Home Office

Appendix Family Reunion (Sponsors with Protection)

Version 13.0

Contents

About this guidance

This guidance is for decision makers considering refugee family reunion applications under Appendix Family Reunion (Sponsors with Protection) of the Immigration Rules.

This guidance does not cover applications for post-flight families, or family seeking to join their settled or British citizen sponsors on the basis of their Article 8 rights under Appendix FM: family members of the Immigration Rules. For more information, see the Family life (as a partner or parent) and exceptional circumstances guidance.

This guidance does not cover applications for children seeking to stay with or join a close relative with protection status in the UK in serious and compelling circumstances under Appendix Close Relative (Sponsors with Protection) (Appendix CRP) of the Immigration Rules. For more information, see the Appendix Child Relative (Sponsors with Protection) guidance.

This guidance does not cover applications for settlement from overseas under paragraph 297 or settlement within the UK under paragraph 298, for children seeking to join or stay with a relative who is settled in the UK. For more information, see Annex FM 3.1: children guidance and Annex FM 3.2: children guidance.

The term ‘decision maker’ applies to both decision makers processing in-country applications and entry clearance officers dealing with applications from overseas.

Contacts

If you have any questions about the guidance and your line manager or senior decision maker cannot help you or you think that the guidance has factual errors, then email the Asylum Policy Secretariat.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **13.0**
- published for Home Office staff on **23 May 2025**

Changes from last version of this guidance

- amendments to clarify the definition of habitual residence under section ‘Relationship requirements for a partner’.
- amendment to clarify compelling compassionate circumstances.

Related content
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Introduction

This guidance explains how you must consider applications under Appendix Family Reunion (Sponsors with Protection) of the Immigration Rules. This route is also referred to as 'refugee family reunion'. This guidance sets out the process for both in-country and out-of-country applications.

You should read this guidance in conjunction with other key guidance products where appropriate. All relevant guidance documents can be found below:

- Family life (as a partner or parent) and exceptional circumstances guidance
- Appendix Child Relative (Sponsors with Protection) guidance
- Annex FM 3.1: children guidance
- Annex FM 3.2: children guidance
- Suitability exclusion from protection guidance
- Every Child Matters – Change for Children
- Victims of human trafficking – guidance for frontline staff
- Safeguarding children: detailed information
- Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities guidance
- Rights of appeal guidance
- Partners, divorce and dissolution guidance
- General grounds for refusal guidance
- Appendix Children guidance
- Relationship with a partner guidance
- Biometric information - enrolment
- Biometric enrolment guidance – unsafe journeys
- Gateway Protection Programme
- Mandate Refugee Programme
- Syrian Vulnerable Persons Resettlement (VPR) scheme
- Community Sponsorship Scheme
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- Settlement for people on a protection route (refugee status / humanitarian protection) guidance
- Revocation of protection status guidance
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- Non-conducive grounds for refusal or cancellation guidance
- Pending prosecutions guidance
- UKVI Identity Standards guidance
- Adoption guidance
- Adult dependent relatives guidance
- Leave Outside the Rules (LOTR) guidance

- Document verification guidance
- Suitability failure to provide required information, attend interview guidance
- Home Office DNA policy guidance
- Assessing age guidance
- Implementing allowed appeals guidance

Background

Through the refugee family reunion policy, the UK Government recognises that families can become fragmented because of the nature of conflict and persecution, and the speed and manner in which those seeking asylum are often forced to flee their country.

This policy is intended to allow those with protection status or settlement on a protection route in the UK to sponsor immediate family members to join them here, where they formed part of the family unit before the sponsor fled their country of origin or former habitual residence to seek protection. Immediate family members are defined under the refugee family reunion policy as a partner and children under 18, or over 18 in exceptional circumstances.

Refugee family reunion applications can be made both in-country and out-of-country.

