

Factsheet: Family Reunion for Adults who have Refugee Status or Humanitarian Protection

This factsheet is to help non-lawyers to understand the eligibility and process for family reunion for close family members of people with Refugee status or Humanitarian Protection.

If you have been recognized to be a Refugee or granted Humanitarian Protection in the UK and you have a partner and/or children (aged under 18) seeking to join you from abroad, it may be possible for them to be granted permission to come to the UK to be reunited with you.

A person who has naturalized as British will not be able to sponsor an application for “Refugee” family reunion and any application will have to rely on other provisions of the Immigration Rules or on the right to family life enshrined in Article 8 of the European Convention on Human Rights. If you are in this situation, legal advice should be sought before taking any further steps – further information is available below.

Key terms

Applicant – the person (or people) seeking to reunite with their family member in the UK

Sponsor – the person in the UK seeking permission for their family member to be reunited with them

Entry Clearance – Process for seeking permission to enter the UK from abroad

Leave to Enter / Leave to Remain – Permission to enter the UK /

Key questions

1. Do I need a lawyer?

The criteria and process for family reunification for Refugees and people with Humanitarian Protection under the Immigration Rules is outlined in this leaflet for the purpose of raising awareness of how to do it.

Given the importance of the application and the potential complexities of such applications it is strongly advised that legal advice and representation is sought before making an application.

2. How would I find a lawyer?

You can find a lawyer through the website of the Law Society:

<http://solicitors.lawsociety.org.uk/>

It is important to find a lawyer who specialises in immigration cases for individuals.

3. Can I get funding for my legal fees?

Legal Aid is not generally available for family reunion cases, but may be applied for on an exceptional basis.

To apply for Exceptional Case Funding (ECF), an application must be made to the Legal Aid Agency showing that the Sponsor cannot afford to pay for a lawyer (the means test) and that the case has a reasonable chance of success (the merits test) and that, if Legal Aid funding is not granted, it will be a breach of EU or human rights.

You can apply direct to the Legal Aid Agency: <https://www.gov.uk/legal-aid-apply-for-exceptional-case-funding>

The Public Law Project has prepared a guide to applying for ECF:

<http://www.publiclawproject.org.uk/resources/254/legal-aid-exceptional-case-funding-ecf-applying-without-the-assistance-of-an-adviser-or-solicitor>

1. Eligibility

- **The Sponsor (person in the UK)** must be over 18 and have been granted Refugee status or Humanitarian Protection. They may have Indefinite Leave to Remain in the UK following the grant of Refugee status or Humanitarian Protection. If you are a Child Refugee or child with Humanitarian Protection seeking to reunite with parents and / or siblings, please see our other leaflet: Children and Family Reunion.
- **The Applicant** must be an immediate family member of the person in the UK and seeking to join them in the UK:
 - spouse or partner; or
 - child under the age of 18.
- **The Sponsor and Applicant(s) must have been a family unit in the country of origin before the Sponsor left to seek asylum (pre-flight).**

If you meet this criteria, and want to be reunited, the next steps are to prepare an application.

If you don't meet this criteria, for example if:

- The Sponsor is a person who has naturalized as British will not be able to sponsor an application for Refugee family reunion.
- The Applicant is related in a different way to the Sponsor, for example adult children, parent or siblings
- The Sponsor and Applicant(s) only became a family after the Sponsor left their country of origin to seek asylum.

You may be able to apply to be reunited with family members, but an application will have to rely on other provisions of the Immigration Rules or on the right to family life enshrined in Article 8 of the European Convention on Human Rights. This is more complex and it is strongly recommended that you seek legal advice.

2. The process

Applications for family reunion will normally be made from outside the UK by the Applicant. The UK-based Sponsor will usually be involved in evidence gathering and may be involved in form filling if the Applicant is not able to complete the forms. It is important to remember the application is being made by the family member seeking to join the Sponsor so any forms should be completed from the point of view of the Applicant and they should be as involved as possible in the process.

Step 1: Identifying the process in the relevant country

The application process for family reunion can be different in different countries and it is important to check the UKVI website for details of the process in the relevant country. For example, some countries do not have a British Embassy or Visa Application Centre (VAC) and it is necessary to attend a VAC in another country; and nationals of certain countries must submit a TB certificate with their application. The exact process should be checked before the process is started to ensure it is correctly followed. Country-specific information on how to make settlement applications can be found here: www.gov.uk/find-a-

Step 2: Gathering evidence

Evidence needs to be provided to show that the Applicant meets the requirements of the Immigration Rules (or qualifies outside the Rules) and should be granted permission to reunite with the Sponsor.

