second reading of the Refugees (Family Reunion) Bill 2022–23 in the House of Lords, Lord Epsom, a former parliamentary secretary of state at the Home Office, said that legal aid for refugee family reunion “may already be available under the exceptional case funding scheme, where failure to provide legal aid would mean a breach or a risk of breach of the individual’s human rights, subject to means and merits tests”.<sup>7</sup> Further information on the 2022–23 bill’s progression through Parliament can be found in section 1.5 of this briefing.

## 1.3 Data on family reunion

In August 2024, the Home Office published its latest data on the number of family reunion visas granted to family members of refugees since 2010.<sup>8</sup> The data showed that 16,244 people were granted family reunion visas in the year ending June 2024, over half of which were children. This was more than three times as many grants as in the year ending June 2023 (4,521). The Home Office noted that trends in family reunion visas “may reflect changes in the number of people granted refugee status or humanitarian protection in previous years, many of whom may now be eligible to bring family members”.<sup>9</sup>

Additionally, the Home Office reported that 62,605 family reunion visas had been granted to family members of refugees between June 2015 and June 2024. Over this period, the largest

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<sup>5</sup> [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#).

<sup>6</sup> [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Legal Aid for Separated Children\) \(Miscellaneous Amendments\) Order 2019](#).

<sup>7</sup> [HL Hansard, 8 July 2022, col 1244](#); and Legal Aid Agency, ‘[Legal aid: Apply for exceptional case funding](#)’, updated 13 July 2022.

<sup>8</sup> Home Office, ‘[Safe and legal \(humanitarian\) routes to the UK](#)’, 22 August 2024.

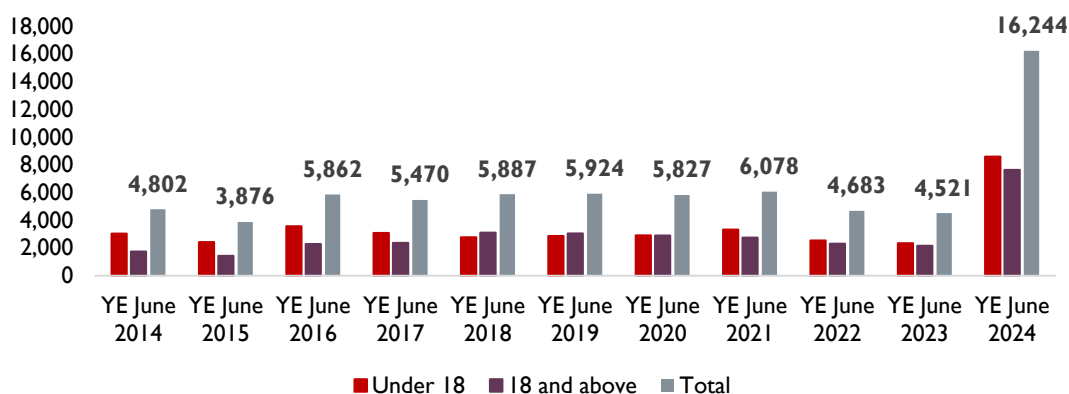
<sup>9</sup> As above.



numbers of visas granted were to people from Syria (13,561), Eritrea (10,065), Iran (9,076), Sudan (7,240) and Afghanistan (2,868).<sup>10</sup>

The following graph shows the number of family reunion visas granted by age from the year ending June 2014 to the year ending June 2024.

**Figure 1. Total family reunion visas granted from the year ending June 2014 to the year ending June 2024, by age**



(Home Office, '[Asylum and resettlement datasets: Family reunion visa grants](#)', 22 August 2024)

#### 1.4 Current resettlement schemes

At present, the UK has several resettlement schemes for people granted refugee status or humanitarian protection in operation. Most recently, in March 2022, the then Conservative government announced the Ukraine sponsorship scheme 'Homes for Ukraine', targeted at refugees from Ukraine following Russia's military invasion of the country.<sup>11</sup> Under the scheme, individual sponsors in the UK are asked to provide homes or a spare room rent-free for as long as they can, with a minimum stay of six months. In return, they would receive £350 per month for the first 12 months their guest is in the UK and £500 per month for the rest of their visa permission stay.<sup>12</sup> Ukrainian refugees arriving in the UK under the scheme are granted 18 months to remain (applications made prior to 19 February 2024 were granted three years to remain), with entitlement to work and access to benefits and public

<sup>10</sup> HM Government, '[Indefinite leave to remain \(permission to stay as a refugee, humanitarian protection, discretionary or section 67 leave\): Family reunion](#)', accessed 25 September 2024.

<sup>11</sup> Department for Levelling Up, Housing and Communities, '["Homes for Ukraine" scheme launches](#)', 14 March 2022.