Policy intention

The policy objective is primarily to deliver a fair and effective refugee family reunion application process by:

- acknowledging the speed and manner in which families may become separated by conflict and persecution, recognising the stress this may cause and providing a means for immediate family members to remain with or reunite in the UK
- allowing a partner and children under 18, or over 18 in exceptional circumstances, of those granted protection status or settlement on a protection route to reunite with them in the UK, where they formed part of the family unit before their sponsor left their country of their habitual residence in order to seek protection
- ensuring applications are considered in a timely and sensitive manner on an individual, objective, and impartial basis, acknowledging the vulnerable situation that applicants may find themselves in and, where possible, prioritising applications without unnecessary delay
- meeting our international obligations under the European Convention of Human Rights (ECHR) by considering whether a refusal of an application would breach Article 8 if it would result in unjustifiably harsh consequences for the applicant or their family
- preventing abuse of the policy by carefully reviewing applications where fraudulent documents are submitted or there is evidence that the sponsor obtained leave by deception, and refusing such applications where appropriate preventing those who would be excluded from the Refugee Convention from

obtaining permission under the Appendix Family Reunion (Sponsors with Protection) by subjecting them to the same security checks as asylum seekers

Applications in respect of children

Section 55 Borders, Citizenship and Immigration Act 2009 requires the Home Office to ensure that immigration and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK. The consideration of the child's best interests is a primary, but not the only consideration in refugee family reunion applications.

Although Section 55 only applies to children in the UK, the statutory guidance, Every Child Matters - Change for Children, provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the Section 55 duty and make enquiries when you suspect that there may be safeguarding, or welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries. You must abide by these arrangements and work with local agencies in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

You must carefully consider all the information and evidence provided to ascertain how a child will be affected by a decision, and this must be addressed when assessing whether an applicant meets the requirements of the Immigration Rules. You must carefully assess the quality of any evidence provided. Original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests. For all refusals, the decision notice must demonstrate that all relevant information and evidence provided about the best interests of a child in the UK have been considered.

Where an application involves an unaccompanied asylum-seeking child in the UK, and is being accommodated by a local authority (see Children's Act 1989), you should be mindful the local authority may be in the process of discharging their duties with regard to the protection of children, considering the best interests of children in their care and making decisions about the child's permanence, which may include family tracing.

For more information on the key principles to take into account, see:

- Every Child Matters – Change for Children
- United Nations Convention on the Rights of the Child
- Victims of human trafficking – guidance for frontline staff (where appropriate)
- Safeguarding children: detailed information
- Family tracing asylum casework guidance
- Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities guidance
- 1980 Hague Convention on the Civil Aspect of International Child Abduction

- 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children

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Legislation

International obligations

The 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees (the 'Refugee Convention') is the primary source of the framework for international refugee protection but does not refer explicitly to family reunion as one of the rights and benefits refugees should receive in the country of refuge.

The European Convention on Human Rights (ECHR) provides the framework for ensuring the rights and fundamental freedoms of individuals in signatory states including the UK. Article 8 of the ECHR sets out the 'Right to respect for private and family life'.

Signatory states to the United Nations Convention on the Rights of the Child recognise the family as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. Children should be afforded the necessary protection and assistance so that the family can fully assume its responsibilities within the community.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction sets out procedures to ensure the return of a child who is subject to international child abduction to the country of their habitual residence immediately before their wrongful removal or retention.

The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children sets out procedures and processes for the protection and placement with family or other arrangements in contracting states.

Domestic legislation

Domestic legislation which you must consider:

Nationality and Borders Act 2022

The Nationality and Borders Act 2022 (the '2022 Act') made changes to the way in which asylum claims made after the 2022 Act came into force on 28 June 2022 are determined.

The Nationality and Borders Act 2022 and Part 11 of the Immigration Rules also provide the legal framework within which a person claiming asylum and granted refugee status or humanitarian protection will be provided with permission to stay in the UK.

Nationality, Immigration and Asylum Act 2002

Section 82 of the Nationality, Immigration and Asylum Act 2022 specifies that an appeal can be brought against a decision to refuse a human rights or protection claim, or a decision to revoke protection status.

The right of appeal is subject to the exceptions and limitations set out in Part 5 of the Act. See the rights of appeal guidance for further information.

Human Rights Act 1998

An appeal under Section 82(1)(b) of the Nationality, Asylum and Immigration Act 2002 (refusal of human rights claim) must be brought on the ground that the decision is unlawful under Section 6 of the Human Rights Act 1998. The refusal of an application for entry clearance or permission to stay under the Appendix Family Reunion (Sponsors with Protection) rules is a human rights claim for the purposes of Section 82(1)(b).

Section 92(4) specifies that in the case of an appeal under Section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the UK, the appeal must be brought from outside the UK.

Children Act 1989

Local Authorities in England have various duties under the Children Act 1989, in particular, a duty under sections 17 and 20 of the Children Act 1989. Similar duties are placed on local authorities in Scotland under sections 22 and 25 of the Children (Scotland) Act 1995. The equivalent duties of Welsh local authorities are set out in parts 3, 4 and 6 of the Social Services and Well-being (Wales) Act 2014. In Northern Ireland the duties of Health and Social Care Trusts in Northern Ireland are set out in articles 18 and 21 of the Children (Northern Ireland) Order 1995.