The key issues to establish include:

- **Identity of the Applicant**, including nationality – a passport or other identity document will be needed for the application and can also be used to evidence the identity of the Applicant. If a passport or identity document cannot be obtained, this should be explained in the application.
- **Legal status of the Sponsor in the UK** – Refugee status or Humanitarian Protection or ILR as a Refugee / following Humanitarian Protection
- **Relationship between the Applicant and the Sponsor**, including evidence of the fact the relationship is continuing.

Documents submitted should be originals – if it is not possible to submit originals, this should be explained with any reasons. Any documents not in English will need to be submitted with formal translations.

Please see our other factsheet for tips on evidence that may be submitted in support of an application for family reunion.

Step 3: Form filling and making the online application

- **Register an account** – whilst you can register for a single account, you must complete a separate application for each Applicant
- Complete an Appendix 4 Form for each Applicant, which can be found here: www.gov.uk/government/publications/application-for-uk-visa-family-joining-refugee-form-appendix-4-vaf4a
- **Make an application through the UK Home Office's online portal** <https://www.visa4uk.fco.gov.uk/home/welcome>
- **register an account – note: whilst you can register for a single account, you must complete a separate application for each Applicant**
- **Arrange the location in the UK to collect a Biometric Residence Permit.**
- **Book an appointment at a Visa Application Centre (VAC)** for biometrics (fingerprints and photographs) to be given and all of the documents needed for your application, including any passport, the printed online application form and original documents submitted.
- **Register for the Immigration Health Surcharge**
- **Register on the corporate partner website** (if the UK Home Office's online portal informs you this is necessary).
- **Complete the online form. It is very important that the information contained in the form is true and correct – reliance on false information or false documents can lead the application to be refused and a ban on re-applying.**

No fee is payable for an application for Refugee family reunion and it is not necessary to meet financial or accommodation requirement. There is also no need to

meet the English language requirement for this application.

Step 4: Preparing for the Embassy / Visa Application Centre (VAC)

- Print the online application forms for each Applicant and details of appointment booked at VAC, the Applicant needs to sign the original form
- Prepare all of the evidence including the signed forms, appointment details, the completed forms and all original documents and translations

Step 5: Attending the Embassy / Visa Application Centre

- Take all of the evidence to the Embassy / VAC with passports, and submit it.
- Provide the biometrics (fingerprints and photographs) at the Embassy / VAC.
- The Applicant may be interviewed about the application and their relationship to the Sponsor
- Wait – in theory, applications should be decided within 60 working days, but it can take longer.

3. Decisions

If an application is successful, the Applicant will be given a visa with Leave to Enter the UK for the same period of time as the Sponsor. Information will be given about collecting a Biometric Residence Permit when in the UK.

If an application is refused, there will be a right of appeal on human rights' grounds. Any appeal must be lodged within 28 days of the decision being provided. If an application is refused, you should seek legal advice as soon as possible, but even if it takes time to find a lawyer make sure to lodge the appeal with the Tribunal within the 28 days if you wish to appeal.

Applications from within the UK

Applications will normally be made from outside the UK because the family members of a Refugee / an individual with Humanitarian Protection will either have come with them to the UK and be dependent on their asylum claim or seeking to join them from outside the UK following the grant of status.

The Immigration Rules do allow for in-country applications when the Sponsor and their family members are both in the UK, for example, when family members have lost contact and have since found each other in the UK or where the family member comes to the UK through another route.

Details of the process for in-country applications for Refugee family reunion are set out in this Home Office Guidance on Family reunion for those with Refugee status and Humanitarian Protection:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/541818/Family_reunion_guidance_v2.pdf

Applications for family reunion made in the UK should be made by writing to UKVI Family Reunion Team Admin Team 7th Floor, Capital Building Liverpool L3 9PP.

The letter should include the following information:

- The sponsor's full name, date of birth, nationality and Home Office reference number

- 2 passport sized photographs of each applicant
- valid passport for each applicant (where possible)
- A statement from the sponsor, setting out who is in their family, giving names and dates of birth, how they came to leave their family behind, what contact they have had with their family whilst separated, what contact they have with their family currently and what circumstances their family is living in • any supporting documentary evidence available
- Contact details in the UK of the sponsor and any representative.

