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**‘One Day We Will Be Reunited’
Experiences of Refugee Family
Reunion in the UK**

**Scottish Refugee Council
April 2010**

**25
YEARS**

building
a better
future with
refugees
in Scotland

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Cite this report as Connell J, Mulvey G, Brady J, Christie G. One Day We Will Be Reunited: Experiences of Refugee Family Reunion in the UK. Glasgow: Scottish Refugee Council, 2010.

We are particularly grateful to: David Holmes, Helen Bailot, Rosanne Alexander, Sharon Cranwell, Tommy Taylor, Brian Bryceland, Wafa Shaheen, Hannah Shephard, Frank Higgins, Alexander de Châlus and Clare Tudor. This report would not have been possible without their assistance.

Most importantly the research team is indebted to all the professionals who took part in this research as well as the individuals who were willing to share information about their difficult experiences. We very much hope that this research will improve the processes for refugees being reunited with their loved ones in Scotland and the rest of the UK.

Scottish Refugee Council would like to take this opportunity to thank all of the staff and volunteers who worked on its family reunion service from 2004 until 2009, in particular David Holmes, Luke Warren, Michael O'Hagan and Kevin Hughes. The service and this report would not have been possible without their hard work, professionalism and dedication to helping refugees be reunited with their family members. We are also deeply grateful to the many partner agencies and funders for their support, goodwill, and commitment.

The funders were: the Home Office, Lloyds TSB Foundation for Scotland, St Nicholas Care Fund, The Russell Trust, Garfield Weston Foundation and Hugh Fraser Foundation.

1.0 Introduction

2.0 Research aims and objectives

“I don’t know where XXXX is... It’s been like a year and 9 months...I don’t even know if xxxx is alive, but I believe in God and that one day we will be reunited...If human beings don’t reunite us God will some day.”

Conflict, war and persecution not only force people to flee their countries and seek sanctuary, they also force families and loved ones apart. For the people who find sanctuary in the UK and are recognised as refugees, many will seek to find and be reunited with those they had to leave behind – their husbands, wives, partners, children and other family members. For many, like one of the people interviewed for this report, they will sadly fail at the first hurdle: not being able to trace loved ones, finding out they have gone missing or that they have been killed. For those that do know where their families now are, the process of seeking to be reunited with them in the UK can be a long, complex and emotional process.

Scottish Refugee Council began providing a dedicated Family Reunion service in 2004¹ to give one-to-one support and advocacy to refugees to assist them in the family reunion application process. We secured funding from the Home Office Challenge Fund to build this work and we successfully ran an advice service for 2 years – earning 5 out of 5 star beacon status in November 2004. Unfortunately, the work did not secure ongoing grants and other funding sources had to be sought. We attracted various funders until 2009 when we found that this was becoming successively more difficult and despite continued client demand, we had no alternative but to wind down the service. Upon its closure in May 2009, we undertook to capture the family reunion needs and experience of refugees and the views of professionals working in this area. This report seeks to meet this goal.

Sections 2 and 3 of the report set out the specific objectives of the research and describe the methodology. The international and European context of family reunion and how family reunion currently operates in the UK are set out in Sections 4 and 5. A short review of the literature on family reunion is presented in Section 6. Section 7 of the report presents the findings from questionnaires

sent to professional respondents who have a locus in the operation of family reunion in the UK. Section 8 then sets out findings from interviews with refugee respondents who have engaged to different extents with the family reunion process. The report concludes with a summary of the key findings of the research. It considers the implications of the research findings and makes recommendations for policy, practice and further research.

We hope that this report stimulates debate and action to ensure that the UK is not only a place of sanctuary for refugees who have fled persecution, but it is also a place where those refugees can be reunited with their loved ones and rebuild their lives.

2.0 Research aims and objectives

This report analyses the application process in the United Kingdom (UK) for refugees applying to be reunited with their families under the UK’s immigration rules (352A to 352F HC395) and the experiences of refugees in Scotland and professionals across the UK of this process. The aims and objectives of this study are to: highlight the state of knowledge of family reunion in the UK; explore refugees’ experiences and understanding of the family reunion process in the UK; investigate key agencies’ understanding and experience of the family reunion process in the UK and to make recommendations based on the findings to improve refugees’ access to, and experience of, family reunion.

¹ Prior to this from January 1999 to March 2000 Scottish Refugee Council provided a European Union funded service: – Family Reunion, Integration and Resettlement service.

A multi-method approach was used for this study, which consisted of:

- A review of existing research and literature on family reunion;
- Semi-structured in-depth interviews conducted with a sample of refugees;
- A semi-structured questionnaire sent to a sample of key professional agencies throughout the UK and abroad²; and
- An analysis of case files from Scottish Refugee Council's Family Reunion Service.

A topic guide for interviews was drawn up and used for continuity in questioning and to act as a guide during the interview process. This can be found in appendix 1. The questionnaire sent to professional agencies can be found in appendix 2.

Criterion based purposive sampling, otherwise referred to as judgement or systematic non-probability sampling was used in the selection of research respondents. The purpose of adopting this sampling framework was to identify specific individuals and groups who had a professional or personal association to the issue being addressed.

Interviews were undertaken with eleven refugees identified and recruited by Scottish Refugee Council staff. The respondents had done one of the following:

- Attempted to undertake the family reunion process but were unable to;
- Been through the family reunion process and had been successfully reunited with family members;
- Were going through the family reunion application process at the time of being interviewed (November – December 2009); or
- Had gone through the family reunion application process, had been unsuccessful and were appealing the decision made.

The initial research design was to identify five refugees who had accessed Scottish Refugee Council support and been successfully reunited with family members; five who had accessed Scottish Refugee Council support and been unsuccessful; and five who had not accessed Scottish Refugee Council support. This was designed as a means of

addressing the role of the Scottish Refugee Council family reunion service, but also a means by which refugees not known to that service could be included. However, difficulties in accessing respondents and setting up interviews led to this design being altered. This means that the overall sample may not cover all types of refugees attempting family reunion in as much depth as had been hoped. However, the sample does still cover all of the mentioned categories and the wide experiences of the sample do allow all prescient issues to be addressed.

Questionnaires were sent to specific individuals in UK refugee organisations who responded to the questionnaire themselves and / or who sent it on to others within their organisation. Twenty-one individual responses were received. Those who took part in the study came from a variety of organisations with a role in, or knowledge of, family reunion. These included health and social care professionals, staff working in refugee-assisting organisations, legal representatives, the British Red Cross and UKBA staff. A large proportion of respondents were located in Scotland.

Each respondent's written consent to participate in the study was obtained. Confidentiality and anonymity was assured to all research participants. In order to ensure that the interview conversation between the respondent and the researcher was recorded accurately, all interviews with the respondent's permission were digitally recorded. The research interviews were transcribed and analysed using grounded theory looking at emerging issues and themes. Research questionnaires were also analysed thematically. Any identifying information used in the report has been replaced with XXXX.

Direct quotations from respondents are included in the report in *italics*.

The family reunification experiences of a number of other refugees who attended the Scottish Refugee Council's former family reunion service have also been used and inserted as short case studies or as direct quotations from caseworker notes into the report.

Permission to use such details from case notes from Scottish Refugee Council's Family Reunion Service was obtained and any identifiers removed.

² Due to the limited time frame of the study, it was not possible to consult with all organisations and service providers in the UK that assist refugees with family reunion, including UNHCR.

Refugee family reunion is legally different to the settlement of other migrants. There are numerous international covenants and instruments from which refugee family reunion emanates, only some of which apply to non-refugee migration. This section aims to provide the legal context, both international and European, for family reunion. Some of these issues are also covered in the literature review.

At the international level there are a number of instruments in which the right to family reunion is either stated or implied. The 1948 Universal Declaration of Human Rights highlights the family as *'the fundamental group unit of society'* which requires that it is *'entitled to protection by society and the State'* (Article 16 (3)). The International Covenant on Civil and Political Rights contains the *'negative freedom'*³ for the family to not be subject to unlawful interference. There is no specific mention of family reunion within this Covenant but the right to a family contains that implication. The Covenant does state that *'the right to found a family implies, in principle, the possibility to live together'*, whereby: *'the possibility to live together implies the adoption of appropriate measures, both at the internal level and as the case may be in cooperation with other States to ensure the unity or reunification of families, particularly when members are separated for political, economic or similar reasons'*.

Accompanying the Covenant on Civil and Political Rights is the International Covenant on Economic, Social and Cultural Rights. It also highlights the family as the *'fundamental group unit in society'*, and as such that the family should be subject to *'the widest possible protection and assistance'* (International Covenant on Economic, Social and Cultural Rights, Article 10.1.). As will be highlighted in the literature review, the Convention on the Rights of the Child provides a more anchored protection with regard to family reunion. Although family reunion is not guaranteed, the Convention does make the requirement that reunification involving children be dealt with in a *'positive, humane and expeditious way'*. In such decision making there is also the requirement that the best interests of the child should be primary.

Perhaps more obviously, the 1951 Refugee Convention, while not making family reunion an explicit right, does state that the adoption of the Convention *'Recommends Governments to take the necessary measures for the protection of the refugee's family'* (Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons). This is seen as particularly important with regard to ensuring *'that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country'*. The Convention also argues for *'the protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption'* (Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons). The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status Conclusion 24 takes this process further in encouraging signatories to *'apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family'* (UNHCR Handbook on Procedures and Criteria for Determining Refugee Status paragraphs 181-188). With regard to the issue of documentation, the Handbook argues that the lack of documentation that proves either marriage or paternity should not present an obstacle to reunification.

³ The concept of negative freedom or negative liberty is traced back to Thomas Hobbes and relates to freedom from interference, as opposed to positive freedom that concerns having the power, ability and resources to pursue your own needs or desires.

At the European level the European Convention on Human Rights, incorporated into UK law via the Human Rights Act, also has implications for the operation of family reunion procedures. This Convention makes explicit the rights of individuals to a private and family life. There are also further European dimensions to family reunion. The European Union adopted a Directive on Family Reunion in 2003, which the United Kingdom opted out of.⁴ Nevertheless the Directive does provide a European foundation to family reunion with regard to third country nationals legally resident in the member state. There are positive requirements on states to facilitate family reunion for refugees, although those with subsidiary forms of protection are not covered (Directive 2003/86/EC). There are certain amounts of flexibility assumed in the Directive. It states that where a refugee is unable to provide documentary evidence of an existing relationship, member states should take any other evidence of that relationship into account (Directive 2003/86/EC). Furthermore, decision making on family reunion applications should not be based solely on the lack of documentary evidence.

Further European requirements are provided for in the form of the Qualifications Directive. It highlights the rights associated with recognised refugees and those who have other forms of subsidiary protection. The Directive requires signatories to maintain family unity (Directive 2004/83/EC). The definition of family remains a narrow one, with only biological children and spouses being included. Beyond this, states are given discretion whether they wish to extend the right to unmarried partners and informal or formally arranged adoptive family members.

⁴ It is anticipated that the European Commission will publish a Green Paper on Family Reunion in 2010

This section gives a brief overview of the family reunion process in the UK, statistics, actors involved in family reunion, guidance and strategies. It does not attempt to be exhaustive. For a more thorough examination of the UK legal framework of family reunion, including applications from minors and family members in the UK refer, for example, to JCWI Immigration, Nationality and Refugee Law Handbook 2006 (Seddon 2006).

While Section 2 provides the international principles behind family reunion, it also reiterates the overall control of state authorities over such matters. The UK Government has its own rules pertaining to family reunion that are contained within Part 11, Paragraphs 352A to 352F HC395 of the Immigration Rules. These are summarised on the UK Border Agency website and in guidance for applicants for family members to settle in the UK (INF 6).⁵ In the UK a recognised refugee or an individual benefiting under humanitarian protection procedures “allows him/her to be reunited with his/her family members (that is, those who were part of the family unit before he/she fled”

The rules therefore provide ‘pre-existing’ families with that right. The right relates to the unification of spouses, civil partners, unmarried/same sex partners and children under the age of 18. The immigration rules also state that there is a degree of discretion built into the operation of the rules such that other family members can be considered on compassionate grounds.

The process of applying for family reunion is many staged: collation of documents; sourcing information on how the application is to be made in a particular country; correspondence and communication with a Visa Application Centre or sometimes British mission; submitting an on-line

or paper application and being called for interview; the interview and decision process; possible DNA or health screening; arranging travel and travel documentation; or submitting an appeal.

Applications for family reunion are made through the UK’s entry clearance system. A refugee (sponsor) in the UK wishing to be reunited with family abroad will usually collate and send all documents regarding his/her status in the UK to their family member(s). The family member(s) (applicant) then applies for entry clearance to the nearest Visa Application Centre or in some countries to the British mission (Embassy, High Commission or Consulate). They will submit a VAF4A Settlement Application Form⁶ in the relevant manner in the country where they are residing or if there is no available Visa Application Centre or British mission there⁷ the application will have to be lodged and processed in a neighbouring country. The applicant will be required to provide proof of the sponsor’s refugee status or humanitarian protection⁸ and their relationship to them, i.e. birth and marriage certificates. In the event that these are not available, the family may have to undergo DNA testing at the insistence of the decision makers.⁹ In most cases families will have to attend an interview at the Visa Application Centre. In certain countries applicants may also have to undergo a test for tuberculosis.¹⁰ Once status and relationship are evidentially proven, the family members may be issued with a visa, providing, since August 2005 limited leave to remain bringing them in line with the sponsor’s leave. Unlike regular family visit or settlement applications,¹¹ there is no requirement for the refugee in the UK to prove that they can adequately maintain and accommodate the applicants without recourse to public funds. Fees are waived for family reunion applications.

⁵ See: <http://www.ukba.homeoffice.gov.uk/partnersandfamilies/familyreunion/> and <http://www.ukvisas.gov.uk/en/howtoapply/infs/inf6familymembers#Q5>

⁶ See: www.ukvisas.gov.uk/resources/en/docs/1903073/vaf4a

⁷ For example Burundi currently does not have an operating mission or VAC.

⁸ After 30 August 2005 for those who have been granted exceptional leave to remain in the UK, or were been granted ‘Humanitarian protection’ before 30 August 2005 or have been granted ‘Discretionary leave to remain’, they cannot normally apply for family reunion until they have been granted permission to stay in the UK permanently (indefinite leave to remain (ILR)).

⁹ See: UKBA Guidance on Family Relationship Testing (DNA): <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/family-relationship-testing-DNA?view=Binary>

¹⁰ “The Government’s five-year strategy published in February 2005 set out the Government’s proposal that in the future it would: “Implement its existing powers by targeted health screening for tuberculosis in high risk areas at the entry clearance stage. Those who are diagnosed would then need to seek treatment at home before being allowed to enter the UK.” (see: <http://www.ukvisas.gov.uk/en/howtoapply/tbscreening/tbscreeningfaqs/tbgeneralfaqs/2971032>)

¹¹ For those with indefinite leave to remain (ILR) in the UK (without refugee status), applications can be made by spouse and dependent children to join them in the UK. The differences between this application and family reunion, however, is that the ILR holder will have to satisfy maintenance and accommodation requirements and the applicants will also be required to obtain their own passports/travel documents and flights. These requirements can be waived in exceptional cases also.

The process for making an application has changed significantly since January 2007. A major overhaul of the systems and services led to the creation of regional hubs or Visa Application Centres. This began in January 2007 in tandem with the creation of the UK Border Agency (UKBA) which amalgamated the BIA (Border and Immigration Agency), HM Revenue and Customs overseas and border operations and UKVisas. UKBA was finally established as an agency of the Home Office in April 2008. According to UKBA¹² by late 2009 there were 250 locations at which an application for any type of visa including family reunion visas could be registered and these locations are serviced by just 80 processing (decision-making) centres. Half of applications are now made online and almost two million applications have been issued with 500,000 visas refused in what UKBA cite as a swifter, fairer, and more effective visa process.

Specific guidance on family reunion for UKBA asylum case owners (Asylum Policy Instruction on Family Reunion)¹³ and for Entry Clearance Officers (SET 10- Family Reunion)¹⁴ are both stated as being 'currently under review'. Previous guidance is not publically available. In addition, it would appear that there is no individual UKBA official tasked as a focal point for family reunion issues.

Figures for the number of dependants of refugees joining those granted settlement through family reunion are not separately identified within publically available data for general grants of settlement to dependants and spouses.