In England, Section 17 places a general duty on every local authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs. Section 20 requires every local authority to provide accommodation for children in need within their area who appear to them to require accommodation in some circumstances. Section 66 sets out that where a child, under the age of 16 and who is cared for and accommodated for more than 28-days by someone other than their parent is considered as being a privately fostered child in England. Section 67 outlines a duty to English local authorities to satisfy themselves of the welfare of children who are, or are proposed to be, privately fostered within their area is being satisfactorily safeguarded and promoted.

Immigration Rules

Appendix Family Reunion (Sponsors with Protection) of the Immigration Rules sets out the requirements for refugee family reunion applications.

It may also be appropriate to consider other provisions of the Immigration Rules. The following are of particular relevance to this instruction:

Introduction of the rules

Paragraph 6.2 sets out the relevant definitions for immigration applications.

“Partner” is defined as a person’s:

(a) spouse; or
(b) civil partner; or
(c) unmarried partner, where the couple have been in a relationship similar to marriage or civil partnership for at least 2 years.

“Protection status” is defined as refugee leave, refugee permission to stay, temporary refugee permission to stay, humanitarian protection and temporary humanitarian protection.

Appendix Family Reunion (Sponsors with Protection)

Paragraphs FRP.1.1. to FRP.7.2. under Appendix Family Reunion (Sponsors with Protection) (‘Appendix FRP’) of the Immigration Rules set out the requirements for granting refugee family reunion and cover a partner and children under the age of 18, or over 18 with exceptional circumstances, of those currently with protection status or settlement on a protection route in the UK.

Paragraphs FRP.8.1. to FRP.10.1. under Appendix FRP of the Immigration Rules set out the requirement for a decision and period for grants and permission to stay.

Part 8 of the rules

Part 8: family members set outs requirements for spouses and civil partners, fiancés and proposed civil partners, unmarried and same-sex partners as well as children, and applies to Appendix FRP applications – see Partners, divorce and dissolution guidance.

Part 9 of the rules

Part 9: Grounds for refusal set out the grounds for refusal and applies to Appendix FRP applications – see grounds for refusal guidance.

Part 11 of the rules

Paragraphs 339A to 339AC and 339BA set out when refugee status granted under paragraph 334 may be revoked or renewed and paragraphs 339G to 339GD set out similar provisions for those granted humanitarian protection.

Appendix Children

This Appendix sets out the requirements for applications made by children – see Appendix Children guidance.

Appendix Relationship with a Partner

This Appendix sets out the requirements for an application based on a relationship with a partner (spouse, civil partner, or unmarried partner in a durable relationship of at least 2 years) – see relationship with a partner guidance

Appendix Tuberculosis (TB)

This Appendix sets out when a person is required to provide a valid TB certificate with their application for entry clearance and the requirements for a TB certificate to be valid.

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Application process

Applications under the refugee family reunion route can be made both from within the UK known as ‘permission to stay’ and overseas known as ‘entry clearance’.

There are no fees associated to submitting an application under this route. Where an applicant is granted settlement, in line with the permission of their sponsor, they are exempt from the Knowledge of Language and Life in the UK requirement at the settlement stage.

Applications made in the UK

A person applying inside the UK on or after 9 April 2025 must apply for permission to stay online on the GOV.UK website on the specified form: “FLR (HRO)”.

You should be mindful that some individuals prior to 9 April 2025 would have applied for permission to stay via email or in writing to the in-country refugee family reunion operational team.

If you receive an application in writing for permission to stay via email or letter on or after 9 April 2025, you must refer to the validity section of this guidance. If you receive an application in writing for permission to stay via email or letter before 9 April 2025, but consider this application after this date, you must apply your discretion and consider FRP.1.1 to have been met.

Applicants are required to enrol their biometric information and must be notified of how to enrol their biometrics at a Service and Support Centre (SSC), in relation to their permission to stay application. Details of an applicant’s nearest SSC can be found at GOV.UK. For applicants over 5 years of age, this will be a scan of their fingerprints and a digital photograph. Applicants who are under 5 are not required to provide their fingerprints but must still provide a digital photo of their face at a SSC.