Mohammed's Story: a 'straightforward' case study:

This case study relates to a case that would be regarded as 'straightforward' because it is a case that fits with the Immigration Rules on Refugee Family Reunion. The fact it is 'straightforward' means that it is likely to be difficult to obtain Legal Help (free legal assistance) to obtain advice and representation. It may be possible to obtain legal advice and assistance with a straightforward case from a charity such as the Red Cross. It is always advisable to obtain legal advice and assistance with an application for Family Reunion, even if it is a 'straightforward' case because of the significance of this type of application and the importance of ensuring any application is properly prepared. This case study is to help non-lawyers understand the process involved in seeking Refugee Family Reunion under the Immigration Rules.

-

Mohammed is a Syrian national. He has a wife and two children aged 6 and 8 in a Refugee camp in Lebanon. The family lived together in Syria and were separated when Mohammed had to flee Syria. His wife and children have since left Syria and are now in Lebanon. Mohammed was recently recognised to be a refugee and wants to apply for family reunion for his wife and children.

Mohammed's wife and children have Syrian passports and the family book for the family from Syria.

Mohammed speaks to his wife and children on his mobile telephone through whatsapp and has transferred money to them in Lebanon.

Assuming his wife cannot complete the online application herself, Mohammed needs to complete the complete the online visa applications for his wife and children. He needs to prepare an application for his wife and for each of his two sons. This will involve inputting their personal details and details of their passports and details of the status he has in the UK. It will also involve arranging where his wife and children will collect their Biometric Residence Permits from in the UK (usually a post office local to Mohammed's address), booking an appointment for each of his family members (i.e., one for his wife and one for each of his children) at the Visa Application Centre in the country where his wife and children are residing, registering for the IHS and registering on the relevant corporate website.

There is no need for Mohammed to pay a fee and there is no need for financial support or accommodation to be provided. There is no need for Mohammed's wife and children to show they can meet the English language requirement.

Mohammed needs to ensure that his wife has a printed copy of each online application and each completed form VAF4a and the details of the appointments booked for his wife and children at the Visa Application Centre printed. Mohammed should also ensure that his wife has a copy of his Biometric Residence Permit showing that he has been recognised to be a Refugee in the UK, a copy of any interview records from his asylum claim where his wife and children are named and evidence of contact between him and his wife and children, for example, receipts for money transfers and printed screen shots of records of calls between them.

If possible, Mohammed and his wife could provide statements in support of the applications, setting out the history of their relationship and how they came to be separated and their need to be reunited.

Mohammed must ensure that his wife and children have all of these documents in time for any appointment at the VAC.

Mohammed's wife will need to sign the online applications for herself and the children. Mohammed's wife will need to take the applications with all of the documents that Mohammed has sent her, with the passports for her and the children and the family book, to the appointments at the VAC.

Mohammed's wife and children should be prepared that they will have their biometrics taken at the appointment (their fingerprints and photographs) and that the original documents will be taken from them, including their passports.

The family will then wait for a decision on their applications for family reunion. The UK authorities estimate that they will decide these applications within 60 working days.

The family will usually receive an email informing them that a decision has been made and is ready for collecting. Mohammed's wife and children will need to return to the VAC to collect any decision.

If it is positive, Mohammed's wife and children should have their passports endorsed with visas to the UK. The visas should give Mohammed's wife and children the same period of leave (permission to be in the UK) as Mohammed. The visas must be used within 30 days of issue and will state the date they must be used by.

Once Mohammed's wife and children are in the UK, they must go to the location specified to collect their Biometric Residence Permits.

If the applications for family reunion entry clearance are refused, an appeal may be lodged on human rights grounds. Any appeal must be lodged within 28 days of the decision being served. Legal advice should be sought.

Factsheet: Family Reunion for Children / Young people

This factsheet is to help non-lawyers understand the circumstances in which children / young people in the UK may sponsor close family members to reunite with them.

If you are a child or young person who has been granted Refugee status or Humanitarian Protection, or have another form of leave in the UK, or have become British, it may be possible for close family members to be granted permission to come to the UK to be reunited with you.