Save for a fleeting reference to family reunion in the UK Government's five-year strategy for immigration and asylum in 2005, *Controlling Our Borders: Making Migration Work for Britain* (2005),¹⁵ there has been no government focus on family reunion as a specific issue apart from general settlement in any of the UK Government's key strategies on asylum and migration. Ager and Strang's work for the Home Office to develop indicators of refugee integration (Ager and Strang 2002) proposed that acceptance rates of family reunion applications by refugees should be a core policy indicator to measure the enablement of refugees to realise their rights. However, each of the UK Government strategies on refugee integration since 2000¹⁶ has failed to acknowledge or include family reunion as a factor in the integration of refugees in the UK.

¹² See: www.ukvisas.gov.uk/en/aboutus/oseasnetwork

¹³ See: <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/familyreunion.pdf?view=Binary> .

¹⁴ See <http://www.ukvisas.gov.uk/en/ecg/settlement/familyreunion>.

¹⁵ *Controlling our Borders: Making migration work for Britain, a Five-year strategy for asylum and immigration* (2005); p.22: "Granting refugees (those whose applications are agreed) temporary leave rather than permanent status to begin with, while we review whether the situation in their country has improved. If it has not improved after 5 years, we would grant them permanent status. Otherwise we would expect them to return. They may be joined by their immediate family and will be encouraged to find work and participate in local communities."

¹⁶ *Full and Equal Citizens: A strategy for the integration of refugees into the United Kingdom* (2000); *Integration Matters: The national integration strategy* (2005); and *Moving on Together: Government's recommitment to supporting refugees* (2009).

Aside from the UK Border Agency other actors may be involved in the family reunion process. If entry clearance for family reunion is refused, then the applicant has a right of appeal to the Asylum and Immigration Tribunal (AIT). Any such appeal must be lodged within just twenty-eight days. For refugees in the UK who are unable to locate or maintain contact with family members, they can access the tracing services of the British Red Cross. Until recently, in the event of a family reunion application being accepted, refugees were able to access assistance from the UNHCR to help with travel for their family members to come to the UK if they had no financial means available and met certain criteria. Applications were made through the British Red Cross, and processed by UNHCR in Geneva in conjunction with relevant UNHCR offices and the International Organisation for Migration (IOM) in the countries where the applicants reside. Applications took up to 12 weeks or longer to be decided. If support was granted then travel for a refugee's family members would be organised by UNHCR and the International Organisation for Migration (IOM). Delays could occur in arranging travel due to a number of factors not within the control of UNHCR or IOM. This fund however was closed on 31 December 2009¹⁷. Charitable organisations, such as Prisoners of Conscience may also provide financial support to meet travel costs of family reunion.

Refugees may seek the support of legal representatives to assist them in the application process and some limited legal aid¹⁸ may be accessed. Refugees may also receive basic immigration advice from refugee-assisting agencies, refugee community groups and Citizens Advice Bureaux, registered with the Office of the Immigration Services Commissioner (OISC).

¹⁷ It is important to state that the UK and Ireland were the only two European countries where UNHCR operated this fund. Elsewhere in the EU assistance is funded by the member state or civil society.

¹⁸ In Scotland this is administered by the Scottish Legal Aid Board (SLAB). In England and Wales legal aid is administered by the Legal Services Commission.

6.1 Introduction

The issue of family reunion is a problematic one from a rights perspective both in terms of international migratory movements generally and in relation to refugee or forced movements in particular. While the control of borders is seen by many as performing one of the core legitimising functions of modern nations states, there is a potential for collision between this function and its logic of control, and international human rights obligations. As Staver points out *“family reunification is unavoidably caught between individual human rights and states’ widely recognized right to exercise immigration control”* (Staver 2008 25). Thus the balance between the rights of states and the rights of individuals in relation to family reunion, like many other immigration issues, is one of contention.

In terms of the wider importance of the family Fonseca and Ormond state that *“the family is widely accepted as a basic unit of cultural, social and economic production and reproduction which plays a fundamental role in the successful integration of its members, and functions as a support network for them”* (Fonseca and Ormond 2008 89). Staver adds that *“the most crucial and basic social grouping is the family, fulfilling a host of functions in human life”* (Staver 2008 3). Of importance to the work being undertaken here, Staver also states that despite the recognition of the family’s importance for human development and well-being, for refugees and other forced migrants, family unity cannot be taken for granted, as the situations that cause displacement commonly split up families (Staver 2008 3). Nevertheless the importance of the family to wider societal well-being is widely accepted. Fonseca and Ormond point out that families play a key role in the integrative abilities of all groups in society let alone new migrant ones (Fonseca and Ormond 2008 89).

However, despite acknowledgement of the importance of reunion to the individuals involved as well as their capacity to integrate, the existence of a right and the ability to access that right show some divergence. Arturo points out that there is recognition of the right to reunion, at least symbolically, but that enforceability is problematic (Arturo 2003). There are numerous reasons for this, most of which are located somewhere on a continuum between state and individual rights, or alternatively state rights to control and international human rights obligations that may challenge that control. This balance between legal rights and international law and state rights and controls is fundamental to much of the research on refugees and asylum seekers, no more so than in the case of family reunion. The next section highlights the legal case that the research being undertaken here seeks to engage with.

6.2 The Legal Case

There are a number of international conventions that make reference to the 'rights' of family reunion. It is worth beginning with the fundamental Conventions that govern, or at least make assertions regarding the governance, of refugee movement. The 1951 Convention Relating to the Status of Refugees and the 1967 protocol are the overarching principles signed up to by some 147 nation states, most of whom have signed up to both.

While the 1951 Refugee Convention does not contain a positive right to family reunion, ECRE point out that the Final Act of the 1951 United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons argues for Governments *"to take the necessary measures for the protection of the refugee's family especially with the view to: 1) ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country; 2) the protection of refugees who are minors, in particular unaccompanied children and girls with special reference to guardianship and adoption"*(ECRE 2000 6). While the notion of 'heads of family' is somewhat gendered and outdated, the overall concept of a principal applicant accepted as a refugee having a right to bring their family with them is evident. In addition, the Convention makes specific reference to adoption and thus genetic relationships are not seen as the sole basis of family constitution (more on which below).

Staver concurs that the principle of human rights law may well contain provisions to protect the family, but that the lack of formal codification of such law makes it difficult to action. Staver also highlights that as per ICCPR66 art. 17(1), Nation States *"cannot arbitrarily interfere in family life; including the family life of non-citizens. This should prohibit states from splitting refugee families, but might not obligate them to take positive steps towards reuniting families already torn apart"* (Staver 2008 13). Thus the issue of positive and negative responsibilities arises. This balance between the

positive and negative means that while the right to be protected against interference is more concrete, family reunification is a different issue, as it requires positive facilitation. This balance is also seen in rulings by the European Court of Human Rights which, Staver points out, is *"more willing to protect family rights in relation to expulsion/deportation than in relation to entry"* (Staver 2008 14).

There have been other attempts to place family reunion on a more solid legal footing. For example, the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families was first adopted in 1990. Family unity was a key part of that Convention and although it concerns just migrant workers, the principle is relevant nevertheless. However, its adoption and actioning suggest severe limitations in its reach. Arturo points out that it took some 13 years in order to obtain the 20 signatures required to make it come into force, and further that the signatories thus far have not included a single nation of net immigration (Arturo 2003 1).

It may be argued that the 1989 Convention on the Rights of the Child (CRC) contains a more fundamental right to family reunification. Article 10(1) states that *"applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States in a positive, humane and expeditious manner"* (ECRE 2000 12). However, the right is somewhat more limited than suggested as the Convention goes on to identify that right as relating to the individuals own nation state, an issue clearly of difficulty for refugees. In addition, as would be expected, the Convention focuses solely on children, while it is necessary for family reunion issues to move beyond just children and their 'rights'.

While Staver accepts this view as a fairly negative one, she also argues that the Convention on the Rights of the Child is evidence of a partial codification of some principles relating to family reunion. She highlights the relevant part of the Convention which states that “*States Parties shall ensure that a child shall not be separated from his or her parents against their will*” (Staver 2008 15). She points out that this article does appear to contain positive requirements on nation states, as opposed to just the negative ones mentioned above. The Convention continues that states should cooperate to “*trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family*” (Staver’s emphasis). While the UK had a reservation up till 2008 with regard to the Convention, Jastram and Newland argue that the very fact that such an opt-out was deemed necessary is indication that there is a positive obligation (Staver 2008 15). ECRE add that the CRC appears to be the only Convention that provides such an obligation to allow entry. Thus it seems that the CRC could be seen as a more solid legal instrument that could be built upon and extended.

Nevertheless the ubiquity of European legal processes relating solely to either children or labour is seen in European Commission proposals for a Council Directive on the Right to Family Reunification. While the Amsterdam treaty had created the institutional ability to institute such a process, member states resisted liberalisation of any immigration matters on an EU wide basis. However, in 2003 these plans received some positive direction with the right to family reunification for third-country nationals, redrafted from 1999, whereby residents of a year or more with an expectation of remaining permanently could apply. An important issue in the Directive as far as family reunification is concerned, which will be expanded on in the next section, is which family members are entitled to that reunification. The directive refers solely to children and spouses. In addition, the child’s entitlement is only applicable below the age of legal responsibility in the specific member state, which in some EU nations is as low as 16.

Arturo adds that EU nation states have taken longer than expected to agree on harmonised procedures for family reunification (Arturo 2003 1). While this should not necessarily be surprising, as EU members have consistently resisted harmonisation in general, and particularly in areas that are seen as more open and liberal, it is seen as problematic nevertheless, and encourages a move to the ‘lowest common denominator’.

The European Social Charter also has a provision relating to family reunion, which suggests that states should “*facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory*” (Arturo 2003 8). Again this provision is less than absolute and is related primarily to the movement of EU nationals. This reflects a long substantiated argument that European agreements tend to refer primarily to issues of workers and labour, rather than rights and citizenship.

One test case of the ECHR with regard to family reunion was that of *Abdulaziz, Cabales and Balkandali v UK69*, a case brought by three women permanently settled in the UK. Their husbands had been either refused permission to remain with them in the UK or refused access to the UK (Arturo 2003 11), indicating that from the nation states perspective, negative as well as positive requirements are less than absolute. The case involved both Article 8 and Article 14 rights, the right to family life and the right to be free from discrimination. The Government argued that all three couples would be able to settle elsewhere, with their husbands in Portugal, the Philippines or Turkey respectively, and that thus they were effectively attempting to choose their country of origin (Arturo 2003 11). It is worth adding that this principle of choice is not one available to refugee families in the same way. Nevertheless the court ruled that the individual case required attention and should take account of the potential difficulties for the family establishing their lives in another country. However, interestingly there was also consideration of whether obligations were positive or negative. That is, whether states are required to act and facilitate or simply to refrain from acting negatively or blocking, although no final decision appears to have been made.

6.3 Defining the 'Family'

Chambon highlights that the definition of a refugee within the 1951 Convention¹⁹ to some extent individualises the refugee situation whereas for her the family perspective is *"crucial to the understanding of the refugee experience"* (Chambon in Staver 2008 5). One of the major issues regarding current family reunion procedures in Britain and elsewhere concerns the definition of the family utilised in decision-making. While the concept may appear unproblematic, Hawthorne points out that family is a *"culturally based concept, shaped through a variety of experiences, including cultural and legal"* (Hawthorne 2007 823). ECRE add that *"Consideration must be given to differences in definition of "family" and "family life" which, in some cultures, might include near relatives and members of a household with whom there might not be a blood relationship"* (ECRE 2000 9).

Staver points out that State control is evident in the process in that *"the main tool at the disposal of the state for managing family reunification is the power to impose a definition of the family"* (Staver 2008 22). RIS research highlights UK procedures such that *"where a child has been adopted in fact but the legal process has not yet been completed. Refugees can also apply for other dependent family relatives if there are compelling and compassionate grounds"* (Galvin 2007 18). Thus some degree of flexibility is available within the rules, although the practice on the ground may not take account of this.

Staver argues that the refugee family situation has to be contextualised somewhat differently to that of other families, due to the issue of conflict. Separation in these cases should not be seen as voluntary and knowledge of the location of family members in conflict situations is often unclear. As these situations often last considerable lengths of time, in which family members can be killed or may disappear, informal adoptions can take place whereby extended family members or neighbours take over the care of children whose parents have died (Staver 2008 6). Staver adds that *"the complicated circumstances of the refugee experience imply that refugee families are perhaps particularly fragmented and "denuclearized"*" (Staver 2008 6). In such a process families of choice or circumstance are formed. As far as reunification is concerned such family formation means that *"reunification difficulties can be a new source of separation, anxiety and loss"* (Staver 2008 6).

Thus in such situations the question arises of who is to be reunited? While there is no internationally agreed definition of marriage, western nations impose their own narrow parameters on foreign nationals regarding the unification of spouses. However, even *within* western states more partners live together without being married, while same sex relationships are also increasingly recognised (Staver 2008 8). Thus there is some recognition of the fluidity of family formation *within* western states, although that fluidity is less recognised when it is *between* nation states or at least between developed and less developed states. Staver also argues that the issue of genetic ties is opaque. She asks *"should there be distinctions between "real" children and adopted children in relation to family reunification?"* (Staver 2008 8).

¹⁹ The Convention and 1967 Protocol define a refugee as "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

Staver goes on to address one of the key issues in family reunion processes, that of dependency. She points out that in western nations young people are increasingly dependent on their parents for a period after they have obtained qualifications and have begun working. Thus in many western states 'dependency' can last into a young person's 20s. *"Such developments could lead us to question the decisions of states to progressively lower age limits in family reunification matters"* (Staver 2008 11).

Staver also argues for 'dependency' to be expanded beyond the biological nuclear family, as others may also exist in a situation of dependency. While states demand papers to prove family relationships, dependency is difficult to prove, particularly after long periods of separation (Staver 2008 9). Kofman and Sales add that current definitional practices in family reunion matters are the most gendered of all immigration policies. They argue that *"state policies have generally assumed relationships of dependency between female migrants and the husband or fiancé they are joining, viewing the man as breadwinner"* (Kofman and Sales 1997 27). Thus women are seen as migrating in order to join their partners as dependents.

Beyond the issue of defining family, which gives the state enormous powers, the state also has the power to make reunification conditional. For example, they may require permanent residency prior to the 'right' to apply for reunion (Staver 2008 23). Such exclusions can extend to exclusion on the basis of public policy, public security or public health (Staver 2008 24). All such terms are subjective and changing, and thus the complexity of the system is exacerbated. The issue of public health may be particularly problematic for refugees. As many refugees come from areas of the world suffering from poor sanitation and healthcare, and with widespread diseases, the exclusion of those with such health problems, or more directly, health needs, is an exclusion of the very people who require protection (Arturo 2003 56).

Thus Hawthorne points out that declarations referring to the right to family unity must accept reunification as a necessary condition of that right. *"One cannot value family unity without also valuing family reunification, because reunification effectuates family unity"* (Hawthorne 2007 823). She adds that *"this concern demonstrates the importance of broadening the definition of "family"* (Hawthorne 2007 824).

6.4 Concepts of the family and how it relates to refugee family reunion

The above discussion has started to highlight some of the issues of concern with regard to certain conceptions of the family and how they relate to refugees and family reunion processes. With regard to recognised refugees themselves, UNHCR highlight the impact reunion can have on integration. They state that *“the family unit has a better chance of successfully integrating in a new country rather than individual refugees. In this respect, protection of the family is not only in the best interests of the refugees themselves but is also in the best interests of States”* (UNHCR 2000 2).

Arturo highlights the enhanced importance of reunion to refugees when compared to other migrants, in that they do not have the ‘option’ available to other migrants, that of returning home (Arturo 2003 33). He adds that the integrative function is thus of even greater relevance for refugees. *“Since migration for a refugee may be generally considered to be more traumatic than for a voluntary migrant, the psychological support and sense of continuity provided by the family also becomes even more important”* (Arturo 2003 33). While this ‘right’ is recognised, and bearing in mind the qualifications mentioned above, no case has come before the European Court regarding the reunion of refugee families.

Arturo argues that state imposition of conditions have created fault lines in the process. For example, the demand for documentation proving family relationships is one of the most common causes of rejection. Arturo points out that *“in the situations family members of Convention refugees often find themselves, official documents cannot be provided to prove such links and a more flexible approach is required by States”* (Arturo 2003 34).

Staver also highlights this issue of documentation for refugees. Forced migrants are often from countries that are ‘underdeveloped and chaotic’, meaning they often do not provide documentation of a quality recognised in receiving countries. She adds that many nations do not recognise documentation from the prime refugee producing nation states due to the impossibility of determining their authenticity (Staver 2008 9), and yet demands for documents from these countries are often made, leaving refugees in a situation whereby it is impossible to action their rights. Staver adds that the long term conflicts in many of these areas of the world mean that many births and marriages are not officially recorded and even where they do exist *“the refugees’ fear of persecution may prevent them from obtaining them”* (Staver 2008 9).