<sup>12</sup> HM Government, '[Homes for Ukraine: Record your interest](#)', accessed 25 September 2024.



services.<sup>13</sup> As at June 2024, a total of 188,497 visas had been issued to Ukrainian refugees under the scheme.<sup>14</sup>

The previous government also introduced the 'Ukraine family scheme' in March 2022, which allowed eligible Ukrainian applicants to join family members or extend their stay in the UK for up to three years. However, this closed in February 2024.<sup>15</sup> As of June 2024, a total of 72,687 visas were issued under the Ukraine family scheme.<sup>16</sup>

Those permitted to enter the UK under one of the aforementioned schemes will be able to apply for a further 18 months of permission to stay in the UK under the 'Ukraine permission extension scheme', which the former Conservative government announced would be open to applicants from early 2025.<sup>17</sup> This policy has also been referred to by the current Labour government.<sup>18</sup>

Other resettlement schemes include the following:

- **Afghan citizens resettlement scheme (ACRS):** This scheme was formally opened in January 2022.<sup>19</sup> It sought to resettle 5,000 Afghan nationals in its first year and up to 20,000 over the coming years, who were at risk due to the conflict in the country at the time. Under the scheme, priority is given to women and girls and religious and other minorities who are "most at risk of human rights abuses and dehumanising treatment by the Taliban".<sup>20</sup> In its latest immigration system statistics for the year ending June 2024, the Home Office reported that 11,573 individuals had been resettled under ACRS.<sup>21</sup>
- **Afghan relocations and assistance policy (ARAP):** Launched on 1 April 2021, the ARAP scheme offers relocation or other assistance to any current

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<sup>13</sup> UK Visas and Immigration, '[Apply for a visa under the Homes for Ukraine sponsorship scheme](#)', updated 16 May 2024.

<sup>14</sup> Home Office, '[Immigration system statistics data tables: Ukraine visa schemes](#)', 22 August 2024, table UVS\_02.

<sup>15</sup> UK Visas and Immigration, '[Apply for a visa under the Homes for Ukraine sponsorship scheme](#)', updated 16 May 2024.

<sup>16</sup> Home Office, '[Immigration system statistics data tables: Ukraine visa schemes](#)', 22 August 2024, table UVS\_02.

<sup>17</sup> Home Office, '[Ukraine permission extension scheme information](#)', 28 February 2024.

<sup>18</sup> House of Commons, '[Written question: Homes for Ukraine scheme: Visas \(3239\)](#)', 17 September 2024.

<sup>19</sup> Home Office, '[Afghan citizens resettlement scheme](#)', updated 16 August 2024.

<sup>20</sup> Home Office, '[Bespoke resettlement route for Afghan refugees announced](#)', updated 26 August 2021.

<sup>21</sup> House of Lords, '[Written question: Refugees: Afghanistan \(HL52\)](#)', 31 July 2024.



or former locally employed staff (LES) in Afghanistan who are assessed to be “under serious threat to life”. Under the scheme, LES are offered priority relocation to the UK regardless of their employment status, rank or role, or length of time served.<sup>22</sup> The Home Office reported that 16,835 individuals had been resettled under ARAP in the year ending June 2024.<sup>23</sup>

- **Community sponsorship:** The scheme began in 2016 and enables civil society organisations, such as charities and faith groups, to directly support refugees resettled in the UK.<sup>24</sup> In the year ending June 2024, a total of 552 refugees had been resettled through the scheme.<sup>25</sup>
- **Hong Kong British National (Overseas) visa:** On 31 January 2021, the government launched the visa scheme as an immigration route for British National (Overseas) (BN(O)) status holders and their immediate family members following the implementation of the controversial National Security Law in Hong Kong.<sup>26</sup> Under the scheme, eligible applicants can enter or remain in the UK for up to five years but will not usually have access to public funds. After five years, successful applicants can apply for indefinite leave to remain and, after a further 12 months, will be able to apply for citizenship. Since its introduction, 169,892 people had been granted visas under the scheme.<sup>27</sup>
- **Mandate resettlement scheme:** Established in 1995, the mandate scheme considers refugees from anywhere in the world and has no quota. To be eligible for the scheme, refugees must be either a child (under 18 years of age), spouse, parent or grandparent (aged over 65) of a person either settled in the UK or on a pathway to settlement.<sup>28</sup> In the year ending June 2024, 311 refugees had been resettled through the Mandate scheme.<sup>29</sup>
- **UK resettlement scheme:** This scheme began in February 2021, following the end of the vulnerable persons resettlement scheme and the vulnerable children’s resettlement scheme in the same month.<sup>30</sup> Under the UK

<sup>22</sup> Home Office, ‘[Factsheet: UK support to resettle Afghan nationals—ARAP scheme](#)’, 13 September 2021.

