

Your Questions Answered: Family Reunion

Individuals who have been granted refugee status are entitled to bring their family members to join them in the UK in a process referred to as family reunion. This FAQ explains your entitlements, the requirements and the process.

For advice tailored to your circumstances about any aspect of this FAQ please call (028) 90 24 4401 and ask to speak with the Immigration Legal Hub.

What is family reunion?

Refugee family reunion is the legal process by which a recognised refugee can be reunited with their pre-flight dependent family members.

If your application for asylum has been accepted, you will be recognised as a refugee and granted official refugee status. After this, you are permitted to remain in the UK for a period of up to five years. During this time, your family members who still reside in your home country or an alternative country of residence may make an application for a **Refugee Family Reunion Visa to join you**. They must apply for an Entry Clearance (known as a 'Visa') before making any travel plans to join you.

Can I apply if I have been given humanitarian protection or discretionary leave to remain following an asylum claim?

If you have been given humanitarian protection for 5 years, your family members can apply for a Refugee Family Reunion Visa. Unfortunately, you are unable to sponsor family to join you if you do not have refugee status or humanitarian protection. If you have been given discretionary leave to remain, family reunion is not an option for you.

However if/when you secure settlement status (i.e. indefinite leave to remain) you will have the option to bring certain family members to join you under different categories under the immigration rules (i.e. not under refugee family reunion laws).

What family members are covered?

Only pre-existing family members are covered (i.e. these are defined as pre-flight family members). Your partner or child can apply to join or stay with you in the UK if you were separated when you were forced to leave your country.

Partner includes your legally recognised spouse or civil partner or someone you have been living with in a relationship for two years. This includes same-sex relationships. Children include biological and adopted children and they must not be leading an independent life. Generally speaking step-children are also covered

provided they are under the age of 18 and were part of your family unit before you fled to seek asylum in the UK.

You will need to evidence your relationships. You could provide marriage certificates, birth certificates, family books, adoption order and evidence of cohabitation where this applies. For children, DNA tests can be relied upon but these can take time to organise and can be expensive.

What about other family members, like parents, siblings etc.?

The definition of 'family member' under the family reunion rules is quite restrictive. The relatively simple rules for pre-flight family reunion do not apply to post-flight family members. Post-flight family members include adult dependent relatives and other child relatives such as siblings or nieces and nephews.

Another option is to apply to bring family members outside of the rules but the threshold is very high and success rates are low. UKVI must consider whether there are exceptional circumstances or whether there are any compassionate factors which may warrant a grant of leave outside the rules. They will also consider whether there are any breaches to your human right to private and family life. You will need to evidence the compelling circumstances in your case in order to persuade the decision maker to allow your family member to join you. Both you and your family member/s could be interviewed as part of the consideration process.

Each case must be decided on its individual merits. However please be advised that a grant of leave to enter under this category is likely to be appropriate only rarely. **You are strongly urged to obtain specialist assistance from a qualified immigration advisor with these applications given the complexity involved.**

Can I bring more than one partner/wife/husband to join me?

No. If you are in a polygamous or polyamorous marriage (you have more than one wife or husband still alive) it is not possible for more than one of your spouses to apply for family reunion under the rules that apply. You can only apply to bring one of your spouses if none of your other wives/husbands are or have been, at any time since your marriage, in the UK, or granted entry clearance to come to the UK as your spouse.

Can refugees who have become British Citizens apply to bring their family to join them?

No. Once you naturalise as a British Citizen (even if you were previously given refugee status or humanitarian protection) you lose the right to sponsor a family member to join you under the Refugee Family Reunion route.

How do I apply for a family reunion visa?

Refugee Family Reunion is always free and can be made either in-country or out-of-country.

In the case of out-of-country applications, the application needs to be made to the relevant visa application centre in the country where your family are living. Please note that there is not a visa application centre in every country and the individual may have to go to another country. The Home Office lists details, including addresses, contact numbers, and which country the applicant would need to go to on their website.

The application needs to be made online ([Visa4UK website](#)). However, an application form VAF4A, together with Form Appendix 4, will also need to be completed. 'The application form for family reunion is VAF4 together with Appendix 4 (VAF4A August 2018):pre-flight family reunion. The application form can be accessed at [here](#).

The Home Office does not allow an individual to apply online from North Korea. There is specific information on the government website on how you should apply if you are applying from Korea which can be accessed [here](#).

It is possible for a family reunion application to be made from within the UK. The type of form/application to be made depends on the circumstances and again you are best to get specialist assistance with this. Successful family reunion applicants will be granted leave in line with you, their sponsor but they will not be granted status in line as they themselves are not necessarily recognised as refugees. This leave will expire at the same time as your leave expires. If you have indefinite leave to remain (ILR) and refugee or humanitarian protection status, your family member will be granted ILR in line but not status in line.

I was given protection under the Syrian Vulnerable Persons Resettlement programme; can I still apply under the family reunion rules?

Yes, the UKVI family reunion policy does apply to those under the Syrian (VPR) programme. However If you arrived to the UK on the Syrian (VPR) Programme, Gateway Protection Programme or Mandate Refugee Programme you must satisfy UKVI that you declared your family member on your resettlement application form. Where you have not declared the dependant on your resettlement application the responsibility will be on you to provide a reasonable explanation for the omission and to demonstrate you are related as claimed to the individual seeking entry or permission to remain.

Another option open to you is to complete a family links form with the UNHCR. UNHCR identifies and refers the most vulnerable of refugees for resettlement. UNHCR makes efforts to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who need to be

resettled in countries where they have relatives or other personal ties. The existence of family ties in a resettlement country, however, is one of a number of factors that determine whether a refugee will be submitted for resettlement consideration to that country.

Resettlement is not a right and there is no obligation on States to accept refugees for resettlement. It is a last resort solution for the most vulnerable refugees. Only a very limited number of refugees will have access to this solution. It should also be understood that the current needs for resettlement far outweighs the present capacity offered by resettlement receiving States. However, it is important that you complete this form to make UNHCR aware that your family abroad, have relatives residing in NI. Once received, UNHCR in the UK can share the details on this form with the UNHCR Office(s) that the family member(s) may be registered with. However please note that UNHCR in the UK are unable to provide any updates following the sharing of this information. Your family abroad should liaise with their nearest UNHCR office abroad. There is no fee for resettlement or completion of the family links form.

Please contact the Law Centre's Immigration Solicitor with queries about this and other immigration issues.

(028) 9024 4401, 9.30 to 1pm, Wednesday to Friday

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