Applications made outside the UK

Individuals who are outside of the UK must apply for entry clearance on the GOV.UK website on the specified forms as follows:

- partner of someone in the UK with protection status (family reunion)
- child of someone in the UK with protection status (family reunion)

In most circumstances, biometric information, in the form of a facial photograph and fingerprints for those aged over 5 years and physically capable, must be provided at a Visa Application Centre (VAC) for overseas applications. Applicants who are under 5 are not required to provide their fingerprints but must still provide a digital photo of their face at a VAC. Details of an applicant’s nearest VAC will be identified when they complete their application online via GOV.UK. There is a mandatory charge for applicants to use some VACs, and our commercial partners may offer optional charged services.

Further information on circumstances where it may be appropriate for the requirement to enrol biometrics to be deferred or excused can be found in the Biometric information - enrolment and Biometric enrolment guidance – unsafe journeys.

Where an applicant is applying from outside of the UK, they must provide a valid TB certificate if they have been residing in a country listed in Appendix Tuberculosis (Appendix TB) of the Immigration Rules for the six months immediately preceding the application. Further information regarding which applicants are required to obtain a TB certificate before applying and the valid test centres can be found on GOV.UK: Tuberculosis tests for visa applicants.

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Considering refugee family reunion applications

All family reunion applications must be carefully considered by applying paragraphs Appendix Family Reunion (Sponsors with Protection) (Appendix FRP) FRP.1.1. to FRP.7.2. of Appendix FRP of the Immigration Rules in accordance with this guidance. Appendix FRP applies a 4-stage decision-making process to considering refugee family reunion applications under these rules: validity, suitability, eligibility, and decision.

Prioritisation of applications

It is recognised that some family members of those with protection status or settlement on a protection route in the UK who are overseas may be particularly vulnerable. Ordinarily, almost all individuals who apply for refugee family reunion from outside the UK can be considered to be in some way vulnerable. This is because the sponsor's partner and children may be living in a similar situation which may have led the sponsor to flee their country of origin and travel to the UK to seek protection in the first place. Therefore, many applicants awaiting consideration of their refugee family reunion application are facing broadly comparable situations to others waiting.

Prioritisation of a refugee family reunion application under this policy ('prioritisation') means that the application will be allocated to the next available decision maker for consideration so that, where the relevant requirements are met, they can travel to the UK and reunite with their sponsor as soon as possible. This policy only applies to entry clearance applications.

Given the complexities surrounding these applications, you must make clear to the applicant that you cannot provide a timescale for a decision on a prioritisation request. This is because, by reason that the application has been prioritised, their circumstances are recognised to be more complex than others in an already vulnerable cohort. This may mean that the application is non-straightforward and that you may have to consider more complex issues than a straightforward application, such as requiring additional checks or requests for information. When you are allocated an application that has been prioritised you must conclude it in a timely manner and without unnecessary delay in accordance with this guidance.

A prioritisation request in relation to a refugee family reunion application can only be considered under this policy **after** an applicant has enrolled their biometric information at a visa application centre (VAC) (or it has been agreed either to predetermine their application before they are required to attend a VAC to register biometrics or, to defer the requirement to enrol their biometrics until they have arrived in the UK).

Where an application has been prioritised, this will also apply to linked applications who form part of the same family unit.

You must remember that this prioritisation policy only applies to applications under the refugee family reunion route and only respond to requests regarding prioritisation set out in the 'other grounds for prioritisation' section below.

Unaccompanied children

The decision-making team must prioritise all out-of-country applications where the applicant is an unaccompanied child, under the age of 18. For the purposes of this prioritisation policy, an unaccompanied child is a child who has no long-term care arrangements in place because they have no carer, parent, or guardian.

Applications from unaccompanied children **do not** require a request for prioritisation to be made.

Other grounds for prioritisation

It is important to note that vulnerability is not a clear-cut scale but instead is an indeterminate assessment which can take many different forms depending on an individual's circumstances. It is not possible to define a precise and exhaustive list of factors which mean one person is more vulnerable than another and therefore warrants prioritisation ahead of another applicant who is waiting for their application to be allocated to the next available decision maker.

When deciding whether an application should be prioritised, you must consider each request on the basis of the individual facts and circumstances raised. The 'other grounds for prioritisation' element of this policy is not aimed at groups of individuals, such as those impacted by specific crises or a specific nationality, as other individuals awaiting consideration of their application by a decision maker may be facing broadly comparable situations. To do so would otherwise undermine the aim of this policy, unfairly apply to groups of individuals, and not address the individual circumstances of applicants who may require prioritisation.