It is essential for children / young people seeking to bring family members to the UK to have legal advice and assistance. This is very important because the applications are made outside of the Immigration Rules in reliance on the right to family life, as enshrined in Article 8 of the ECHR, and there is no established process for these applications. Exceptional Case Funding is available for this type of case and, if the child / young person, is unaccompanied in the UK or separated from their family, it should be easy to get exceptional funding.

Key terms

Applicant – the person (or people) seeking to reunite with their family member in the UK

Sponsor – the person in the UK seeking permission for their family member to be reunited with them

Entry Clearance – Process for seeking permission to enter the UK from abroad

Leave to Enter / Leave to Remain – Permission to enter the UK / Permission to remain in the UK

Before you start

It is very important to have knowledge of the basis on which the child / young person was given permission to be in the UK for proper advice and assistance to be obtained about bringing their family to the UK. If a child / young person is not clear on the basis of their case, any legal representative can help them to get a copy of their file to find this information out.

The Legal Basis

[The case of AT and another \(Article 8 ECHR – Child Refugee – Family Reunification\) Eritrea \[2016\] UKUT 00227 \(IAC\)](#) found that:

While the Immigration Rules make no provision for family reunification in the United Kingdom in the case of a child who has been granted asylum, a refusal to permit the family members of such child to enter and remain in the United Kingdom may constitute a breach of the right to respect for family life enjoyed by the child and those family members under Article 8 ECHR.

1. Background

The Immigration Rules allow for an **adult** with Refugee status or Humanitarian Protection to sponsor their partner and children (under the age of 18) to reunite with them in the UK. **Under these rules, children under 18 are not able to sponsor family members.**

However, it may be possible for a child / young person with Refugee status or Humanitarian Protection or another form of leave to sponsor applications of family members in relation to their right to family life, as enshrined in Article 8 of the European Convention on Human Rights. The full convention can be found [here](#).

Key questions:

1. Do I need a lawyer?

Yes! This type of application is not straightforward and it would not be possible for a child to prepare an application without legal advice and representation.

Given the importance of the application and the complexities of this type of application it is **essential** legal advice and representation is obtained prior to making an application.

2. How would I find legal representation?

You can find a lawyer through the website of the Law Society:

<http://solicitors.lawsociety.org.uk/>

It is important to find a lawyer who specialises in immigration cases for individuals.

3. Can I get funding to pay for my legal fees?

Legal Aid is not generally available for immigration cases, but may be applied for on an exceptional basis and is very likely to be granted to an unaccompanied or separated child or even for an applicant who has turned 18 because an application is not straightforward. If you cannot afford to pay for a lawyer you can apply directly to the Legal Aid Agency for funding, or you can find a lawyer who does legal aid casework and ask them to apply for Exceptional Case Funding for you.

To apply for Exceptional Case Funding (ECF), an application must be made to the Legal Aid Agency showing that:

- The Sponsor (person in the UK) cannot afford to pay for a lawyer
- The case has a reasonable chance of success
- If Legal Aid funding is not granted, it will be a breach of EU or human rights.
- If you are child who is unaccompanied in the UK or separated from their family or are a young person in a similar situation, then make this clear on the application form, since this should mean it is very easy to get exceptional funding for your case.

If you wish to apply direct to the Legal Aid Agency go here: <https://www.gov.uk/legal-aid-apply-for-exceptional-case-funding>

The Public Law Project has prepared a guide to applying for ECF:

<http://www.publiclawproject.org.uk/resources/254/legal-aid-exceptional-case-funding-ecf-applying-without-the-assistance-of-an-adviser-or-solicitor>

2. The criteria

There is no fixed criteria for the application, but the following are the matters that will be important to show when making the application:

- **The Sponsor** is a child/young person in the UK.
- **The Applicant** is a parent and/or sibling /or other family member of the Sponsor
- The Sponsor's immigration status, for example that they have refugee or humanitarian protection or previously had those forms of leave but have now become British. It is possible to apply even with another form of leave.
- Family life is established between the Sponsor and the Applicant.
- It is in the best interests of the child Sponsor / any child Applicant for the Applicant to be in UK
- There is no other country in which family life can be enjoyed
- The impact of separation on the Sponsor and the Applicant.

It is **very important that if at all possible any application is made before a child Sponsor turns 18**. The case will then continue to be considered as the case of a child even if the child has turned 18 when the case is decided.