Finally, the externalisation of immigration controls seen in the practices of many developed states, mean that in order to escape their region of origin by circumventing visa controls and carrier sanctions, the destruction of documents may be required (Staver 2008 9). In nations such as the UK this destruction is often taken as negatively impacting on the credibility of claims for refugee status. Thus while states are seen as having a legitimate right to control entry into ‘their’ territory Staver asks a pertinent question about who controls are aimed at. *“Is it a coincidence that the forms of family which are the most restricted in immigration coincide with norms in Third World countries from which immigration is politically controversial?”* (Staver 2008 18).

Arturo further highlights that states have denied reunion on the basis that the refugee’s family currently lives in a third state where the family could conceivably live. The problem with this argument is summed up thus, *“to be reunited with his or her family, the refugee must therefore forfeit his or her right to asylum and resettle in a country that may, according to the declared findings of the UNHCR, not provide the refugee with durable protection”* (Arturo 2003 34).

While Arturo highlights that there are more favourable conditions for refugees than for many other categories of migrants, he also argues that the most stringent limitation is that which demands the refugee is recognised under the auspices of the 1951 Convention in order to be applicable (Arturo 2003 54). Thus those with 'other' forms of protection are not legally entitled to the same level of support. ECRE take up this issue of subsidiary protection rights and argue that all persons granted 'complementary' protection should also have these rights. The European Commission originally proposed that those with subsidiary forms of protection be included within their reunion processes, but this was rejected after member states could not agree upon a common definition of those with such protection (Arturo 2003 55).

At a time when subsidiary forms of protection account for a large proportion of cases, the need to extend family reunion rights beyond the tight criteria of the Convention is required in order to elevate family reunion to a positive right. Further ECRE argue that those with any form of protection should be exempt from residence requirements such as length of tenure in the state, employment and housing access and income related requirements. They further argue, as above, that the right to family reunion should not be restricted to nuclear family members (ECRE 2000 3). Arturo also highlights the position of asylum seekers, many of whom wait many years for their claim to be taken to its end point, but who are denied the ability to be accompanied by family members (Arturo 2003 5).

The impact of unification on integration is also mentioned by ECRE in that the presence of family members is seen as being an important factor in the ability of a refugee to integrate into their new home and society. Such family members should have the option of obtaining the same legal status as the primary principal applicant. This means they should have access to the same social and political rights as the recognised refugee or protected person (ECRE 2000 5). Such a process would overcome at least some of the gendered nature of the present process mentioned by Kofman and Sales above. The speed of the process is also seen by ECRE as being of the essence. While delays impact upon the integrative abilities of all, this is particularly acute for children. Indeed the UNCRC argues for states to facilitate family reunion in "*a positive, humane and expeditious manner*" (ECRE 2000 12).

The weakness of the family reunification process in the international conventions mentioned above, for Staver mean "*we must thus look beyond refugee law to find a legal basis for family reunification for refugees*" (Staver 2008 12). States prefer to keep family reunion processes within the realm of 'normal' immigration, those legitimately subject to state controls such as labour migrants. If a rights based approach is given more prominence than refugee family reunion "*cannot be submitted to the same sort of control and numeral capping*" (Staver 2008 25). She adds that "*a way to improve prospects for family reunification would be to go back to this concept of derivative status, not only for family members arriving together, but for family members left behind*" (Staver 2008 26). Only by making reunification a more straightforward process can the 'durable solutions' of repatriation, local integration or resettlement be fulfilled (Staver 2008 27). Furthermore, enabling the process to be more straightforward would also create the possibility of allowing the systems evolution from a negative to a positive outlook.

6.5 Conclusion

The most fundamental argument that can be made in support of family reunion is highlighted by Barwick, that until the point at which families are reunited, *“settlement stresses are compounded by worries and uncertainty about the safety of family members left behind”* (Barwick in Staver 2008 6). While this is an individual rights issue and, as has been highlighted, integration is aided by reunification, Staver also highlights that immigrants rely more heavily on family support networks since as newcomers they lack other forms of support (Staver 2008 10/11).

Staver proposes a more sympathetic system whereby *“family reunification assessments should be done on a case-by-case basis – looking at the particular relationships that the applicants engage in, whether they be relations by blood or otherwise. I would suggest an approach of “substitutability”, focusing on the family nucleus – in the sense of a unit of caregivers and dependants – but which does not take into account only the blood ties that are presently given preference”* (Staver 2008 29).

7.0 The family reunion process: the perspective of professionals

While Section 6 highlights the current literature and debate which surrounds family reunion it is also important to obtain the current views and experiences of agencies working in this area. This section is based upon the responses from twenty-one individuals working in a number of organisations involved in aspects of family reunion.

7.1 The impact of family separation

Professional respondents described how separation had affected the refugees they had come into contact with and their family members. They described how being separated from their family members had had a number of negative emotional, physical and practical implications for refugees. A number of professional respondents made reference to how refugees being separated from their family members could have a detrimental impact on mental health and well-being with one respondent stating: *The main issue is the human cost of family separation and the very real risks to human life and psychological well-being.*

Respondents reported that refugees experienced a range of emotions as a direct result of being separated from their families. Emotions ranged from those of helplessness at their inability to assist and care for their family members, worry, fear and anxiety for the personal safety, welfare and financial security of their loved ones, to the guilt that they felt that they had abandoned their families and they were safe and their family members were not. Guilt was also reported as an emotion felt by refugees who had not yet been successful in the family reunion process.

Living with the uncertainty re[garding] the well-being of family members, and a sense of guilt that they have not yet managed to bring them to the UK can be very damaging.

When referring to the general worry, fear and concern refugees had for the safety and well-being of their family members abroad, a number of respondents made reference to specific types of incidents where separation had had a negative impact on a family members personal circumstances, these included: destitution, poor living conditions, sexual violence, persecution and physical harm. One respondent described how being with one's family was integral to a human's

psychological development and well-being: *Attachment to family members is so basic to human psychological development and well-being that one only need to imagine being away from our own loved ones for any significant period of time to begin to grasp just how important family bonds are to our identity and psychological well-being and how destabilised we would be if we were safe and them in danger.*

Another respondent described how prolonged separation from family members maintained an individual's post-traumatic stress disorder (PTSD): *Family separation maintains PTSD symptoms and increases the normal depression symptoms migration necessarily entails even when voluntary and without constraints.*

While being separated from family members impacted on an individual's mental health and well-being, it was also the view of some individuals that a refugee's poor mental health impacted on their physical health.

Physical and mental health difficulties are often linked.

The stress involved [in family reunion] increases physical symptoms in many: blood pressure; diabetes; ulcers...

With separation impacting on a refugee's mental and physical health, some professionals also highlighted how, without the presence of their family and continued concerns for their safety and well-being, a refugee could not fully integrate into their new life in the UK.

Without the ability to bring family members to join them refugees cannot hope to integrate or settle in the UK. In my experience no refugee who has family members abroad can even begin to build a new life in the UK until those family members are here.

It may be hard to engage with life in this country when safety of relatives is unknown. Lives lived in "two places".

As well as referring to the physical and emotional consequences of being separated from their family, a number of individuals also felt that being separated from their family had practical consequences for some refugees. These respondents referred to some refugee's inability

to undertake everyday tasks such as cooking as they lacked the practical skills to do so, a point which they attributed either to the age and gender of the refugee and the cultural roles adopted in their country of origin. As one respondent stated: *Traditionally men or unaccompanied young people might be unfamiliar with cooking and generally traditionally female roles...*

7.2 The benefits of family reunification

While the negative impact of separation is clearly evident, a number of professionals highlighted the benefits of family reunification. Being reunited as a family would, many service providers believed, improve an individual's mental health and well-being. The stress and anxiety resulting from concerns for their family member's welfare and safety would also be diminished.

Professionals, including mental health specialists who work with refugees, also believed that reunification would assist with a refugee's integration into their new life in the UK as with their family member(s) present they would feel more motivated to find employment, improve their standard of living and make an important contribution to the society in which they lived. Being together in the UK would, it was also felt, aid the integration of all family members as they could now support one another. In all, it was the view of the majority of respondents that reunification fulfilled the right of all individuals to a family life. As one respondent put it, family reunion is: *The achievement of the human right to family life.*

7.3 The strengths and weaknesses of current family reunion policy and guidelines in the UK

Professional respondents were asked what they felt the strengths and the weaknesses of current family reunion policy and guidelines were.

7.3.1 Strengths

Four main strengths of the current family reunion policy and guidelines were identified by the professional respondents:

- (i) *The existence of family reunion policy and guidelines.* A number of respondents stated that the fact that a policy even existed in the UK to reunite families was a strength in itself. One respondent however stated that they felt that this was the only strength of the current family reunion process: [the] *Only [strength is] that an application can be made.*
- (ii) *Policy and guidelines include the provision to consider applications on compassionate grounds.* A number of respondents also considered the fact that family reunion guidelines considered certain applications on compassionate grounds as an important strength.
- (iii) *Policy and guidelines include the provision to consider applications in the absence of passports.* The view that existing guidelines have the provision to consider applications in the absence of passports was seen as extremely important, if not crucial, in the family reunion process as such documentation was often difficult and time consuming to obtain.
- (iv) *It is a no fee application process for refugees.* A number of respondents felt that the fact that the family reunion application was free enabled all those who wished to be reunited with their families to make an application.

As well as stressing the importance of the application itself being free, the availability of financial assistance from the UNHCR to pay for family members to travel to the UK once their family reunion visas had been granted was also seen as a crucial aspect of family reunion as without this help many families would be unable to afford to do this.²⁰

²⁰ Up until 31 December 2009, applications could be made to UNHCR's travel assistance fund. In light of UNHCR's financial constraints, it informed the UK authorities that it would phase out funding for certain family reunion cases. The UK and the Republic of Ireland had been the only European countries where UNHCR had funded this programme. UNHCR has stated it is currently working with the UK Government, the British Red Cross and others to determine alternative sources of travel assistance funding. (personal communication UNHCR).

7.3.2 Weaknesses

A number of weaknesses in current policy and guidelines were also identified by professionals who also made some suggested improvements.

A number of respondents felt that current guidelines were unclear and lacked transparency and called for clearer guidance. Some respondents stated that there was a specific need for guidelines to clarify what documentation was acceptable in a family reunion application. One respondent stated: *They [the guidelines] need to be clearer on what documentation will or will not be accepted for such applications (and this will probably require to be country dependent).*

Respondents who raised the issue of documentation felt that the type and extent of documentation required under current guidelines was unrealistic and unreasonable. As a result the need to relax guidelines so that there was more flexibility in the type and quantity of documentation required to prove family relationship was stressed.

There should be less emphasis on documentary evidence in the decision making process at embassies. Refugees and their family members often are not able to meet these documentary requirements, therefore more flexible means of proving relationship should be required.

Without such a relaxation in guidelines a number of respondents felt that some refugees and their families would continue to experience difficulties in obtaining the required documentation and in some cases would be unable to progress with their family reunion application.

A lack of clarity in family reunion guidelines was also referred to by professional respondents in another guise, that was in terms of the difficulties some refugees experienced in interpreting and understanding guidelines that were available in English only.

Few can complete and understand complicated information and forms in English.

The need for information on guidelines to be made available to multiple languages was therefore emphasised by some respondents.

As a consequence of the general lack of clarity of existing family reunion guidelines, a number of professionals felt that they were open to interpretation, which in turn led to delays in the application process and in some instances to applications being rejected.

They [existing family reunion guidelines] leave ambiguity in the process. To this end they are often misinterpreted by ECOs [Entry Clearance Officers] but more frequently its partners resulting in delays with applications being submitted which can effectively result in a blockage.

As well as lacking clarity, a number of agency respondents also felt that family reunion guidelines failed to, but should, prioritise applications where the applicants were vulnerable and / or children. A number of respondents felt that current guidelines failed to provide adequate support for minor children overseas during the family reunion application process and hence called for guidelines to give such children greater priority.

Greater consideration for the support of minors accessing embassies overseas, legal support etc. How this is supported and / or how greater support should be given.

Calls for greater consideration, clarity and flexibility in family reunion policy and guidelines were also made in terms of exercising discretion towards the definition of family itself. This is discussed in more detail in the section below.

The UK government should exercise more discretion towards the definition of "family" to enable genuine dependents who are not part of the strict nuclear family to be reunited with their relatives.

7.3.3 The definition of the family

The majority of respondents felt that changes needed to be made to the current definition of family in UK policy on refugee family reunion. The need to make changes to the current definition of family was attributed to four main points:

(i) *The view that the current definition failed to take into account cultural differences in what constitutes the family.* Many professionals felt that the current definition of family was a more Western one and that it failed to take into account cultural differences in family composition regarding who and what constitutes a close and immediate family unit.

On the whole the rule does not take into account the nature of families on the African continent and elsewhere, where family responsibility is wider...

(ii) *The view that the current definition excludes children over 18 years of age from family reunion.* It was also felt that the current policy excluded adult children from the family reunion process something which professionals felt was unjustified and unfair. And whilst compassionate circumstances allow discretion outside the rules this was felt to be restrictively interpreted by the UK Government.

The cut off, of 18 years old for children is unfair, immaterial and problematic. A new definition of family is required.

(iii) *The view that the current definition makes it harder for those children who have not been officially adopted to be reunited with their family in the UK.* As well as excluding adult children from the family reunion process, a number of respondents also felt that the current definition of family made it harder for those minor children who had not been officially adopted by refugees to be reunited with them in the UK.

The problem in my experience is with the definition of 'family' and where there are minor children who may be adopted (de facto) and there are technical restrictions on them applying. This requires to be recognised within the immigration rules.

A number of respondents felt that current policy and guidelines failed to take into consideration that children are frequently, in some countries, not formally adopted as there is little or no infrastructure to do this.

The rule does not take into account that state structures are not developed enough to allow for formal adoptions. Additionally it does not recognise the persecution experienced, often in harrowing situations, where families get separated or the parents killed, does not allow for a formalised adoption.

(iv) *The view that the current definition excludes parents, grandparents and siblings of refugees from family reunion.* A number of agency respondents also referred to the view that the definition also excluded, or made it difficult for parents, grandparents and siblings of refugees to be included in the reunification process. One respondent referred to the importance of extended family members particularly where refugees have experienced periods of suffering and distress: *Extended family can be as important to a refugee as the immediate family members in some cultures, particularly if refugees have lived through periods of suffering with their extended family members.*

Several other respondents made reference to the fact that while these individuals were not permitted, or found it difficult to participate in the reunification process, that the current definition of family also failed to recognise the cultural importance and strong links that such individuals may have within the family unit. These respondents pointed out that refugees may have lived with these individuals in their home country and that a refugee's absence may have a negative impact on relatives' welfare and living conditions.

Siblings and parents are two key family members who are not included, although in their country the full family may reside together, and the departure of the refugee may make living conditions for those family members extremely precarious. Their strong links with family regardless of age are not given voice by the current immigration rules, and these ignore the cultural importance of extended family, particularly as regards adult family members.

7.4 Issues within the family reunion process

As well as positive and negative aspects of policy and guidelines, respondents raised a number of issues within the operation of the family reunion process. Namely, a number of delays in the process, the application form, ancillary costs, the treatment by some staff and the lack of services to support refugees in the family reunion process.

7.4.1 Delays in the family reunion process

The majority of professionals felt that the family reunion process frequently took too long, a view primarily attributed to a lack of clarity and transparency in the application process as well as a range of delays within that process. A number of individuals felt that the family reunion process was frequently not clear and transparent and that therefore in the event of an application taking a long time, it was sometimes impossible to discover why. One service provider referred to the lack of transparency in the family reunion process resulting from the recent procedure adopted where one embassy takes the family reunion application and another makes the decision on it: *This [lack of transparency] has been made worse with the recent process of one embassy taking the application, but an embassy in another country making the decision. It is even less transparent and confusing messages can emanate from both [embassies].*

Others however felt that the 'hub and spoke' model consolidated expertise and made points of access for following up on applications clearer. A specialist working in the family reunion field over a significant period of time noted the improvements that the hub and spoke model had brought, citing numerous cases where they have been able to contact 'a hub' for updates on particular cases and clarification on policy and procedural issues. A range of hubs in the Middle East, Asia and Africa were identified as now providing expertise in a more accessible way.