<sup>23</sup> House of Lords, ‘[Written question: Refugees: Afghanistan \(HL52\)](#)’, 31 July 2024.

<sup>24</sup> Ministry of Housing, Communities and Local Government, ‘[Apply for community sponsorship](#)’, updated 9 January 2024.

<sup>25</sup> Home Office, ‘[Immigration system statistics data tables: Asylum and resettlement—asylum applications, initial decisions and resettlement](#)’, 22 August 2024, table Asy\_D02.

<sup>26</sup> Home Office, ‘[British National \(Overseas\) visa](#)’, accessed 25 September 2024.

<sup>27</sup> Home Office, ‘[Safe and legal \(humanitarian\) routes to the UK: British National Overseas \(BN\(O\)\) route](#)’, 22 August 2024.

<sup>28</sup> Home Office, ‘[UK refugee resettlement: Policy guidance](#)’, August 2021, p 7.

<sup>29</sup> Home Office, ‘[Immigration system statistics data tables: Asylum and resettlement—asylum applications, initial decisions and resettlement](#)’, 22 August 2024, table Asy\_D02.

<sup>30</sup> Home Office, ‘[UK resettlement programmes: Funding instruction 2023 to 2024](#)’, 1 November 2023.



resettlement scheme, vulnerable refugees from across the world can move to the UK once suitable accommodation is in place for them. As of June 2024, 2,691 refugees have been resettled in the UK via the scheme.<sup>31</sup>

## 1.5 Previous private members' bills on refugee family reunion rules

In recent years, similar private members' bills to the Refugees (Family Reunion) Bill [HL] have been introduced in the House of Lords which sought to expand refugee family reunion rules. This included bills in the 2017–19 and 2019–21 parliamentary sessions introduced by Baroness Hamwee and in the 2021–22 and 2022–23 parliamentary sessions by Baroness Ludford (Liberal Democrat).

The latest of these bills was introduced in the House of Lords in May 2022.<sup>32</sup> During the second reading debate in July 2022, Baroness Ludford stated that the family reunion provisions of the immigration rules “remain[ed] narrow and rigid”.<sup>33</sup> She argued that “reunited families” would allow refugees to “find their feet more quickly, integrate better and contribute more fully to the benefit of themselves, their community, our country and the Treasury”.

The bill was welcomed by Labour’s Lord Kennedy of Southwark, the then shadow chief whip, who stated that the issue of refugee family reunion was “not going to go away until the government deal with the question of how we can have proper safe and legal routes and deal with the criminal gangs”. Therefore, he argued that the bill was “one attempt to deal with those problems, which we all know are there and are heartbreaking to see”.<sup>34</sup>

Responding for the then Conservative government, Lord Sharpe of Epsom said that the government “fully support[ed] the principle of family unity and share their concerns for those families who have been separated by conflict or oppression”.<sup>35</sup> However, he stated that the government “already have a comprehensive framework for reuniting refugees with their families here in the UK” and that the framework was outlined in the immigration rules and the government’s refugee family reunion policy.

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<sup>31</sup> Home Office, [‘Immigration system statistics data tables: Asylum and resettlement—asylum applications, initial decisions and resettlement’](#), 22 August 2024, table Asy\_D02.

<sup>32</sup> UK Parliament, [‘Refugees \(Family Reunion\) Bill \[HL\] 2022–23: Stages’](#), accessed 27 September 2024.

<sup>33</sup> [HL Hansard, 8 July 2022, cols 1232–3.](#)

<sup>34</sup> [HL Hansard, 8 July 2022, col 1242.](#)

<sup>35</sup> [HL Hansard, 8 July 2022, col 1243.](#)



Lord Sharpe also argued that:

This bill would allow for potentially tens of thousands of extended family members to be entitled to come here, with challenging implications for our local authorities and public services. Expanding the policy to extended family would absolutely have a significant impact on already stretched public resources. We need to ensure our limited resources are focused on helping the most vulnerable. Further, we are clear that significantly expanding our policy to enable children to sponsor family members goes against our safeguarding responsibilities. It is highly likely that this would create further incentives for more children to be encouraged, or even forced, to leave their family and risk extremely dangerous journeys to the UK in order to later sponsor relatives.<sup>36</sup>

No amendments were tabled to the bill after second reading. The House passed a motion agreeing the “order of commitment be discharged”, allowing the bill to proceed to third reading without receiving a committee stage or report stage.<sup>37</sup>

Third reading of the bill took place on 3 February 2023. During this stage, the then minister, Lord Murray of Blidworth, reiterated that the government “already have a comprehensive framework for reuniting refugees with their families here in the UK”.<sup>38</sup> He argued that this “negates the need for the bill and is the reason why the government do not support it”.