3. The process

There is no specific process for making applications outside of the Immigration Rules, but an application can be made on a closely related application with this approach and the reasons for it explained within the application. The process set out here is an outline of the general process as it relates primarily to 'Refugee' family reunion to provide an indication of how an application might proceed.

Applications for family reunion will (generally) be made from outside the UK by the Applicant. The UK Sponsor will usually be involved in evidence gathering and their lawyer may be involved in form filling if the Applicant is not able to complete the forms. It is important to remember the application is being made by the family members seeking to join you, so any forms should be completed from the point of view of the Applicant and the Applicant should be as involved as possible in the process.

Step 1: Identifying the process in the relevant country – the application process for family reunion can be different in different countries and it is **important to check the UKVI website for details of the process in the relevant country**. For example, some countries do not have a British Embassy or Visa Application Centre (VAC) and it is necessary to attend a VAC in another country. The exact process should be checked before the process is started to ensure it is correctly followed. Country-specific information on how to make settlement applications can be found at: www.gov.uk/find-a-visa-application-centre

Step 2: Gathering evidence –

Evidence needs to be provided to show that the Applicant and the Sponsor are related, have a family life together and that it is in the best interests of the child (Sponsor) that the Applicant is granted permission to reunite with them.

In the application you will need to establish:

- **Identity of the Applicant**, including nationality – a passport or other identity

document will be needed for the application and can also be used to evidence the identity of the Applicant. If a passport cannot be obtained, this should be explained in the application.

- **Legal status of the Sponsor in the UK** – Refugee status or Humanitarian Protection or ILR as a Refugee / following Humanitarian Protection
- **Relationship between the Applicant and the Sponsor**, including evidence of the fact that the relationship is continuing.
- **Evidence about the situation of the Sponsor and Applicant** (including any risks in their country of residence) and the impact of separation upon them.

Documents submitted should be originals – if it is not possible to submit originals, this should be explained with any reasons. Documents not in English will need to be submitted with formal translations.

Please see our other factsheet for tips on evidence that may be submitted in support of an application for family reunion.

Step 3: Form filling and making the online application –

- **Complete the application form for each Applicant** – there is no specific form for applications outside of the Immigration Rules and it will be necessary to complete the closest relevant application form and explain that the form has been selected because there is no specified form for this type of application., If, for example, the Sponsor in the UK has been recognized to be a Refugee or granted Humanitarian Protection, an application for family reunion could be made on the form for Refugee family reunion applications with an explanation about the fact it has been completed because it is the closest form (www.gov.uk/government/publications/application-for-uk-visa-family-joining-refugee-form-appendix-4-vaf4a).
- **Make an application using the UK Home Office's online portal:** <https://www.visa4uk.fco.gov.uk/home/welcome>. Whilst you can register for a single account, you must complete a separate application for each Applicant
- **Arrange a location in the UK** to collect the Applicant's Biometric Residence Permit.
- **Book an appointment at a Visa Application Centre (VAC) outside the UK** for biometrics (fingerprints and photographs) to be given and the application, including any passport, the printed online application form and original documents that were submitted.
- **Register for Immigration Health Surcharge**
- **Register on the corporate partner website** (If the UK Home Office tells you this is necessary.)

It is very important that the information contained in the form is correct – reliance on false information or false documents can lead the application to be refused.

Fees

It is necessary for fees to be paid for most applications for entry clearance. There is, however, no fee payable for an application for 'Refugee' family reunion and, if the Sponsor has been recognized to be a Refugee or granted Humanitarian Protection, this should be explained in the application form and it should be explained that no fee is payable in the circumstances.

This should also be explained in the context of the Immigration Health Surcharge.

In other cases, where the child has not been recognized to be a Refugee or granted Humanitarian Protection, it may be possible to ask Social Services to pay any relevant fees, or for a fee waiver to be sought. Discretion to waive the fee can be sought by following this link: <https://www.gov.uk/government/publications/entry-clearance-fees-ecb06/ecb06-entry-clearance-fees#ecb-66-discretion-to-waive-the-fee>.

Posts have no discretion to waive visa fees for any other reason other than those listed in the fees legislation, as quoted in above. If an Applicant / Sponsor requests that the fee should be waived for reasons other than those listed above they will need to contact the UKVI contact centre. The applicant/sponsor will need to state their reasons in writing.