Ten main delays in the family reunion process were identified by agency respondents:

(i) *Delays in beginning the process due a lack of knowledge and awareness of the family reunion process among refugees.* A number of respondents felt that while refugees had frequently been told by UKBA that they had the right to be reunited with their families, they had not been informed about how to go about this and as a result individuals had spent precious time and effort trying to discover how to be reunited.

There are delays in applications being submitted because refugees are told that they have the right to family reunion but are not told how the process works or what documentary evidence they will require, therefore time is lost.

(ii) *Delays due to the time it takes and difficulties experienced in gathering required documentation and related information.* A number of individuals described how gathering documentation for a family reunion application took time and in turn caused delays in the reunification process.

(iii) *Postal delays.* Several respondents described how the need to send family reunion information to family members abroad attributed to systemic delays.

(iv) *Delays due to poor decision making and a misapplication of policy and guidelines by professionals.* Many felt that delays in family reunification occurred due to the poor decision making and the misapplication of guidelines by some professionals. A number of individuals made specific reference to poor decisions being made by Entry Clearance Officers (ECOs) and embassy staff which resulted in the family reunion process taking longer than was necessary as additional time had to be spent going to court to appeal such decisions.

Embassies do not fully understand the interpretation of the rules by the courts and so will refuse eligible people, wasting time for them to go to court to overturn the decision.

Poor decision making was generally attributed to a general lack of understanding and awareness of family reunion policy and guidelines by some solicitors, visa application centre staff, embassy staff and Entry Clearance Officers.

Many solicitors do not understand the rules /policy/ procedures or case law and so give no or bad advice...

Staff at Visa Application Centres sometimes lack understanding of family reunion.

Misunderstandings or no understanding of family reunion applications by embassy staff.

Embassy frontline staff are obstructive and do not understand family reunion application requirements.

ECOs often seem to be ignorant of the basic law and policy.

A lack of knowledge and understanding of family reunion policy and guidelines in turn was felt to lead to inconsistencies in family reunion practice between embassies. To address both this and a lack of knowledge and understanding of family reunion policy and guidelines among professionals, several respondents believed that there was a need for further and improved training and resources to be made available in this area.

Better training for embassy staff.

ECOs often seem to be ignorant of the basic law and policy (around family reunion)..... training is required.

(v) *Delays due to the time it takes to get an appointment at an embassy.* Many agency respondents felt that it took too long for a refugee's family members to get an embassy appointment. It was stated by one respondent that appointments often were scheduled for months ahead.

(vi) *The time it takes to make an application decision.* As well as delays in obtaining an appointment at an embassy to lodge a family reunion application, a number of professional respondents also referred to the length of time it sometimes took for embassies to make a decision on whether reunification would be granted.

It can take years for a decision to be taken, for visas to be issued and for families to make the journey.

(vii) *Delays in getting cases to appeal and obtaining visas if an appeal is successful.* For those individuals whose application was unsuccessful, the delays in getting their case to appeal and the time it took to obtain visas if their appeal was successful were highlighted as an issue.

The disgracefully long waits to get visas for those whose appeals are successful.

In light of this, the need to simplify the appeals process to reduce delays and make it less lengthy and costly was stressed.

There should be a process whereby refused applications can be challenged without having to initiate lengthy and costly appeal proceedings.

(viii) *Travel assistance delays.* The length of time the UNHCR took to provide travel assistance to those who had been successful in their family reunion application was criticised by a number of professional respondents.

The UNHCR application takes time and is fraught by bureaucratic problems.

The UNHCR have to do their own assessment of the situation before they give travel assistance (to pay for the plane tickets and accompany minors) this takes forever and adds to the already long time it takes.

One respondent was very critical and described how in their opinion people frequently gave up on the travel assistance programme as it took too long: *The travel assistance programme was so slow (often more than 6 months after the visa was issued) people gave up...*

Despite these criticisms, some agencies expressed their concern over the recent disbandment of this service and what implications this would have for refugees and their families who wished to be reunited.

With that [UNHCR travel assistance service] service terminating on the 31/12/09 there will be increasing difficulties.

(ix) *Delays which occur in the application process when families reside outside their country of origin.* Some respondents believed that the family reunion process frequently took longer when a refugee's family members resided outside their country of origin with one individual stating: *It [family reunion process] is much longer when peoples' families are outside their countries of nationality and cannot return to those countries for fear of persecution e.g. Iraqis in Jordan, DR Congolese in Zambia, Somalis in Kenya.*

In such instances it was often more difficult for family members to obtain the documentation they required and for them and the professionals assisting them in the UK to establish local contacts to assist with the family reunion process.

It can be very difficult for people to obtain all the documentation required for the process, particularly death and birth certificates and again particularly if the family members are themselves outside the country of their nationality.

Most problems occur when people are trying to gain access to embassies to lodge applications. This is compounded when people's relatives are living in third countries e.g. Zambia / Jordan and are not documented or have not been recognised by NGOs on the ground (typically UNHCR / International Red Cross). In such situations the families are often in very precarious circumstances and it can be difficult to establish productive local contacts within these organisations.

(x) *Delays are longer in some countries than in others.* Respondents stated that it often took longer for families to be reunited from some countries than from others. They attributed this to a lack of infrastructure in some countries, logistical problems relating to the absence of a Visa Application Centre or British mission in a country and poor diplomatic relations between the UK and a country. Somalia, the Democratic Republic of Congo and Iran were cited as specific examples.

It [how long the family reunion process takes] can depend on diplomatic relations between the country and UK and whether there is a diplomatic presence in the country with an on-site entry clearance officer.

Several also felt that the limited resources and extensive responsibilities of some embassies abroad lead to long waiting times and delays in some countries. Problems encountered in verifying and obtaining documentation were two further reasons attributed by some professional respondents to the reunification process taking longer in some countries. Somalia, Zimbabwe and the Democratic Republic of Congo were particular countries identified.

7.4.2 Difficulties with the family reunion application form

The absence of a dedicated family reunion form, the view that the current visa application Visa Application Form was too long, misleading and in English only, were the four main difficulties highlighted by agency respondents with regard to the family reunion application form. Given such criticisms there were therefore calls from some service providers to introduce a dedicated family reunion application form which was simple, easy to complete and comprehend and available in multiple languages.

A dedicated family reunion form should be introduced – the current multi-purpose VAF [visa application form] is misleading to both applicants and embassy staff.

The requirement, in some circumstances, to complete and send the application online was also viewed as problematic as it was felt that many refugees did not have immediate access to a computer to do this.

The online application form is a barrier to many applicants.

7.4.3 The costs involved in making a family reunion application for a refugee

A further issue reported by some agency respondents, was the costs involved in the family reunion process for some refugees. Whilst refugees are not subject to a fee for a family reunion application, respondents highlighted areas where there was ancillary expenditure, such as the costs of sending documents to family members, getting passports and travel costs.

7.4.4 Treatment of applicants by officials

Reference was made by a few individuals to the treatment of applicants by Visa Applications Centres (VACs), embassies and by other officials. One respondent directed criticism to the operation of VACs, stating that: *Call centres are employed to make appointments to submit applications, which are inefficient and liable to corruption.* Another believed that children were treated insensitively by some VACs.

Poor practice by some embassy officials was cited by one particular respondent: *[some] embassies will try and not consider applications under the refugee rule. They will try and apply a different rule and charge a fee.*

7.4.5 The lack of specialist professional support and advice available to applicants throughout the family reunion process

Professional respondents generally felt that refugees in the UK did not have sufficient access to formal assistance and support during the family reunion process. This was primarily attributed to the view that very few services existed which could offer such specialist advice to refugees.

There is no specialist service in existence which adequately meets these needs, and there is certainly a total lack of legal/technical expertise in the field. [sector]

A critical lack of suitable legal providers and formal assistance in Glasgow. Apparently, the situation is similar in all parts of the UK.

A lack of specialist advice was generally attributed to a lack of funding in this area.

Funding needs to be provided for specialised advice services across the UK.

More [financial] help should be available for lawyers and voluntary groups.

There are not enough specialist advisers who are able to obtain funding [to undertake family reunion work].

When referring to lack of funding, a number of agency respondents made particular reference to the financial issues and implications for solicitors who dealt with family reunion applications. These respondents described how they felt that solicitors were not adequately remunerated for undertaking what was often expensive and time consuming work. Scottish respondents referred to the fact that the Scottish Legal Aid Board only paid a finite amount of money to solicitors who dealt with family reunion applications. This meant that work in this area was often expensive and not cost effective.

The Scottish Legal Aid Board will only pay a finite amount for carrying out such applications. A lot of [family reunion] work is actually non-legal (facilitation of documentation / time consuming liaison with ECOs and their partners), as a result the work can be expensive and not cost effective for a private law firm to undertake. This is particularly the case with more vulnerable clients where more time is required to 1) explain the process; and 2) assist in obtaining the relevant documentation.

Where there was formal support available, respondents stated that this was limited, felt under resourced and overstretched. One respondent referred to the long waiting lists those wishing to receive psychological help and support during the family reunion process faced, while another believed that little onus was placed on the need for such service provision by professionals working in this area: *No there isn't enough access to psychological help and support. There are often long waiting lists.*

The need for formal support during and after the family reunion process is expanded upon in the following section.

7.5 The need for formal support and advice during and after the family reunion process

The majority of service providers felt that many refugees could not successfully undertake the family reunion process without specialist support and advice. Some agencies felt that many refugees would be unable to consider beginning the family reunion process without the assistance of professionals to help them trace and make contact with their lost family members. Once their family members had been traced, many service providers felt that refugees required continued professional support and advice to explain the practicalities, and possible outcomes of the family reunion process and to outline and assist in the collation of documentary evidence.

A number of respondents also felt that refugees required support to help prepare, complete and submit forms and related documents. Support was felt to be all the more necessary where a refugee had problems reading and writing in English.

People who do not have English as a first language, or who are not fully fluent in written English, will struggle to complete even the initial stages of the process.

It was the view of a number of respondents that if refugees were to attempt to complete the application form by themselves the application would be rejected due to inaccuracies in the content of the application or missing information.

Following the initial stages of gathering documentary evidence and completing a family reunion application, respondents felt that continued professional support was required to contact and engage with staff at embassies, Visa Application Centres, the British and International Red Cross and other relevant organisations to obtain updates and address any issues or problems experienced following the submission of a family reunion application. The need for professional support at this stage was viewed as essential by some professional respondents as they believed many agencies and staff were frequently inaccessible or unwilling to deal directly with applicants.

Many of the agencies with whom you have to deal are not sympathetic / accessible to people, and so without the power of a reputable organisation to advocate on people's behalf, I think they will struggle to have their views heard.

In addition it was felt that for those refugees whose application was successful professional support should be available to help them with travel arrangements for their family members.

For those refugees whose applications were unsuccessful, legal assistance to help to contest, prepare and submit information for appeal was viewed by many as important.

Several respondents also raised the importance of support to address the range of emotions experienced by refugees during the application process in order to help them fully engage in the process and beyond.

It is common for there to be deterioration in mental health at the point the sponsor has obtained refugee status as delayed stress reactions kick in and feelings of guilt/shame re family members that are left behind take over. This acts as a barrier to effective engagement with the family reunion process.

Reflecting on a refugee's need for varied professional support during the family reunion process, a number of professional respondents believed that a family reunion application should never be undertaken alone and should ideally either be prepared by a fully qualified solicitor with experience in this field, or handled by a specialist family reunion service.

This is a highly specialised field, requiring a service which takes account not only of people's need for specialist advice but the highly emotive and complex nature of the work, which can involve delving into traumatic experiences and dealing with people who are distressed.

Respondents also referred to the need for professional support to be made available to refugees and their family members following reunification to address a range of difficulties, challenges and adjustments they may face.

It is vital that refugees have access to specialist, holistic advice services when undertaking an application for family reunion. Ideally these services would not end upon arrival of family members but would provide support in the longer term, assisting the family to rebuild relationships & successfully integrate UK life.

Once the idealised honeymoon of reunification is over, the family may need support in adapting to the many new realities they face, they may need support to develop and grow as a family and to become connected to other families and the community.

Professional respondents went on to identify a number of emotional and practical difficulties and challenges refugees and their family members may experience once reunited. A number of respondents described how both parents and children alike experienced difficulties following reunification. In the case of parents, some respondents described how adults might experience difficulties adjusting to being parents again and how they might find it difficult coming to terms with the fact that they had missed significant periods of their child's development.

Can be hard for parents to parent children who have been much more independent in intervening years or had very difficult experiences when parents were not there to help.

In the case of children, a number of respondents described how children could experience difficulties coming to terms with having an authority figure back in their lives again after a significant period of time. As one respondent put it:

Children may have been caring for younger siblings in the absence of their parents and resent being back under parental control.

Respondents also described how some children might experience difficulties in cutting ties with the individuals who had cared for them in the absence of their parent(s) in the months or years prior to their arrival in the UK. Not trusting and blaming their parents for seemingly abandoning them and leaving them vulnerable to persecution and harm were reasons also attributed by some respondents to relationship difficulties between children and their parents. Young children in particular may not understand their parents' reasons for having left them alone and this can be very damaging to the parent/child relationship.

Children may be subject to serious harm in the absence of their parents; they may subsequently blame their parents for this and feel a sense of bitterness/blame for having been 'abandoned'.

As well as referring to the difficulties in relationships between parents and children, respondents also referred to the difficulties married couples and long term partners faced when they were reunited. A number of professional respondents felt that couples who had been separated for a prolonged period of time faced a number of challenges, most notably trying to get to know one another again. These respondents felt that getting to know one another again often involved many couples coming to terms with permanent changes in each other, which frequently meant a change in values and, in some cases, a reversal of roles.

... a refugee wife in the UK may be more independent and educated and when the husband arrives they find themselves relying on the wife for help, this could be the opposite from the cultural norm they were used to as a couple.

A few described how such changes could lead to conflict, disagreements and incidents of domestic violence between couples as views, values, opinions and lifestyles clashed. A lack of trust and blame for events which had occurred during periods of separation, were two additional components attributed by a number of respondents to strained relationships between adults.

Partners left behind may have suffered serious harm.... they may blame the refugee for leaving them in a dangerous situation, and where for e.g. there has been a pregnancy as a result either of a rape or a sexual relationship with another person (e.g. when parents have been apart for many years), this can seriously harm or destroy a relationship.

As well as difficulties in dealing with the past, some respondents also referred to the difficulties some families faced in coming to terms with their future in the UK. These respondents felt that many individuals who came to the UK under family reunion had come with unrealistically high expectations of what life would be like and the opportunities that would be available to them.

Family members who have been brought from abroad may arrive with extremely high expectations of the host country, these may be undermined by the reality of life here and children/partners may find the culture shock hard to cope with and want to go home

It was therefore felt that confronting the reality of living in the UK left some refugees feeling depressed and anxious.

Unfortunately, for some families the time spent apart and the subsequent conflict, disagreements and emotional difficulties that followed reunification, led to irreconcilable differences which, in some cases, resulted in permanent family division and breakdown.

Long term family separation affects the power balance in the family system and often, when finally reunited, families break-up..... parents have lost their love for each other.

As well as highlighting the emotional challenges families faced following reunification, respondents also referred to a number of practical difficulties and challenges experienced by refugee families in the UK. Two of the first and foremost practical difficulties families faced when they first arrived in the UK were overcoming cultural and language barriers.

Respondents also referred to employment difficulties and the new or continued financial difficulties faced by refugee families, such as difficulties accessing state benefits and struggling to pay loans taken out to pay for passports and travel to the UK.

7.6 Professionals' views on the awareness and understanding of the family reunion process amongst refugees

While many respondents felt that refugees required professional support and advice throughout the duration of family reunion process and beyond, there were also calls for refugees to be made more aware of and have a greater knowledge of the family reunion process so that they could fully engage in it and work successfully with the professionals assisting them.

They [refugees] will have little knowledge of the process, how and where to apply or the appropriate forms.

Professional respondents felt that to improve a refugee's knowledge, awareness and understanding of the family reunion process both verbal and written information needed to be provided. Several referred to the general lack of accurate information available to refugees on the family reunion application process and the lack of information available in multiple languages so that refugees could fully understand what was given to them.

Accessing any information which gives an accurate reflection of the process itself is extremely difficult.

While respondents attributed the lack of accurate family reunion information to a lack of specialist knowledge, support and funding in this area, they also attributed this to the general failure of agencies to fully promote awareness of family reunion to refugees.

They [refugees] are only given a short letter in English by the Home Office giving the briefest of overviews regarding family reunion.

The International Red Cross and the UNHCR do not advertise the ways they [refugees] can apply to bring the family here.