The bill passed third reading without a division and it was passed to the House of Commons, where it was sponsored by Tim Farron (Liberal Democrat MP for Westmorland and Lonsdale).<sup>39</sup> However, the bill did not receive a second reading and fell due to the dissolution of Parliament in May 2024.

## 2. What would the bill do?

Explaining the purpose of the bill, Baroness Hamwee stated that:

The bill’s purpose is to extend the “family members” whom refugees and people with

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<sup>36</sup> [HL Hansard, 8 July 2022, col 1244.](#)

<sup>37</sup> [HL Hansard, 1 November 2022, col 126.](#)

<sup>38</sup> [HL Hansard, 3 February 2023, col 913.](#)

<sup>39</sup> UK Parliament, [‘Refugees \(Family Reunion\) Bill \[HL\] 2022–23: Stages’](#), accessed 27 September 2024.





humanitarian protection may sponsor to join them in the UK. In particular, this would allow a child to sponsor parents and siblings to do so for the purpose of family reunion. It would also reintroduce legal aid when family reunion is sought.<sup>40</sup>

## 2.1 Provisions of the bill

The bill comprises three substantive clauses.

**Clause 1** would amend the UK's immigration rules to make provision for refugee family reunion. Subsection 1 of clause 1 states that the secretary of state must—within six months of the clause coming into force—lay a statement of changes in the immigration rules before Parliament.<sup>41</sup> These changes would come into effect after 21 days. According to the provisions in subsection 3 of clause 1, that statement must set out the rules providing for leave to enter and remain in the UK for family members of a person granted protection status. Subsection 4 outlines that protection status has the same meaning as in the immigration rules, meaning a person with:

- permission to stay as a refugee
- humanitarian protection
- temporary refugee permission
- temporary humanitarian protection

Subsection 5 outlines who would be considered an applicant's "family member" under the bill. This includes:

- A parent, including adoptive parent, if the person was under the age of 18 when they applied for protection status.
- A spouse, civil partner or unmarried partner.
- A child, including an adopted child, who is either:
  - under the age of 18, or
  - over the age of 18, but dependent on the person
- A sibling, including an adoptive sibling, who is either:

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<sup>40</sup> This text was provided by Baroness Hamwee on request from the Library.

<sup>41</sup> [Immigration Act 1971, s 3.](#)



- under the age of 18, or
- under the age of 25, but was either under the age of 18 or unmarried at the time that the person granted protection status had left their country of residence to seek asylum
- Other people that the secretary of state may determine. For example, through having regard to the importance of maintaining family unity or the best interests of a child.

**Clause 2** would amend schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to provide for civil legal services to be made available to those with an application for leave to remain for the purposes of refugee family reunion.

Lastly, **clause 3** contains the commencement provisions, and states that provisions in clause 1 would extend to the whole of the UK, whilst clause 2 would extend to England and Wales only.

### 3. What has the Labour government said?

There was no mention of expanding refugee family reunion rules in either the Labour Party's 2024 general election manifesto or in the 2024 King's Speech.<sup>42</sup>

However, the government has been asked about the subject in recent months. Following a statement in the House of Commons on border security and asylum in July 2024, the home secretary, Yvette Cooper, was asked whether the government had considered humanitarian visas for people in Gaza.<sup>43</sup> Responding, Ms Cooper said that there were "long-standing arrangements for family reunion and for refugees".

In the same month, the government was asked a written question about whether it would take steps to enable children brought to the UK by the UNHCR to be reunited with their parents.<sup>44</sup> Responding on behalf of the government, Seema Malhotra, a parliamentary under secretary at the Home Office, said that the government "already provides a safe and legal route to bring families together through its refugee family reunion policy".

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<sup>42</sup> Labour Party, '[Labour Party manifesto 2024](#)', June 2024; and HM Government, '[The King's Speech 2024: Background briefing notes](#)', 17 July 2024.

<sup>43</sup> [HC Hansard, 22 July 2024, col 393](#).

<sup>44</sup> House of Commons, '[Written question: Refugees: Children \(96\)](#)', 22 July 2024.



She said that:

This allows individuals with protection status in the UK to sponsor their partner or children to reunite with them, provided they formed part of the family unit before their sponsor fled the country of their habitual residence in order to seek protection.<sup>45</sup>

#### 4. Read more

- House of Commons Library, '[Asylum statistics](#)', 10 September 2024
- House of Commons Library, '[Special visa schemes for Ukrainians](#)', 2 September 2024
- House of Commons Library, '[The immigration rules](#)', 24 July 2024
- UK Visas and Immigration, '[Family reunion](#)', updated 17 July 2023

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<sup>45</sup> House of Commons, '[Written question: Refugees: Children \(96\)](#)', 22 July 2024.

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