English language requirement

If the Applicant speaks English, this should be explained. There is, however, no need to meet the English language requirement for an application for 'Refugee' family reunion and, if the Sponsor has been recognized to be a Refugee or granted Humanitarian Protection, this should be explained. Alternatively, if the Sponsor has another form of leave, it may be explained that the Applicant is seeking to reunite with their child / sibling and that to refuse leave to enter would breach the rights of the Sponsor and Applicant to family life, as enshrined in Article 8 of the ECHR.

Step 4: Preparing for the Embassy / Visa Application Centre (VAC)

- **Print the online application forms** and details of appointment booked at VAC
- **Make sure the applicant has signed the original form**
- **Prepare all of the evidence** including the signed forms, appointment details, the completed forms and all original documents and translations

Step 5: Attending the Embassy / Visa Application Centre –

- **Take bundle of evidence** to the Embassy / VAC with passports, to be submitted.
- **Provide biometrics** – fingerprints and photographs taken at the Embassy / VAC
- **Interview** – the Applicant may be interviewed about the application and their relationship to the Sponsor
- **Wait** – applications for entry clearance should be decided within 15 working days or for Settlement (these applications are generally treated as applications for Settlement) should be decided within 60 working days, but it can take longer.

4. Decisions

If an application is successful, the Applicant will be granted Leave to Enter for a fixed period, usually 33 months, or for the same period of time as the Sponsor (whichever is the shorter).

The visa may be subject to a condition of no recourse to public funds, which means the Applicant will not be able to claim benefits or other public funds from the UK Government. If such a restriction is imposed, a request can be made that this condition be removed.

Information will be given about collecting a Biometric Residence Permit when in the UK.

If an application is refused, there will be a right of appeal on human rights' grounds. Any appeal must be lodged within 28 days of the decision being provided. If an application is refused, you should seek legal advice as soon as possible.

Child Refugee seeking family reunion case study: Yasmin's story

This is a hypothetical story relating to a child with Refugee status seeking Family Reunion in the UK with their parents and sibling.

This case study is to help non-lawyers understand the process involved in a child seeking Family Reunion with their parents and sibling. This process is outside of the Immigration Rules and relies on the right to family life ([Article 8 ECHR](#)). The story below highlights the process for family reunion within the Immigration Rules, adapted to highlight that the case is outside the Rules.

It is essential that a child has legal advice and assistance throughout the process.

1. Background

Yasmin is 17 years old and from Iran. She has been recognised to be a Refugee by the UK authorities and is living in the care of social services and attending full-time education.

Yasmin had lost contact with her parents and her younger brother, but has recently managed to re-establish contact and now speaks to them on the phone regularly. Yasmin would like to bring her parents and brother to the UK.

Yasmin's parents and brother have Iranian passports.

2. Getting legal advice and representation

Yasmin should seek legal advice and representation regarding an application for her parents and brother to join her in the UK. Although family reunion is not within 'scope' so Legal Aid is not automatically granted, it is possible to apply for Exceptional Case Funding. As Yasmin is in the care of social services it is likely she will qualify on a means basis (i.e., it will be accepted she cannot afford to pay for a lawyer herself) and she will qualify on a "merits basis" as the case is complicated, she is a child, the case involves her human rights and the best interests of her as a child.

3. Applying for her family to join her in the UK

Any legal representative should help Yasmin and her family prepare the applications for seeking to enter the UK. These are the steps that will be followed:

1. Yasmin's legal representative will complete the complete the online visa applications for Yasmin's parents and brother, unless Yasmin's parents are able to complete the form themselves, which may be difficult due to language barriers and access to secure internet connections. The legal representative will need to speak to Yasmin's parents to obtain their relevant personal details and complete the online application process.