One respondent stated that as refugees generally lacked any depth of awareness and understanding of the family reunion process, they therefore often had unrealistic expectations, believing that they could quickly and automatically be reunited with their families without having to go through what was often a long and detailed process and to adhere to rules and regulations: *There is a tendency for refugees to think in black and white that [...] 'I have refugee status, my family can join me' when there are stringent rules surrounding this process..... they [refugees] are unaware of the logistics of the process, i.e. the documentation that is required/ travel to embassies/travel documentation/DNA tests.*

Another respondent felt that as there was little information on family reunion available to refugees there were a lot of misunderstandings of the family reunion process among refugee communities: *There are a lot of misunderstandings about the process and eligibility re: applications. These build up in refugee communities in Glasgow. To a certain extent this is always a pitfall in this area of law, but it could be alleviated by better published information.*

In order to improve awareness and understanding of the family reunion process professionals felt that refugees required a range of information available in a variety of languages, which addressed nine main issues: who is eligible to apply for family reunion; how a family reunion application could be made and what it would entail including the general rules, regulations and logistics of the family reunion process and the documentation and supported evidence required; sources of formal support, information and advice on the family reunion process and how to access such support; the time a family reunion application can take; travel costs and how to obtain travel assistance; sources of financial support for the family reunion process; the importance of applying for family reunion as soon as possible; The appeals process, how an appeal can be made and where to lodge an appeal; and other routes to family reunion, such as resettlement programmes.

When describing what information refugees required professional respondents also referred to when this information should be provided. There were mixed views amongst respondents with some stating information should first be made available to individuals when they were granted asylum. Others felt that information on family reunion should first be provided to an individual when they first arrived in the UK and began the process of claiming asylum so that they were equipped with the information and knowledge to proceed with an application if asylum was granted.

[Information on family reunion should be provided] *During the initial period after a positive decision.*

[Information on family reunion should be provided] *On arrival.*

[Information on family reunion should be provided] *at the beginning of the asylum process.*

One respondent felt that basic information on family reunion should be provided, in certain cases, during the asylum process itself, followed by more detailed information on the process when a positive decision had been made: *Some information should be given, in appropriate cases, during the asylum process but detailed information should be given when a positive decision is given on asylum.*

7.7 Summary of professional respondents' views

This section has detailed the experiences and concerns of professionals in agencies working with refugees with regard to family reunion. Agency data illustrates the range of emotional, practical and financial difficulties refugees experience during the family reunion application process and beyond.

Agency respondents referred to the impact that being separated from their families had on the mental health of many refugees. As well as describing the negative impact of separation, professional respondents also highlighted the benefits of reunification, including improvements in mental health and well-being and better integration into life in the UK. Agency staff ultimately saw reunification as fulfilling the right of all individuals to a family life.

This section has also highlighted some of the weaknesses within the existing process. There is a feeling of a lack of clarity and consistency within the process, particularly regarding what documentation was required and what was considered beneficial. However, there was a general feeling that demands for documentation are at present unrealistic.

A further issue raised in this section concerned the definition of family used in decision making. It was felt that the definition of family failed to take into account cultural differences in family and, despite immigration rules allowing flexibility on compassionate grounds, this appeared little used.

In terms of the difficulties with the family reunion application form itself, a number of issues were raised: the lack of refugee specific family reunion forms, the length of the existing form, the lack of clarity and the fact that it was available in English only.

Delays in all aspects of the family reunion process have also been highlighted throughout this section.

The paucity of formal support for those going through the family reunion process has also been detailed. Agency professionals have argued that refugees could not successfully undertake a family reunion application without professional support.

Overall this section has detailed a range of issues and concerns raised by agencies working with refugees. The next section concerns the experiences and views of refugees themselves. Those who have direct experience of the process and those who have had difficulty beginning that process provides for an invaluable set of perspectives that are based on direct knowledge of how things work in practice.

8.0 The family reunion process: the refugee perspective

While the views of professionals and service providers gives a valuable and wide range of perspectives on the family reunion process, it is necessary to examine that process through the direct experiences of those who are going through or have gone through it. This section details the lived experiences of refugees trying to be reunited with their families.

8.1 Refugee respondent's country of origin

The refugees who participated in the study had all arrived in the UK on their own and came from the following countries:

- Somalia (n²¹ =3);
- The Democratic Republic of Congo (n=4);
- Iraq (n=1);
- Zimbabwe (n=2); and
- Angola (n=1).

8.2 The importance of family reunion to refugees

Using a rating scale where one was not important and five was very important, respondents were asked, once they were granted asylum, how important family reunion was to them. All respondents ticked five, stating that being reunited with their family was very important to them.

8.3 Family members that refugees sought to be reunited with

Having established the importance of family reunion to all of the respondents, they were then asked who they had applied for family reunion with and who they would have liked to have applied to be reunited with. Refugee respondents had applied to be reunited with a variety of family members including their partner, children including step and adopted children, parent, niece and nephews.

While identifying whom they had applied to be reunited with, a number of refugees also stated that they would also have liked to have applied to be reunited with other family members, most notably their parent(s), older children (over 18 years of age) and sibling(s). When asked why they had not applied to be reunited with these individuals three main reasons were given:

(i) *They could not trace, or were in the process of tracing their relatives.* A number of refugee respondents stated that they had not applied to be reunited with some of their family members as they had not yet been able to find out where their relatives were.

... I need to trace where they are my mother, my young sister who was in prison just after me...if it is possible [I'd like to bring them over].

I've tried every resource [to trace family members] that is available in the United Kingdom... there is nothing more that they [organisations helping to trace family members] can do for me.

My sister and younger brother... [I did not apply to be reunited with them] because I couldn't find where sister was, couldn't find where brother is.

Two respondents stated that while the British Red Cross were trying to trace their family members they were unsure if their relatives were still alive: *I was still looking for my xxxx [parent] but I don't know if xxxx [parent] is dead now, but Red Cross is trying to find her...*

²¹ n = number

Tracing them [parent and sibling] has been the major problem..... I do want to find my xxxx [parent] but there isn't much they [the British Red Cross] can do, I don't know where xxxx [parent] is Its' been like a year and 9 months My xxxx [parent] told me that they was supposed to go to xxxx [country] or xxxx [country] but the thing is this is xxxx [country of origin] .. I don't even know if xxxx [parent] is alive, but I believe in God and that one day we will be reunited.... If human beings don't reunite us God will some day.

One individual told of how they had heard rumours that their sibling had been killed but stated that they would not believe this until they received official confirmation of their death:*I have been told that xxxx [sibling] is dead according to xxxx [local community] gossip in this area..... but I don't know, seeing is what you believe...*

(ii) *They believed that under current rules and regulations they were unable to, or would have difficulties applying to be reunited with certain relatives.* Other refugees stated that they were informed by their solicitor or Scottish Refugee Council family reunion worker that under the present UK family reunion policy and guidelines that they would be unable to, or they would find it extremely difficult to, apply to be reunited with some of their family due to their family member age or relationship to them.

One respondent was informed by their parent, whom they wished to be reunited with, that the embassy had informed them that their family reunion application would not be accepted due to the fact that they were unemployed: [They want to be reunited with] *their father, he [the father] was told [by embassy staff] he wouldn't be allowed to submit his application to the embassy because if his xxxx [the respondent – his child] was unemployed now xxxx [the respondent- his child] can't apply for him to come to the UK.* (Respondent's comments made through an interpreter.)

(iii) *That their relatives were in poor health and unable to travel.* For those respondents who had elderly relatives who they wished to be reunited with, their relative's poor health and their inability to travel were the two reasons attributed to not applying for reunification.

My mother is quite old, very weak now, it's quite difficult for her to travel.

8.4 The impact of family separation

Respondents were then asked what impact being separated had had upon them and their family members. All respondents made reference to the negative impact of separation.

Yes, it [being separated from their family] was the most painful time for me... I really suffered... it's incredibly difficult to be part of a family and suddenly find yourself alone without the persons.

When asked what specific impact being separated from their family had had on them, respondents primarily referred to the impact of separation on their mental and physical health and well-being. Individuals referred to feelings of isolation, sadness, stress, anxiety and depression at being separated from their family.

Frustration, despair... I was really anxious it sort of depressed me sometimes. It depressed me the whole situation.

When you are away from the family it can be quite hard, the stress....back home again they are struggling...the quicker I do it [the family reunion process] it will help.

Refugee respondents believed that many of their mental health issues were born out the fears they had for the safety of their loved ones abroad and the knowledge of what was happening or had happened to them while they were apart.

One respondent described how they psychologically felt 'unwell', attributing this to the huge sense of guilt and responsibility they felt at the danger in which they had placed their family members: *All the problems they have are because of me. I went in prison, my xxxx [parent] dies, they killed my xxxx [parent], my big xxxx [sibling],... everyone got problem because of me, myself I don't feel well, I don't know where they are... my xxxx [parent] and my xxxx [sibling] had been executed by my government...*

As a consequence of being separated from their family and the huge emotional impact this had entailed, some respondents stated that they were unable to fully function and adapt to life in the UK knowing that their family were at risk. One respondent described how if they could not be reunited with their family in the UK they would give up their refugee status, losing their career and putting their own life at risk to return to their family, as they could not live without them:

I've known people that have struggled with this [trying to be reunited with their family] for years, I could not wait for years, I am very connected to my children. If my children couldn't be here I'd have lost everything my career, my job maybe even my life because I will go back and we, we are not safe in xxxx.

As well as worrying about the physical safety and well-being of their loved ones, many respondents referred to the stress and strain of having to continue to financially support their family members abroad. A number of respondents, many of whom were unemployed, described how they struggled to support themselves and send money to their family.

[I have to] Financially support them it's a bit difficult for me.... I always send them money, they need money, but it's not enough... I have to pay rent, transport to work, then money to them [family], it's a strain.

At the moment I am getting my job seeker allowance and I am trying to give them whatever I can...

One respondent described how they often went hungry to send money to their family: *I used to give my benefit (to children abroad), I used to sacrifice myself ... sometimes I eat dry bread for two or three days and water, because I had to, because I didn't have money... Just sacrifice myself, I had to sacrifice myself, to help them, I had to send money.*

The issue of remittances also features throughout case work notes of Scottish Refugee Council's Family Reunion Service:

"Currently xxxxx [client's child] live with their elderly maternal grandparents who are not able to care for them, particularly in the light of her xxxx [reference to one grandparent] failing health- high BP, gout, heart probs, stroke. Xxxx [grandparent] has been made redundant on health grounds and the client is the sole means of support for her xxxx [child]."

Extract from Scottish Refugee Council family reunion service case notes.

"The family have been forced to leave the [refugee] camp. Xxxx [family member] asked for xxxx [£280 – to cover costs of food and the house they are moving into]. Xxxx [client] has very little money... One of xxxx [client] friends has already sent £55 to xxxx [family member] and we agreed that the client will send smaller amounts when they are able... the £55 will enable them to buy food and cooking utensils. There is only one mattress in the house and it is desperately cold".

Extract from Scottish Refugee Council family reunion service case notes.

When discussing what impact being separated from their family had had upon their families, refugee respondents also described how their own absence had had a detrimental impact on their relative's emotional well-being, personal safety and vulnerability. A number of respondents referred to the emotional upset their absence had upon their family, and in particular their children. Some respondents stated that their absence was particularly difficult for those children who were very young as they could not comprehend why they were no longer there, why they could no longer see them and why they had not yet been reunited.

I don't want to express that feeling [how I am feeling about being separated from my children] because it is very bad, sometimes my kids are asking 'where are you?' 'why you not coming?', 'why are we not coming' I was speaking to my xxxx [child] and xxxx [child] wanted to see me the same dayyou were with us but now why are you not with us?'

They are kids, they don't understand [why I am not there], even when I explain to them.

Family members emotional upset was frequently experienced alongside concerns for their personal safety. A number of respondents described how, in their absence, their family members had been threatened.

Unidentified people come to the house they were just threatening xxxx [partner] ... it's very tough for them.

Some respondents also described how, due to fears for their safety, resulting from threats and intimidation, their immediate family members had had to leave their home and go into hiding or stay with friends or other relatives.

Xxxx [respondent's child] was being harassed by the authorities there. Friends were hiding xxxx [respondent's child] here and there.

Scottish Refugee Council case notes also made reference to refugees' fears for the safety of their family members:

"The children still live fearful and anxious lives".

Extract from Scottish Refugee Council family reunion service case notes.

"Tragically xxxx [client's child] was killed this year and when their eldest child returned from a business trip they ran away [from the family home] with all the children to keep them safe"

Extract from Scottish Refugee Council family reunion service case notes.

Having a friend care for their children in their absence was common scenario to a number of respondents.

The situation was quite difficult, it was during the war period, when I came over they [the children] were desperate, they were left alone....my children were alone, a friend took them to their house because they [the government] try to traumatise them.

These respondents referred to their concern that caring for their children had both financial and safety implications for their friends.

As well as friends taking on the role of carer, case notes also show that a common scenario for refugees was that other family members would look after their children in their absence, often for long periods of time and in addition to looking after their own children and close family.

"The client has xxxx [children] living with xxxx [client's sibling] in a household of sixteen people xxxx [client's sibling] has family of their own... The client has not seen xxxx [children] in 8 ½ years."

Extract from Scottish Refugee Council family reunion service case notes.

As well as expressing their fears for their relative's and carer's safety, a number of refugee respondents also expressed their concern that their children, in their absence, were no longer going to school. One respondent described how, in their absence, their children did not go to school as they were no longer in a position to pay tuition fees: *At the moment, they are kids, they are not going to school because there is no one to pay for them. I am the one who would pay for school fees, so they are not going to school. It is quite difficult.*

Another respondent described how their children no longer went to school due to the current state of their country and the lack of educational opportunities: *It's very hard. I wish my children would come and have an education now, in xxxx [home country] their education is almost nothing now, so they need the education.*

8.5 Preliminary sources of information and advice on the family reunion process

With the impact of separation clearly evident, refugee respondents were asked how they first found out about the family reunion process and how they first took steps to make a reunification application. The majority of respondents stated that they had first been made aware of family reunification upon being granted leave to stay in the UK when a member of the Home Office (UKBA) had made reference to family reunion.

When I got my state [status] the Home Office told me that I can process [apply] for the family reunion.

While many refugees could recall that family reunion was mentioned to them at this time, a number of respondents stated that their memory of receiving any information on family reunion by Home Office officials was vague due to their poor state of mind and the amount of information they had to take in and process at that time. A number of respondents who could recall the family reunification process being referred to by Home Office officials at this time, also stated that these officials had either referred them onto, or made them aware of, Scottish Refugee Council or British Red Cross.

For those respondents who had either not been informed by the Home Office of services which could assist them with the family reunion process, or could not recall having been informed, their knowledge of such services came from community members and in one instance from information made available to them where they lived at that time.

I heard from some xxxx [reference to country of origin] people from my own tribe 'oh you can go to the Refugee Council and apply for family reunion' and I called and I made an appointment.

One respondent who had been informed by the Home Office that they could proceed with the family reunion process, but had not been referred on to or made aware of any organisations that could help them, expressed their fear at not knowing where to go and what to do to begin the application process.

Although the issue of family reunion had, in many cases, first been mentioned by a Home Office official, many refugees stated that they were not, at that point in time, given any information about the process itself and what it would entail.

She [UKBA official] said now you can bring your children, but I don't know how to bring my children.... I didn't know where to turn.... I don't know how.

I didn't have no information [on family reunion], I didn't know where to start the process, I was new in this country.

These respondents stated that it was through Scottish Refugee Council and the British Red Cross that they were first provided with information on the family reunion process.

When I came here [to Scottish Refugee Council] everything was explained to me.

8.6 Expectations of the family reunion process

When asked if, at the point when they first heard of family reunion, they had any expectations about what the family reunion process would entail, the majority of respondents answered no, that they had not known what to expect. This was generally attributed to the lack of availability of detailed information on that process. For those who did have expectations of the family reunion process, these were generally limited to the time it would take to be reunited with their families and who they thought they could apply to be reunited with.

Prior to going through the application process a number of respondents assumed, or had been told, that the process would take little time and that they would be reunited with their family quickly.

A number of respondents also assumed that they could apply to be reunited with any family member of their choice, regardless of their age and their relationship to them.

On reflection having gone, or currently going, through the family reunion process, these respondents stated that there were a number of surprises to them. These were that: the family reunion process would take so long; they would have to gather so much documentary evidence for the family reunion process; they would struggle to be reunited with family members due to a number of difficulties and obstacles; they would not be permitted, or would be discouraged from, applying to be reunited with certain family members due to their relative's age or affiliation to them; and the impact that the family reunion process would have on their mental health and well-being.