2. The legal representative will need to identify (as part of the application process) where Yasmin's parents and brother will collect their Biometric Residence Permits from in the UK if they successfully arrive here (usually a post office local to Yasmin's address).
3. The legal representative will book an appointment for each of her family members (i.e., one for her mother, one for her father and one for her brother) at the relevant British Embassy or Visa Application Centre, register for the Immigration Health Surcharge and register on the relevant corporate website, as necessary.
4. The application should explain that it is an application outside the Immigration Rules in reliance on the right to family life enshrined by Article 8 of the ECHR. It will state that the principles of refugee family reunion apply and consequently there should be no need for a fee to be paid and there should be no need for Yasmin's parents and brother to show they can meet the English language requirement (although if they can speak and / or read English or are learning English this should be mentioned).
5. The legal representative will ensure that Yasmin's parents have a printed copy of each online application and any other completed forms, and the details of the appointments booked for them at the Visa Application Centre printed.
6. The legal representative should also ensure that Yasmin's parents and brother have a copy of Yasmin's Biometric Residence Permit showing that she has been recognised to be a Refugee in the UK, a copy of any interview records from her asylum claim where she names her parents and brother and evidence of contact between Yasmin and her family, for example, printed screen shots of records of calls between them.
7. It is likely that any legal representative will prepare brief statements from Yasmin and her parents (and possibly her brother) in support of the applications, setting out the history of their relationship and how they came to be separated, how they re-established contact and their need to be reunited. It is important that any information to be submitted in the application and it is checked against any information previously submitted. Any discrepancies between the information given by family members (including, for example, in an asylum interview) will need to be addressed, otherwise the Home Office may not believe that the family are telling the truth in their application.
8. Yasmin's parents and brother will need to sign the online applications and take the applications with all of the documents that the legal representative has sent them with their passports to the appointments at the VAC.
9. Yasmin's parents and brother should be prepared that they will have their biometrics (fingerprints and photographs) taken at the appointment and that the original documents will be taken from them, including their passports.
10. The family will then wait for a decision on their applications for family reunion. The UK authorities estimate that they will decide these applications within 60 working days.
11. The family will usually receive an email informing them that a decision has been made and is ready for collection. Yasmin's parents and brother will need to return to the British Embassy or VAC to collect any decision.

If the decision is positive, Yasmin's parents and brother should have their passports endorsed with visas to the UK. The visas will usually be granted for 33

months or for the same period of time as Yasmin (whichever is the shorter). It is likely that the visa will be granted with a restriction stating that there must be no recourse to public funds (benefits).

Once Yasmin's parents and brother are in the UK, they must go to the location specified to collect their Biometric Residence Permits.

If the application is refused, an appeal may be lodged on human rights grounds. Any appeal must be lodged within 28 days of the decision being served. Legal advice should be sought.

This leaflet is to help non-lawyers understand the evidence that might help an application for reunification for a close family member of a person with Refugee status or granted Humanitarian Protection.

It should be read alongside our leaflets on Family Reunion for Refugees and those granted Humanitarian Protection.

If you are a legal representative seeking information on helping clients to make applications for family reunification in reliance on Dublin III, please see our training materials on this topic. If, having

considered the training materials, you require additional support, please contact the MLP at www.themigrantslawproject.org.

Key terms

Applicant – the person (or people) seeking to reunite with their family member in the UK

Sponsor – the person in the UK seeking permission for their family member to be reunited with them

Entry Clearance – Process for seeking permission to enter the UK from abroad

Leave to Enter / Leave to Remain – Permission to enter the UK / Permission to remain in the UK

1. Eligibility

- **The Sponsor** must be over 18 and have been granted Refugee status or Humanitarian Protection. They may have Indefinite Leave to Remain in the UK following the grant of Refugee status or Humanitarian Protection. If you are a Child Refugee or child with Humanitarian Protection seeking to reunite with parents and/or siblings, please see our other leaflet: Family Reunion for Children who have Refugee Status or Humanitarian Protection, as the process for family reunion for child refugees is much more complex.
- **The Applicant** must be an immediate family member of the person in the UK and seeking to join them in the UK:
 - spouse or partner; or
 - child under the age of 18.
- **The Sponsor and Applicant(s) must have been a family unit in the country of origin before the Sponsor fled to seek asylum (pre-flight).**

2. Get the evidence you need

The application for Family Reunion is made online and submitted at the nearest relevant British Embassy/Visa Application Centre (VAC) to the family members outside the UK. To support the application, it is important to begin to gather evidence to prove that the Sponsor and Applicants meet the criteria. For information about the process of where to present this evidence, then please see our other factsheets.

General Rules for evidence

Original documents: All documents submitted should be originals. If it is not possible to submit the original documents, the reasons for this must be explained when submitting the evidence.

Translation: all documents that are not in English should be submitted together with formal translations into English.

Verification: the Applicant and Sponsor should consider whether to have documents verified by an expert, for example, a country expert, before they are submitted. It is very important that documents submitted as evidence are genuine – relying on false documents could lead to a family reunion application being refused and the family being banned from making a further application.

Missing documents: if the Sponsor or Applicant is unable to provide documents (such as a passport) for any reason, it is important to explain why this is, providing as full an explanation as possible. If possible, evidence should be provided in place of the missing documents; for example, witness statements explaining how the documents came to be lost.

Evidence needed	
From the Applicant	<p>Identity of each Applicant, including nationality: A passport is the usual evidence of nationality, identity and age, but the Applicant may have other ID documents that are suitable, including a taskera/family book/other identity document. If the Applicant is unable to obtain passports, this should be explained, with reasons.</p> <p>Proof of age (if the Applicant, is under 18 years) for example: passport / family book / other identity document. If there is no proof of age available and the age may be disputed consider obtaining a report from an independent social worker.</p> <p>Relationship between the Applicant and the Sponsor: for example birth certificate, marriage certificate, family book, family photographs or DNA evidence.</p>
From the Sponsor	<p>Legal status of the Sponsor: documentation of Refugee Status / Humanitarian Protection / ILR as a Refugee or following Humanitarian Protection.</p> <p>Documents confirming the family relationships with the Applicant – for example, record of asylum screening interview, asylum interview and any asylum statements that mention the Applicant</p>
From both	<p>Contact between them: For example, phone bills showing calls / emails / Whatsapp or Viber messages / money transfer receipts / photographs of the Applicant and Sponsor together / travel tickets</p> <p>Information and, where possible, evidence about why they cannot enjoy their family life in any other country and need to be reunited in the UK It can be helpful to prepare a statement from the Applicant and / or Sponsor explaining about their relationship, the reasons they need to be reunited and</p>

	the reasons they cannot enjoy their family life in the country in which the Applicant lives.
--	--

3. Witness Statements

Witness statements should be provided by the Sponsor and any Applicants, assisted by a legal representative in possible. They should be in English, and include a statement of truth confirming the contents to true and correct, be signed by the person providing the statement and, where appropriate, be signed by an interpreter to confirm they have been translated.

Witness statements in a family reunion case should include some or all of the following:

- Confirmation of the names and dates of births of the Sponsor and Applicant and details of the relationship. If the applicant is a spouse / partner, include details of how they met and started their relationship, when and where any marriage took place and when and where any child(ren) were born.
- When and where the Sponsor and Applicant lived together.
- Brief information about how the Sponsor and Applicant came to be separated.
- Brief information about the Sponsor's asylum claim in the UK – for example, when they entered the UK, when they claimed asylum and when they were recognised to be a Refugee or granted Humanitarian Protection.
- If contact was lost between the Sponsor and Applicant, information about when and how contact was re-established.
- Information about contact between the Sponsor and Applicant, including information about how they contact each other (for example Skype or Whatsapp) and how often it is. If it is not possible to have regular contact then this should be explained.
- If the Sponsor has been able to visit the Applicant in a country outside their country of nationality since being recognised to be a Refugee or granted Humanitarian Protection, information about any such visit should be provided.
- If the Sponsor has been able to send money to the Applicant, details of money transferred should be provided.
- If the Applicant is outside their country of origin, think about providing information about their status in the country in which they are living, especially if they do not have lawful status there, have temporary status or need to leave the country by a certain date.
- If the Applicant has health concerns and/or is living in particularly difficult circumstances/in danger, this should also be explained with evidence provided where possible.
- If it is not possible to provide original documents or specific documents at all, this should be explained with reasons.

It is very important that information contained in any statement is accurate and that it is consistent with information provided previously, including in the asylum claim of the Sponsor. It is recommended that legal advice be sought regarding any statement prepared prior to submission in support of an application for family reunion. Relying on false documents could lead to a family reunion application being refused and the family being banned from making a further application.

In some cases, it may be appropriate to obtain statements from other witnesses, for example, where documents confirming identity cannot be provided, a witness statement from someone who knows the Applicant personally may help in establishing their identity. Any witness should provide a copy of their identity document to confirm their identity.

Note: The criteria and evidence for Refugee family reunion is outlined above for the purpose of raising awareness of evidence that may support an application for family reunion. Given the importance of the application and the potential complexities of applications it is advisable to seek legal advice and representation before making an application.