8.7 Formal support and advice during the family reunion process

Having few initial expectations of the family reunification process itself, refugee respondents were asked if they had, or would like to have received any formal support and advice throughout the process. In response, refugee respondents referred to the contact they had with Scottish Refugee Council, the British Red Cross and solicitors while stressing the importance of and need for emotional, linguistic and financial support throughout the application process.

8.7.1 Support from Scottish Refugee Council

Contact with Scottish Refugee Council in the context of the family reunion application process was made either through attending the Scottish Refugee Council's former family reunion service, or being referred on to a solicitor by a Scottish Refugee Council worker.

Scottish Refugee Council's family reunion service was, on the whole, viewed in positive terms by those respondents who accessed and utilised it. A number of refugee respondents stated that the family reunion worker at the Scottish Refugee Council had been supportive, understanding and empathetic of their situation.

They were understanding of my problem... they did not ignore what I was feeling and I feel that they were involved in my problems.

Every time I came [to Scottish Refugee Council] I feel I have support from somebody.. I felt I was not alone in this process.

Those respondents who attended the service described how family reunion worker(s) had performed a multitude of tasks and had: informed them about the family reunion application process; helped and guided them to obtain the documents and related information they required to make an application; assisted them to complete the family reunion application form; made contact with embassies and Visa Application Centres, faxing them and emailing them relevant information, arranging and re-arranging appointments for their family members and following up on the progress of their application.

First of all they described all the process... what is family... I don't know a lot of social things ... told me what is family reunion, what as I refugee I can get... how the process is going to be. From the start xxxx [family reunion worker] told me what I should prepare, keep documents of every phone call [with family] every phone bill...every step xxx told me what to do, xxxx used to guide me.

In the case of those respondents whose family reunion application had been successful, they described how a family reunion worker had informed them about the UNHCR funded travel assistance programme and referred them on to the British Red Cross to obtain further information, support and advice on how to get financial assistance for their family members to travel to the UK.

I told xxxx [family reunion worker] that my children got their visas, they told me if you cannot pay for their tickets to come that he can apply for tickets for me maybe from the United Nations. They asked me if I wanted to proceed [with UNHCR application] but it may take time to get the tickets free and to bring them from xxxx.

When discussing the help and support the family reunion service had given them, several refugee respondents referred to how important and beneficial it was that their caseworker had spent time with them both making and explaining their application to them. One respondent felt that if they had gone to a solicitor that they would not have dedicated so much time to their application: *I don't think the solicitor would give me so much time to help me with the application form. I don't think the solicitor could do it and even they could (wouldn't).*

A number of refugee respondents praised the style of the support that they received at Scottish Refugee Council, with one individual comparing it to that which a family member would provide: *In my culture the big brother do everything, the older brother do everything. I thought that he is giving me support as if he was my brother.*

Another respondent stated that knowing that the Scottish Refugee Council's were helping them with their application gave them psychological comfort: *When you are with Refugee Council, psychologically you know you are in good hands.*

When asked how they felt about the family reunion service no longer operating a number of respondents stated that they felt sad and surprised. Other respondents expressed their concern at how future refugees would be able to successfully apply for family reunion without the Scottish Refugee Council's support.

I felt that I was lucky [that I had got support from the Scottish Refugee Council's family reunion service] but I felt sorry for other people [who want to begin family reunion] because it is not easy to get support.

A number of respondents called for the service to be resumed stating that its work had been both effective and important.

I think it is very importantto have someone who knows the correct direction and be faster for them to do [the application] and maybe I don't know some of the things someone who can go through the right channels.

8.7.2 The need for a specialist family reunion advocacy service

When discussing the future provision of a family reunion service some respondents referred to their preference for a specialist service to be situated within an organisation, such as Scottish Refugee Council, that already offered general support and advice to refugees. This would mean that all their needs could be addressed under one roof and that those who assisted them with their family reunion applications would have a pre-existing knowledge and understanding of the plight and experiences of refugees.

The service should be here [at the Scottish Refugee Council] I want it to be in this place, I know there are very good lawyers but I just think it [a family reunion service] should be here... they are more friendly people here, the environment is conducive they see a lot of different people with different problems, so I just think it should be here... they can help with a lot of different issues under one roof.

An external solicitor will not feel how I am feeling to have a service in the refugee centre it was really home for me.

Some respondents referred to the need for any future family reunion service based at the Scottish Refugee Council, or any other location, to be better resourced. One respondent recounted how, due to a lack of capacity, they did not receive the support and advice of the Scottish Refugee Council's family reunion worker and were referred on to a solicitor instead: *They [family reunion worker] explain to me if they take my file it would take time because they had a lot of files that they had to finish first and that they were working alone.... I was supposed to work with xxxx [family reunion worker], I think but xxxx very busy and they told me to go and see lawyer and they got appointment for me with lawyer.*

8.7.3. Support from the British Red Cross

Respondents contact with the British Red Cross with regard to family reunion was, in most cases, limited to tracing their lost relatives so that they could begin the reunification process and seeking information on financial support for a family members to travel to the UK after their visas were granted. The importance of having an organisation which could assist them with these issues was emphasised by many of those who accessed the British Red Cross.

It [the British Red Cross tracing service] is very, very important because you lose your family, you don't know how to find them, they help...

They have been a great help in every way, I'm so grateful, these people are so compassionate with their work it is amazing, people should recognise what they do for others...they are great people, there is no doubt about it they have been a great help.

They [British Red Cross workers] came to my house, I didn't even have to go to their [British Red Cross] office..... I'm so grateful, if I had a job I would give charity [donation] to the Red Cross.

8.7.4. Support from a solicitor

A number of respondents who had, or were currently going through the family reunion process had had contact with a solicitor. These respondents described how their solicitor had helped them complete the family reunion form(s), helped them to gather the documentation and related information required for the application process, translated information and made contact with embassies and other relevant bodies.

The documents were in French and the lawyer translate it into English... explained to me that they cannot send French documents, it has to be translated and sent to the embassy.

While solicitors were praised by a number of refugee respondents for their help and support, they were also criticised for the limited time they had to spend with them to explain the family reunion process, to update them on the progress of their application and to address any queries or concerns they may have regarding their application.

Before [the Scottish Refugee Council family reunion service closed] I could come here [Scottish Refugee Council], If I had a question xxxx [family reunion worker] would try and listen to me and help and I knew I could ask that question.. now it's different and it's very dryxxxx [solicitor] always busy and doesn't always have time to spend with me.

I think I spoke with lawyer about a month ago until then I don't call anymore there is no use in me contacting and not getting anything...

A number of refugee respondents also expressed their dissatisfaction at the time it took to get an appointment with a solicitor.

I was told it was going to take three months ... I was desperate [to be reunited with my family] I didn't want to have to wait three months..... when I was given the appointment time of 3 months I was crying, I was desperate.

As a consequence of having to wait for a significant period of time to see their solicitor, one respondent felt that this had led to delays in their application being processed: *I'm not really satisfied, it's [the family reunion application process] taken a lot of time... xxxx [solicitor] is always busy and doesn't have time to see me.*

As well as expressing their concern over the waiting times to see a solicitor and the delays this caused in their application, a number of refugees also referred to their concerns over the fees some solicitors charged.

8.7.5. Emotional support during the family reunion process

While the importance of having formal information, advice and support to complete the application process itself was referred to by respondents, a number of refugees also referred to the importance of having professional emotional support throughout the reunification process.

Yes it's important to [be offered emotional support throughout the family reunion process], that helps at least if you have someone next to you that you can speak and talk, it's very helpful.

However, only one respondent stated this had been made available to them: *They [British Red Cross] sent me to xxxx [mental health organisation], to meet a psychologist, they talk to me.... it was important to me.*

A number of refugee respondents felt that the provision of professional emotional support would provide them and other refugees going through the family reunion process, with an avenue to convey and address feelings such as depression, guilt, stress, fear and anxiety which could, in turn, improve their mental health and well-being.

...sometimes I think ... being with family then being by your self is very difficult sometimes I think what can I do to forget about my family?, can I drink something ?, can I take something?

For the one respondent who had received psychological help, the importance of and need for such support was emphasised: *When you have a problem you need to speak to someone, maybe when you speak to someone they can encourage you, can give you a different direction, I think it [formal psychological support] was important to me.*

Any emotional support that the majority of respondents had received was informal and came from friends.

8.7.6. Linguistic support and the provision of information on family reunion in multiple languages

When discussing their need for, and experiences of, various forms of professional support, the option of having an interpreter and to have any written information given to them in their own language was emphasised.

Information and discussions in English were viewed as a major obstacle to many refugees full participation in and comprehension of the family reunion process as the majority of respondents stated that during the family reunion process they either could not competently speak or read English and hence found it difficult to understand any written or verbal information conveyed to them. Alternatively, some refugees stated that they had a good command of written English, but a poor command of spoken English and vice versa. Having the option to have a discussion with a professional and to read information in their first language was therefore felt to be essential.

I had some English but it was difficult, it was easier for me to have a xxxx [first language] document that I could understand quickly.

Having an interpreter present, or the option of having an interpreter present, at meetings with professionals such as solicitors was seen as essential for some to ensure that the information conveyed to them was either not misinterpreted, or only partially understood.

[The option of having an interpreter is required] especially with lawyer because there is so many vocabulary that you don't know that you need an explanation, it was quite helpful to have an interpreter.

Refugee respondents also emphasised that family reunion applicants should be given the option of having an interpreter at meetings with professionals to accurately translate into English any questions they needed to ask, or comments they needed to make, on the application process. Referring to their own personal experience, one respondent felt that family reunion applicants may require an interpreter as the process was emotive and thus impacted on an individual's ability to understand and communicate in English: *Sometimes it [going through the family reunion process] is so difficult, if you are too emotional sometimes you can't even speak English..... you can communicate again [if there is an interpreter].*

The point at which having both written and verbal information in languages common to refugee communities was felt to be most needed was prior to, and at the start of, the family reunion process. A few respondents stated that it was at this time that their command of the English language was poorest as they had frequently not been in the UK for long and had not attended language classes.

Now [over 2 years since they came to the UK] I go to college, it's really helped, I can get by. I can understand 60% as long as it's not too fast.

8.7.7. Financial support with the family reunion process

While all respondents had accessed some form of professional support during the family reunification process, many of them stated that they could not have afforded to pay for the advice and support they had received if it had not been free. One respondent, who was in the process of applying for family reunion, expressed their concern that now that they were working they may no longer receive legal aid and that they might be unable to complete the family reunion process: *The difficulty I can say at the moment is that maybe I won't get free legal help... I went to the lawyer and he said 'you are working at the moment you might not get legal aid', so I was a bit scared.*

The importance of having financial support to bring family members to the UK was referred to by a number of respondents.

Myself I couldn't do it [pay for travel tickets], I don't have work, it was difficult for me ... I don't know where I could find money to pay for ticket myself...

However, some individuals stated that they could not wait to go through this process as it took so long and hence paid to bring their family members over to the UK.

Despite receiving free support and advice from Scottish Refugee Council, the British Red Cross or a solicitor, individuals stated that they still had a number of financial outgoings which were directly linked to the family reunion process. This included sending money to family members, postal costs and travel costs.

8.8 Undertaking the family reunion application process without professional help and support

While many refugee respondents emphasised the importance of having formal support and advice, they were also asked if they felt that they could have undertaken the family reunion process without such support.

Respondents generally felt that they and other refugee applicants could not undertake the family reunion process by themselves as it was too difficult and detailed. When asked why they felt this, eight main reasons were given: to provide them with detailed information about the family reunion process, the application itself and what documentation and related information was required; to clarify and explain the language and terms used in family reunion documents and to clarify the rules and regulations that had to be adhered to; to translate information and conversations; to send information and pay to send that information; to make contact with other relevant professionals and organisations in the UK and other countries such as embassies, Visa Application Centres and Entry Clearance Officers; to pay for their family members travel to the UK; and to overcome any general difficulties experienced in the application process.

8.9 Difficulties encountered by refugees and their family members relating directly to the family reunion process

Refugees and their family members also experienced a number of difficulties which were directly related to the family reunion process itself. Six main difficulties were identified by refugee respondents and from Scottish Refugee Council family reunion case note information. These were: obtaining documentation; posting documentation and related information to family members abroad; submitting applications; obtaining the correct visa; travel assistance delays and increased financial difficulties. Each of these issues are expanded upon in the following sections.

8.9.1 Difficulties in obtaining documentation

A number of respondents referred to the difficulties they and their family members had experienced in obtaining all the documentation they required.

Just getting the paper work is very tough, to get these documents is very tough..

Particular reference was made by many respondents to the problems their family members experienced in obtaining passports. Some respondents described how their family members were unable to get passports as the government had blocked the processing of anything in their and their families' name.

It was very difficult [to try get family out of country]... corruption ... they knew that I want my family to come here so they are just blocking everything.

They know that I am here and that they [officials in home country] will want to make it difficult for those back home to get the passports.

In one instance a respondent described how his wife had to resort to bribing officials in order to receive her and her children's passports: *Corruption ... a lot of [government] corruption, the way she gets the passports now is just corruption, she didn't want to do it, but now she was prepared to bribe these officers as they were just blocking everything of mine, everything in my name, my name is 'don't process anything with this name', they even told her 'you ask for this but we cannot process anything on this list [list of names], but we can help you if you give us something , so she must give it.... It's very, very difficult.*

Another respondent described how they had to pay more than the official set fee for their children's passports in order to receive them quickly: *They told me I had to pay \$300 [per passport] to get the passports, so it will be like \$1500 [to get all the passports]...it's like officially when you go to the foreign ministry who give passports when you go there they will tell you if you give \$300 you can get your passport within a week, if you give \$150 you will have to wait for the minister to come....*

The same respondent described how when they had applied for and received their families passports their government immediately changed the rules and regulations and deemed them invalid: *He [solicitor] told me that we cannot fill the application in if we don't have passports. At that time they [children] had passports but they were the wrong ones.... It's the government [in country of origin] say the new passports have to be biometric. Just when they got the passports the government changed the rules and say they don't want those passports anymore.*

Scottish Refugee Council family reunion worker case notes described how one refugee from the Democratic Republic of Congo had informed them that passports had not been readily available in their country for a significant period of time. When they had been re-introduced people had had to wait a long time to get them thus causing delays in the family reunion process:

“Passports were not readily available in the DRC for a long time, and now that new ones have been introduced there is a long waiting list and considerable delays in obtaining them.”

Extract from Scottish Refugee Council family reunion service case notes.

Another refugee’s case notes described how due to the political instability and war in their country they did not have a death certificate for their wife:

“The [children’s] mother is dead. There is no death certificate because there were no competent authorities to issue one in xxxx [date], when there was chaos and warfare.”

Extract from Scottish Refugee Council family reunion service case notes.

One case file described how a client could not obtain any of the original documentation they required for their family reunion application as it had all been destroyed when their house had been attacked:

“The client has a xxxx [partner] and xxxx [children of deceased sibling] in xxxx [country]. They thought their family possessed several documents to support their relationships, but almost everything was destroyed when their house was attacked. The client is investigating what remains and enquiring as to what alternative sources or duplicates are there.”

Extract from Scottish Refugee Council family reunion service case notes.

Another refugee’s case notes refers to their families difficulties in obtaining their documentation as they had fled their home immediately after a family member had been killed there and could not return to obtain this information:

Client tells me that their xxxx [adult child] is having difficulties in getting documents. They were in the house that their xxxx [client’s adult child] died in.

Extract from Scottish Refugee Council family reunion service case notes.

As well as difficulties in obtaining passports, death certificates and other documentation, one respondent also referred to the difficulties they experienced in obtaining documents to prove that they had adopted some of their children. The respondent described how it was uncommon for people in their country to ‘officially’ adopt children and have paper work to prove that the adoption had occurred: *Back home even when you adopt a kids you don’t need anything [paper work], there are kids who are desperately looking for someone who can look after them, so when they find someone who can look after them they don’t care about paper work... usually it’s quite strange [to have paper work].*

8.9.2 Difficulties sending family reunion documents by post to family members

As well as experiencing difficulties in obtaining family reunion documents, a number of respondents also referred to the difficulties they experienced and the time it took to send family reunion information and documentation by post to their family members abroad. One respondent described how it had taken nearly two months for the birth certificates they had sent by courier to arrive with their family abroad. Another respondent described how a document that was required to obtain their family’s passports had never arrived when they had sent it to them. This respondent relayed their suspicions that government workers had intercepted the package and discarded their identification: *I sent my ID and up til now they haven’t received it. That was February this year [over 11 months ago] ... I heard that any mail which is coming from here [the UK] they open and they maybe just see my ID and they take it away...*

While a number of refugee respondents described the difficulties they experienced sending family reunion information by post to their families, Scottish Refugee Council family reunion service case notes also record how other refugees experienced similar problems particularly when documents were sent by regular international post. Below is an illustrative case:

The family reunion worker described how they had sent their client's documents to the client's family members by regular international post. Eighteen days later the client informed the family reunion worker that their family had not yet received the documents. Another seventeen days later, 35 days since the documents were originally posted, the client again informed the family reunion worker that their family members had not yet received the documents that had been posted. Two days later the client decided to post new documents to their family members by DHL at an approximate cost to themselves of £70. Six days later the documents arrived.

Summary of extracts from Scottish Refugee Council family reunion service case notes.

8.9.3 Difficulties submitting family reunion applications

While difficulties were encountered by some respondents in obtaining and sending documents relating to the family reunion process, difficulties were also experienced when submitting the application itself. Two respondents described how they had experienced difficulties submitting their family reunion application online which had led to embassy appointments having to be rescheduled and the application having to be resubmitted a number of times as no record of its online completion existed with the embassy abroad: *Xxxx embassy is very difficult to access by internet and the [online] application form, in the middle of the process we had to stop and start again ... then xxxx [Scottish Refugee Council family reunion worker] contacted xxxx [embassy] and said 'what else do you need?, we have done the application form' and they said 'we didn't get it' then we had to apply again.....maybe the work of three sessions [with Scottish Refugee Council family reunion worker] had been lost.*

When my xxxx [partner] and children were told to go to the British embassy at 11 o'clock and when they went they [embassy staff] said to them 'we don't have any papers'.... 'we don't have anything on the system', so we had to apply again.

Scottish Refugee Council case notes also refer to the difficulties individuals experienced in making their family reunion application. A number of case

notes describe the unacceptable treatment of family members by some Visa Application Centre and embassy staff. This ranged from the general manner and approach of some staff to inappropriate statements and suggestions reportedly being made.

"xxxx [client] tells me that their xxxx [partner] went to the embassy yesterday to hand in their application. Xxxx [client's partner] went into the embassy and tried to hand the application over the counter to a woman who spoke xxxx. The woman looked at the papers asked another man .He looked at the status letter and started asking questions about how their xxxx [client's partner] got their refugee status. This was in a public place in front of people in the waiting room. Xxxx [client's partner] asked to go to a private place to talk about this and they went to a more private place. Xxxx [client's partner] gave all the papers for their application including photographs of the wedding. The man [embassy staff member] was sarcastic and unbelieving about these photographs saying 'you have my photograph as well!'.

Extract from Scottish Refugee Council family reunion service case notes.

Difficulties in arranging appointments at embassies and with making contact with visa application staff were also logged in case notes. One refugee's case notes make reference to their partners repeated efforts to attend their appointment at an embassy only to be turned away:

Xxxx [client's partner] was refused at the embassy. Xxxx was treated badly and turned away. Client wants me to put what happened in writing and to contact UK Visas to ask for an appointment.

Extract from Scottish Refugee Council family reunion service case notes.

One refugee respondent also referred to the difficulties their child experienced in obtaining an appointment at the High Commission: *Even to invite xxxx [child] for their initial interview it took probably 2 weeks or so and again there were cancellations for interviews and for meetings xxxx [child] really became frustrated and kept crying over the phone to me.*

Another client's case notes describe the inefficiency of the application process and the problems their children encountered in attending numerous family reunion appointments outside the country where they lived. Case notes also described how attending these appointments posed real threats to the client's children's personal safety as they had to travel through dangerous territory where people had been known to have been killed:

Two minors were asked to cross a dangerous border area four times in under a year. One trip was for Tuberculosis screening, one for DNA testing and one for age assessments. The final appointment was with an ECO.

As a result of the constant travelling and testing this meant that by the time visas were finally issued there was less than six months left on the minors passports. They were initially informed that they would be required to re-cross the border to their country of origin in order to obtain new passports.

Summary of extracts from Scottish Refugee Council family reunion service case notes.

8.9.4 Difficulties in obtaining the correct visa.

While a range of difficulties were described in submitting the family reunion application itself, difficulties once an application was successful were also highlighted. While none of the refugees interviewed stated that their visa had been issued incorrectly, Scottish Refugee Council family reunion case note information shows the difficulties some refugees had in obtaining a family reunion visa after it had been granted. Below are two illustrative examples:

The family reunion worker describes how their client's partner had been issued with the wrong visa [settlement visa]. The caseworker described their attempts to try and rectify this through numerous calls and correspondence with UK Visas over a period of ten months only for their client's partner to again be issued with another wrong visa [residence permit]. Not only was the new visa wrong but their gender was also recorded incorrectly on the visa. The client and their partner lodged a complaint with

UK Visas and described how, due to the wrong visa being issued and the time it had taken to try and resolve this matter, they have had to live on a single income for a significant period of time as the visa issued did not entitle them to work in the UK.

Summary of extracts from Scottish Refugee Council family reunion service case notes.

"The client's xxxx [partner] and xxxx [child] were given incorrect visas - it should have been family reunion, which would mean they shouldn't have paid a fee and they should have access to public funds."

Extract from Scottish Refugee Council family reunion service case notes.

8.9.5 Travel assistance delays

Delays in receiving travel assistance from the UNHCR were also raised by several respondents. One respondent described how it had taken over six months after their family members visas had been granted for them to receive financial assistance to travel to the UK. UNHCR travel assistance delays are also evidenced in Scottish Refugee Council family reunion worker case notes:

"Client phoned to say that their xxxx [child] had been issued with a visa. Xxxx doesn't think they can afford a plane ticket but would not wait 3 months for UNHCR travel assistance..... xxxx [client] will investigate price of flights".

Extract from Scottish Refugee Council family reunion service case notes.

Xxxx [UNHCR protection department member of staff] said that the UNHCR cannot assist the children if they are not registered with the UNHCR a process which takes months. However xxxxx [UNHCR protection department member of staff] offered to compile a list of shelters that they regularly use to protect and support unaccompanied children.

Extract from Scottish Refugee Council family reunion service case notes.

8.9.6 Increased financial difficulties

While a number of refugee respondents referred to the financial strain of having to continue to support their family abroad, they also made reference to the increased financial difficulties they experienced as a direct result of the costs they incurred during the family reunion process. Respondents described how they had paid for documents such as passports often at an inflated price due to organisational corruption. Respondents also referred to the cost of having to pay to send documentation and related information to relatives. In some instances respondents described how they had had to pay for documents to be re-sent as the original documents they sent had not arrived or they had been misinformed by professionals and had sent the wrong documents.

With the length of time it took to get UNHCR travel assistance a number of respondents described how they had paid to bring their family members over to the UK once they had received their visas.

Scottish Refugee Council family reunion case note information also records how other refugees had to pay, on more than one occasion, for their family members to travel to and from embassies, pay for tests to be conducted and pay for an interpreter to be present at their meeting with High Commission staff thus placing huge financial pressures on themselves. Some example cases are below:

“There is no alternative: the children must travel to Pakistan [from Afghanistan] I have informed xxxx [client’s partner] who will send money to the children) to allow them to travel”.

Extract from Scottish Refugee Council family reunion service case notes.

“Xxxx [client] has managed to make an appointment at the IOM TB screening clinic on xxxx [date and month]. It costs £50 per child...”

Extract from Scottish Refugee Council family reunion service case notes.

“Xxxx [client’s partner] describes the corruption and inefficiency, and conveys their outrage. They have been forced to spend more money than they have in this application process and have lost all confidence in UK Visas.”

Extract from Scottish Refugee Council family reunion service case notes.

“Xxxx [High Commission member of staff] emailed to say that they would like the family to attend interviews on xxxxx [date], however, they will need to bring their own interpreters.” (extract from Scottish Refugee Council family reunion worker case notes)

With the financial costs of the family reunion process adding to their already poor financial state, a number of individuals described how they had taken out loans and / or had received financial support from organisations and from friends to cover the expense of these costs.

I got a loan...

“Gave client £25 from internal destitution fund.”

Extract from Scottish Refugee Council family reunion service case notes.

“Xxxx [client] arrived at the office, having received £55 from a friend’s church [to assist with interpreter costs]”.

Extract from Scottish Refugee Council family reunion service case notes.

8.10 Difficulties experienced by families after being reunited

While a number of difficulties were experienced by refugees and their family members during the family reunion process itself, respondents also described how they and their family experienced a number of difficulties after they had been reunited in the UK. The most notable difficulties mentioned were difficulties: rebuilding relationships with one another; coming to terms with events which occurred during their period of separation; living with continued threats to their personal safety; overcoming language and cultural barriers; obtaining employment and accessing education; continued financial difficulties; and obtaining suitable accommodation.

8.10.1 Difficulties in rebuilding relationships

One respondent described how, after four years of separation they were trying to rebuild their relationship with their adult child. The respondent described how they felt that their child held bitterness against them believing that it was their fault that the family reunion process had taken so long. This respondent described how while they were separated from one another their adult child would send them emails questioning their desire to be reunited with them and conveying their lack of trust in them: *It was difficult when xxxx [adult child] first came [to the UK]. Xxxx [adult child] had a grudge. They felt at the time and still feels that everything [why the family reunion process too long] was me. Xxxx [adult child] had to adjust, four years had passed. Xxxx thought that I favoured xxxx [partner and step sibling] as they came after 6 months, they couldn't understand why I couldn't bring them [at same time]. Xxxx [adult child] is very emotional by nature and kept sending me emails saying that they don't believe that I'm still interested in them, they don't believe me anymore [about wanting to be reunited with them], doesn't believe what I'm telling them [about the efforts they are making to be reunited with them].*

8.10.2 Difficulties in coming to terms with events which occurred during their period of separation

A number of respondents stated that while they and their family members were no longer in their homeland and in immediate danger, they were still, in some cases, only beginning to come to terms with the events which had occurred prior to coming to the UK. For some individuals what they had witnessed and what had happened to them in the past had had a severe impact on their psychological well-being. One respondent described how their child was currently in hospital receiving psychological support: *Very, very difficult for them (children), right now I have one of them in hospital [being treated for psychological issues], I think I don't know if xxxx [child] is depressed... I don't know what happened to xxxx. I don't know if everything xxxx saw in the past is still in xxxx [child's] mind...*

Another respondent described how events which their partner had experienced in the past had not only affected their mental health but their physical health and well-being: *I don't know yet for the children [what impact the past has had], for my xxxx [partner], yes there was enormous damage. Ever since they arrived they have been receiving treatment for stomach problems and hyper tension.*

When asked if they and their family had received any professional support after being reunited to help address the issues and difficulties they had experienced post reunification all respondents answered no. However, many of the respondents expressed the need for formal support at this time.

I still need help..... it [professional help and support] is very, very important.

8.10.3 Cultural and language barriers

Language and cultural barriers were identified by many respondents as two of the main difficulties their family members had experienced, or will experience, when they first arrived in the UK as everything was new, different and it would take time to learn how to speak English and adapt to their new environment.

Everything when you are new is difficult, the first barrier we have is language, how to communicate.

The first thing is language, the second thing is the culture that is very different. Kids going to school it's different.

A number of respondents felt that it was easier for young children to adapt to a new language and culture than older children and adults.

It's quicker for children (to adapt) than for adults.

8.10.4 Difficulties in obtaining employment and accessing education

As many refugees and their family members initially experienced difficulties in speaking English and adapting to a new culture and environment it was not surprising that a number of respondents stated that they and their family had experienced difficulties in obtaining employment in the UK, or where employment was obtained it was frequently manual and not at a skilled level. With no job, a number of respondents described how they had wished to improve their career prospects by entering the education system but were unable to do so;

I really wanted to go to xxxx college to do my highers... but the Job Centre said no, if you are a full time student forget housing benefit, forget job seekers allowance and live on £320 but my rent was £450 so I had to drop college. I did get advice but there are certain laws in the UK... there is an organisation called xxxx but they told me they would have helped me [go to college] if I was here three or four years in this country but I've only been here two. I'm really struggling... I wish I could do it [go to college] if I could only have the chance to prove myself.

One respondent stated that although they had successfully entered the education system it had taken time and professional help to find a place where they could continue their studies: *I go to college, the British Red Cross found a place... it was not easy to find a place, it took time to find a place.*

Another respondent who was now at college expressed their concern that their benefits may be stopped now that they were studying: *I couldn't get any financial support to study...now I'm on income support I'm not sure if it will be stopped now I study... I hope not because I really need the financial support.*

With no job, difficulties in continuing their education in the UK and a reliance on state benefits, many respondents stated that they and their family members struggled financially.

8.10.5 Difficulties obtaining suitable family accommodation, or adapting to living in a different type of accommodation

One respondent described how they had taken time to adapt to living in what was comparatively small accommodation to that they had lived in their homeland: *When I came first I was living in a one bedroom flat, then I applied that I needed a bigger place.... It is not big compared to our house [back home].... It is a big move we used to live in a big house and now we are living in a flat, it's OK, as long as we are safe.*

Another respondent stated that the accommodation they lived in was not big enough for their large family: *I have a small house with a big family... it's very, very small for me... very, very difficult.*

While some individuals were happy with the size of the accommodation they lived in, they were not happy about the area it was in: *Like the house, but the area I don't like.*

8.10.6 Living with continued threats to their personal safety

While many respondents felt that they were now safe from harm, one respondent stated that some of the individuals whom they had fled from in their home country were now in the UK: *I lived in xxxx [UK city] and the reason I moved from xxxx was that lots of people who were against my tribe they were the people I was trying to escape from were in xxxx.*

8.11 Changes required to the family reunion process

Reflecting on their experiences of the family reunion process and the difficulties they had experienced, many respondents believed that a number of changes needed to be made.

8.11.1 For the process not to take so long

A number of refugee respondents felt that the family reunion application process took too long and required too much documentation to be collected. The time the family reunion process took impacted on their and their family members' emotional and physical health as well as their general safety and welfare.

8.11.2 To be kept informed throughout the duration of the family reunion process

The importance of being kept informed throughout every stage of the family reunion process was stressed by a number of individuals. Being informed of what was happening with their family reunion application in terms of; the procedures and stages involved in the application itself, what stage their application was at and any issues or problems which were occurring with their application were seen as crucial to these individuals.

Being kept in the dark and not being informed of what was happening with their case heightened feelings of: frustration that the process was taking so long, that they were unsure what was happening with their case and frustration because they felt caught in the system unable to do anything to hasten their application; stress and anxiety about the welfare and safety of their family members; and worry about the safety of their family members abroad and concern that they might never be reunited with them.

Some respondents described how they had not had contact with their solicitor who was handling their family reunion case for a number of months and consequently felt helpless, uninformed and abandoned. Others who saw their lawyer at regular periods during the process felt that the information they were given on the family reunion process was limited as their solicitor did not have the time to spend with them to explain, in detail, what was happening with their application or to answer the questions, and address the concerns that they had.

8.11.3 For the application to be made more user-friendly

One respondent referred to the need for the information on the family reunion process and the application form to be made more user-friendly: *I think it should be more straight forward because most of the people, or some of the people, they don't understand the way it is written and it's a lot of stuff written. If it could be made straightforward it would be better.*

8.11.4 To eliminate corruption which hinders the application process

A number of respondents described how they believed they had been victims of corruption abroad in the family reunion process, which had led to applications being refused, applications being slowed down, difficulties in obtaining and sending documents and additional money being requested for documents such as passports to be processed. It was felt that staff in some countries applied their own rules for family reunion.

8.11.5 For policy and guidelines to take into account the difficulties that some individuals experience in making an application

One respondent referred to the need for policy and guidelines to take into account the various difficulties that individuals might face in making a family reunion application due to the country from which they came from and the bureaucracy in that country: *Look at [applications] case by case and the difficulties some people have [because of the country that they come from] and others don't have.*

8.11.6 To permit applications for children over the age of 18

One respondent described that while some of their children were included in the family reunion process others were excluded from their family reunion application due their age, as a result they felt that their family had only be partially reunited: *It [family reunion] is always with minors, less than 18, now for my children for e.g. my xxxx [children over 18 years of age] are studying in xxxx [another country] they cannot come and visit me... it [the family reunion process] does not support my other children... the older children cannot come and see me, even if they apply they will be refused... they are over 18 years of age but they are still my children, I need to see them... I am not settled now because xxxx [partner] has to be there [in the other country] to support the other boys... if they were in the same country as me I would feel really settled... we are still divided [as a family]... Its' still incomplete, I need that they come.....it [family reunion process] needs to improve... I really feel sad ... I'm not reunited with my family yet.*

8.11.7 To re-introduce a specialist family reunion service in Scotland

When referring to the important role the Scottish Refugee Council's former family reunion work played in helping reunite individuals, many respondents referred to the need to re-introduce such a service at the Scottish Refugee Council or to start up such a service at another agency which also worked with refugees.

8.12 Advice to individuals now starting to prepare their family reunion application

When making reference to the changes they felt were required to the family reunion process, a number of respondents also referred to the advice they would give to individuals beginning to prepare their applications now. Four primary pieces of advice were referred to:

(i) *Be organised from the outset.* The importance of being organised from the outset in terms of keeping records of all contact with family members and getting all the documentation required for the application process was emphasised.

Come prepared [to meetings with those who are helping you with the process], I always come prepared, if you are asked to bring something, come with it immediately...it is important...

(ii) *Be informed.* To be organised from the outset required information. Respondents generally felt that it was important for those beginning the reunion process to gather as much information they could get on the process itself in order to know what the family reunion process involved, how long it might take and what documentation and related information was required.

Information, important to know how to go about it [family reunion process]...what organisations [can help you]...where to go to ask for documents...

I think for someone who is starting [the family reunion process] has to have information, you cannot be surprised why they [professionals] ask to have all those documents, it's better to have all that information first [before the process begins] and then you know where to start.

(iii) *Seek professional advice and support.* The importance of seeking professional support and advice at the beginning of the family reunion process was stressed by a number of respondents. These respondents felt that by approaching professional organisations new applicants would obtain the information and support they required to successfully undertake the process;

The advice I would give to them is to go to the SRC [Scottish Refugee Council], they can advise you, they will give you information.

(iv) *Seek financial assistance to help with the costs of family reunion. (I'd advise them) to get financial support.*

8.13 Summary of refugee respondent's views

The refugees who participated in this study describe a range of practical, physical and emotional difficulties family reunion applicants experience throughout the duration of that process and beyond. This section of the report has shown the negative impact that being separated from their families can have upon a refugee's emotional health and well-being. There is also evidence presented here that indicates that the family reunion process itself is an inherently stressful one. These stresses range from the gathering of documentation and the sending of that documentation to family members, problems in submitting applications and delays throughout the process.

While the negative effect of separation on refugees is clearly evident, this section also conveys the impact of separation on refugees family members abroad. Impacts are evident across demographic groups and are also evident with regard to friends of the family who often take up care responsibilities. It has also been shown that many refugees continue to financially support their family members abroad during the family reunion process despite experiencing financial hardship themselves.

Refugees were appreciative of support in traversing the process. However, it was felt that there was a need for a wider range of support as well as that support being more 'holistic', including emotional help and support after family reunion had been obtained. The need for a specialist family reunion service, preferably within an organisation which had experience and understanding of refugee issues, was stressed by a number of refugees.

While this is a summary of the refugee respondents' experiences and concerns of the family reunion process, the next section synthesises some of these findings with a number of the issues raised in the literature review. A combination of these issues also provides the basis for the report's recommendations.

This report has sought to highlight the current existing family reunion process for refugees in the UK. It has detailed a large number of concerns about the current operation of that process, concerns raised by refugees and agencies working with refugees alike. In a broad sense these concerns highlight the overall gap between the right to family reunion and the ability to pursue that right and have led to a number of recommendations in the following section. That such a gap exists should be of concern to all with an interest in international rights. While this is a general concern, there are also a number of more specific issues that arise through the research done here and that also chime with previous research highlighted in the literature review.

The current family reunion process in the UK has a number of severe limitations that contribute to difficulties for refugees traversing the system. The definition of the family was raised as a major issue of importance in the literature review. Evidence from the research presented in this report confirms that the current definition being used, whether explicitly or implicitly, is a problematic one. In particular, the concern that family composition is being seen through a western-centric perspective has been highlighted throughout the report. This takes no account of both different and changing compositions of families abroad, particularly in times of turmoil when unofficial adoptions can take place. That is, there are cultural familial patterns that British procedures take little account of, and family composition is to some degree evolving in times of turmoil.

In terms of UK procedures, the evidence of the report highlights that the definition of the family being used by national authorities is overly restrictive. While there is flexibility within the immigration rules for family members other than spouses or children under the age of 18 to be considered under 'compassionate grounds', they appear to be little used. This leads to people in need not being considered for family reunion and also militates against the ability of recognised refugees to fulfil their right to a family life. There are also concerns regarding how national authorities define existing and pre-existing relationships with regard to spouses. There are real difficulties in 'proving' that your relationship is a long term and currently existing one, and indeed the burden of proof being on the family is a reversal of most national legal procedures.

Following on from such concerns is the broad issue of the documentation that applicants for refugee family reunion are required to submit. There is again a synergy between international concerns raised in the literature review and the findings presented here. Concerns are twofold. First of all there is little cognisance given to the fact that obtaining documentation in many of the countries from which refugees have fled can be difficult if not impossible. Yet demands for birth certificates, marriage certificates and passports are being made in cases involving countries where obtaining such documents is difficult at best. This is a particular protection issue if the family members for whom reunion is being applied for has also had to flee their country of origin. The second concern is about the legal need for certain documents. For refugees applying for family reunion there is no legal requirement for the person(s) abroad to have a current passport in order to obtain visas to travel here. However, this appears to not be widely known, or if known is not considered by many of those making decisions on family reunion cases.

Another important point that emerges from this research is that there is a dearth of support available to people seeking to begin the family reunion process. There is limited legal aid available and the ability of the voluntary sector to pick up any slack within the statutory sector is at best limited. The difficulties highlighted for those attempting to go through the process of family reunion indicate the need for ongoing help and support.

A final important point highlighted by refugees and agencies working with them throughout this report is the link between family reunion and integration. There is focus by government in both Westminster and Holyrood concerning the integration of refugees, and help is being provided regarding obtaining work, education and language training. However, the evidence presented here indicates that all such help may be rendered worthless if refugees are not able to rebuild their lives with their families. The difficulty both in terms of time being used to pursue reunion and overall health and well-being for refugees living apart from their loved ones is an important finding of this research. If integration really does matter, then family reunion should be prioritised as a matter of urgency.

This evidence from this report leads to a number of recommendations for various different bodies. These are:

The UK Border Agency (UKBA) should:

1. Review the current definition of the family in a way that both takes into account cultural differences in family composition and includes non-nuclear family members and children over the age of 18;
2. Publish internal guidance on family reunion;
3. Provide information in appropriate languages to refugees that sets out the right to family reunion and the process at the earliest opportunity;
4. Eliminate unnecessary delays in the family reunion process and introduce a faster and more consistent family reunion process for refugees;
5. Overcome the problems which occur when family reunion applications are made by family members who reside outside their country of origin;
6. Introduce a specific family reunion application form in order to make the process quicker, easier, simpler and clearer; and the collation of necessary documentation more obvious and transparent;
7. Remove the onerous requirements to provide specific documentation and allow for other documentation to be accepted;
8. Prioritise and fast-track cases involving minors or other vulnerable people;
9. Meet ancillary costs incurred as a result of the family reunion process;
10. Keep refugees informed about the progress of their application;
11. Incorporate family reunion into strategies to improve the integration of refugees into the UK; and
12. In light of the end travel assistance previously funded by UNHCR, ensure the future facilitation of travel support for refugees' family members coming to Britain.

The Chief Inspector of UKBA should:

13. Investigate the family reunion application process abroad to ensure consistent practice by UKBA officials overseas and contractors;
14. Examine the decision making of Entry Clearance Officers to ensure consistency and knowledge of the rights to family reunion for refugees; and
15. Ensure UKBA officials overseas communicate effectively with family reunion applicants.

Organisations working with refugees should:

16. Ensure there is sufficient support and expertise to help refugees begin the process of reuniting their families including family tracing;
17. Ensure that support is provided in a form that is easy to understand;
18. Address the need for better training and awareness building to improve the knowledge and understanding of the family reunion process among legal professionals and other working with refugees; and
19. Ensure that the physical, mental and emotional health of refugees is treated both during separation and following reunion.

To all

20. Provide help and support to aid the integration of refugees and their families;
21. Ensure that the right to family reunion for refugees is realisable; and
22. Commission more extensive and detailed research in this area. This should include mapping available services and funding across the UK and in light of the European Commission's Green Paper on Family Reunion, a comparative analysis of best practices in the EU and internationally.

Topic Guide for interviews with refugees Feelings about family reunion

1. Please rate the following issues in terms of how important they were to you once you had been recognised as a refugee (1 is not important, 5 is very important – you may give the same value to more than one issue):

Family reunion
Housing
Employment
Healthcare
Education/training for yourself
Education for children
Travel document

2. Where and when did you first find out information about family reunion and its requirements? How long after being recognised as a refugee?
3. What were your expectations of the family reunion process?
4. Did the reality differ from what you expected? (probe the gap between expectations and reality)
5. What was/is your understanding of the rights of a refugee to family reunion and how well do you think the process reflects those rights?
6. What do you feel are the main barriers in the family reunion process?

Your own experiences

7. Have you successfully located any family members? If yes how did you do so? If not, what have been the difficulties?
8. Which family members did you, or would you like to have applied for family reunion with?
9. Briefly describe your family's situation in your home country?
10. What difficulties have you and your family experienced in beginning the process?
11. What issue or problems did you encounter at other stages of the process?
12. What, if anything, do you think worked well in the family reunion process?

13. What would you change about the family reunion process? (Probe issues of documents, lack of awareness of law in embassies, definition of family, finance etc)
14. What was the outcome of your case/ if the case is ongoing where does it currently stand? (if the case has not been progressed at all, probe the primary reasons why)

Help and Support

15. What was your experience of accessing assistance for family reunion in the UK? (probe where information was sought and where it was provided as well as the quality of that support)

If successful in the process

16. What was the process in your family travelling to the UK after they received their visas? (forms of transport, time waiting for that transport etc)
17. Did you and your family experience any problems after they arrived in the UK?
18. Did you and your family receive help from anyone after their arrival in the UK?

Final question for all

19. Looking back, what advice would you give to refugees now starting to prepare family reunion applications? What information do you think they need?

Questionnaire sent to agency respondents

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PLEASE TYPE OUT YOUR ANSWER BELOW EACH QUESTION

Your Professional Views and Experiences of the Family Reunion Application Process

Section 1 Background information: Your professional details

Q1.1 Please state what organisation you currently work for:

Q1.2 Please state your current profession:

Q1.3 Please state how long you have been in your current profession for:

Q1.4 Please provide a brief description of your current professional role(s) and responsibilities:

Section 2 Your professional involvement in the refugee family reunion application process

Q2.1 Please describe, in brief, what is your professional role and involvement role in the refugee family reunion application process in the UK:

Section 3 Your organisations involvement in the refugee family reunion application process

Q3.1 Please describe, in brief, what is your organisations involvement in the refugee family reunion process?

Section 4 The hub and spoke model

Q4.1 Do you think that the introduction of the Hub and Spoke model has improved the family reunion process?

If YES:

In what way(s) do you feel that the introduction of the Hub and Spoke models has improved the family reunion process ?:

If NO:

Why do you feel that the introduction of the Hub and Spoke models has NOT improved the family reunion process?:

Section 5 Refugee family reunion and the definition of family

Q 5.1 Do you feel that the current definition of family (see description below) in the immigration rules and policy adequately covers the understanding of family in other cultures? (please tick box to answer)

If NO:

Please state why you do not think the current definition of family in the immigration rules and policy adequately covers the understanding of family in other cultures:

Q 5.2 Do you feel that changes need to be made to the definition of family in the UK immigration rules and policy on refugee family reunion?

If YES:

Please state what changes you feel need to be made to the definition of family in the UK immigration rules and policy on refugee family reunion

Section 6 Professional Information and Support Required

Q 6.1 What type of professional support and advice do you feel refugees going through the family reunion process require?

Q6.2. Do you feel that it would be difficult for an individual to go through the family reunion application process without any professional help and support?

If YES:

Why do you feel it would be difficult for an individual to go through the family reunion application process without any professional help and support:

Section 7 Strengths of the current refugee family reunion process

Q7.1 What do you feel are the main strengths of the current refugee family reunion process?

Section 8 Weaknesses of the current refugee family reunion process

Q8.1 What do you feel are the main weaknesses of the current refugee family reunion process?

Section 9 Duration of the family reunion process

Q9.1 Do you feel that the family reunion process frequently takes too long?

If YES:

Why do you feel that the family reunion process often takes too long?

Q9.2 From your experience does it often take longer for families to be reunited from some countries than from others?

If YES:

Please state why you feel it often takes longer in these countries and what countries it takes longer in:

Q9.3 From your experience is it often more difficult for families to be reunited from some countries than from others?

If YES:

Please explain why and what countries it is more difficult to reunite families from

Section 10 Barriers to successful refugee family reunion

Q10.1 Do you feel that there are currently barriers to successful refugee family reunion in the UK?

If YES:

a. Please state what you feel these barriers are:

b. How do you feel that these barriers can be overcome?

Section 11 Issues problems refugees face in the family reunion process

Q11.1 What do you feel are the main issues and problems faced by refugees during the family reunion process?

Section 12

What do you feel are the main issues and challenges UKBA experience with regard to the refugee family reunion process?

Section 13 Are changes required to the refugee family reunion process?

Q13.1 What changes and amendments do you feel are required to further improve the family reunion process?

Section 14 Stakeholder involvement in restructuring the family reunion process

Q14.1 How do you think that organisations such as the Scottish Refugee Council are able to inform service development and improvement with regard to family reunion?

Section 15 Impact of separation on families

Q15.1 What impact do you feel separation has on families who are going through the family reunion application process?

Section 16 Benefits of a successful family reunion process

Q16.1 What do feel are the benefits/ positives of a successful family reunion?

Section 17 Difficulties & challenges experienced when a family are reunited

Q17.1 When family members are successfully reunited in the UK, what do you feel are the challenges and difficulties faced by those families?

Section 18 Good models worldwide of the FR process

Q18.1 Are you aware of any good models of refugee family reunion practice outside the UK? (please tick box to answer)

If YES:

a. Please state which good models you are aware of and in what country (ies) this/ these model(s) operate in:

Section 19 Other comments

If there are any other comments you would like to make with regard to the family reunion application process please write them below.

Thank you for completing this questionnaire.

- Ager and Strang (2002) Indicators of Integration: final report Home Office
- Arturo, John (2003) *Family Reunification for Migrants and Refugees*
- ECRE (2000) *Position on Family Reunification*
- Fonseca ML, Ormond M (2008) *Defining "family" and bringing it together: the ins and outs of family reunification in Portugal*, in R. Grillo (ed.), *A Question of Difference? Immigrant Families in Multicultural Europe*, Amsterdam University Press.
- Galvin, Louise (2007) – *The Family Reunification Application Process for Refugees in Ireland* Refugee Information Service
- Hawthorne, Monique Lee (2007) *Family Unity in Immigration Law: Broadening the Scope of 'Family'* Lewis and Clarke Law Review 11:3
- Home Office (2000) *Full and Equal Citizens: A strategy for the integration of refugees into the United Kingdom*
- Home Office (2005) *Integration Matters: The National Integration Strategy*
- Home Office (2009) *Moving on Together: Government's recommitment to supporting refugees*
- Home Office (2005) *Controlling Our Borders: Making Migration Work for Britain, Five Year Strategy for asylum and immigration*
- Kenney, Catherine (2009) *The challenges facing Refugees, Beneficiaries of Subsidiary Protection and Persons granted Leave to Remain as they seek reunification with their families in Ireland* Refugee Information Service
- Kofman and Sales (1997) *Gender differences and family reunion in the European Union: Implications for Refugees* Refuge 16:4
- Seddon (2006) *Immigration, Nationality and Refugee Law Handbook* Joint Council for the Welfare of Immigrants
- Staver, Anne (2008) *Family Reunification: A Right for Forced Migrants?* Refugee Studies Centre Working Paper Series 51
- UNHCR (2000) *Response "Family Issues - Proposed Directions for Regulations Supporting Bill C-31, The Immigration and Refugee Protection Act: Consultation Discussion Document"*
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
- UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 25 July 1951, A/CONF.2/108/Rev.1*
- UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3
- UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171
- UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3
- UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137
- UN High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, January 1992

Scottish Refugee Council is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland. We also provide specialist services in areas such as housing, financial literacy, women's issues, community development, the media and the arts. We play a leading role in policy development and campaign on refugee issues to ensure that Scotland plays a full role in meeting the UK's legal and humanitarian obligations under the 1951 United Nations Convention on Refugees.

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