Examples of requests for prioritisation which may be accepted include applicants or sponsors who have serious medical conditions or terminal illness, supported by independent evidence. This is non-exhaustive, and you must undertake a holistic consideration of the applicant's circumstances raised in the prioritisation request.

Agreement to prioritise an application on the basis of circumstances raised does not mean that an application will be granted. Consideration of the request for prioritisation, including any accompanying evidence to support this, is separate to the consideration of the entry clearance application against the Immigration Rules.

Process for requesting prioritisation

If an applicant's circumstances are such that they feel their application should be prioritised under this policy, they should request this by:

- sending an email to refugeefamilyreunion@homeoffice.gov.uk

- providing a short summary in the covering email text explaining why they wish for their application to be considered for prioritisation under the ‘other grounds of prioritisation’
- enclosing independent evidence to support their request

Considering a request for prioritisation

All prioritisation requests should be considered by a Higher Executive Officer and should not be considered by decision makers.

The onus is on the applicant to provide evidence supporting their prioritisation request alongside submission of their request via email. If no supporting evidence has been provided, you must consider whether the applicant has provided an appropriate reason for the lack of evidence. Where no evidence and no reason for not providing evidence has been provided, you must inform the applicant that their prioritisation request will not be considered. This is to ensure that all applications submitted by applicants who need and submit prioritisation requests under this policy can be managed efficiently and dealt with in a timely manner by the operational team.

If a prioritisation request has not been received via email as set out above, this is not a request for prioritisation under this policy and you must inform the applicant that their prioritisation request will not be considered. An example of this includes an email from an applicant requesting a ‘quicker decision’ on their application. Given the number of requests received by the operational team, and the large amounts of evidence submitted alongside them, to consider such requests that do not follow the process set out in this prioritisation policy would otherwise be unfair to other applicants who have submitted a prioritisation request as set out under this policy.

If you have considered a request and you **agree** that an application meets the criteria for prioritisation, you must notify them via email that the request has been accepted, will be allocated to the next available decision maker, and that a timescale cannot be provided.

If you have considered a request and you **do not agree** that an application meets the criteria for prioritisation, you must notify the applicant via email to confirm that their request has not been accepted, alongside a brief explanation why their application will not be prioritised. Given the number of requests received by the operational team, and the time and resource required to consider them, your response should be brief in order prevent inadvertently slowing down the wider decision making process and to not impose further operational burden.

Where an applicant’s previous prioritisation request was not considered, or their request was not accepted, you may consider subsequent prioritisation requests providing the applicant’s circumstances have changed since the original request, or they have chosen to provide new supporting evidence. If an applicant makes an additional request where there has been no change in circumstances, or where no new supporting evidence has been provided, you must inform the applicant that their prioritisation request will not be considered.

You must ensure that casework systems are updated at each stage of the process for considering a prioritisation request. This ensures that there is a clear audit trail noting when a request has been submitted, when you have considered the request, including what evidence was considered, and when you communicated with either the applicant or their representatives. You must attach copies of any correspondence to the casework system.

Validity

Definition of a valid application

Paragraphs FRP 1.1. to FRP 1.3. of Appendix FRP sets out the validity requirements which an application must meet in order to be considered as valid. This includes:

- if the applicant is applying for permission to stay, they must apply online using on the GOV.UK website using the specified form:
  - "FLR (HRO)"
- if the applicant is applying for entry clearance, they must apply online on the GOV.UK website using the specified form:
  - "Partner of someone in the UK with protection status (family reunion)"
  - "Child of someone in the UK with protection status (family reunion)"
- the applicant must have provided biometrics when required
- the person the applicant is seeking to stay with or join in the UK must currently have protection status or settlement on a protection route in the UK
- the person the applicant is seeking to stay with or join in the UK must not be a British Citizen

Eligible sponsors

In all cases you must be satisfied that the sponsor currently has protection status or settlement on a protection route in the UK.

"Protection status" is defined within paragraph 6 of the Immigration Rules and means refugee leave, refugee permission to stay, temporary refugee permission to stay, humanitarian protection and temporary humanitarian protection.

Eligible sponsors also include the individuals who came to the UK under on resettlement schemes which confer protection status such as:

- Gateway Protection Programme
- Mandate Refugee Programme
- Syrian Vulnerable Persons Resettlement (VPR) scheme
- Community Sponsorship Scheme
- UK Resettlement Scheme (UKRS)
- Afghan Citizens Resettlement Scheme: Pathway 2 (ACRS)

Individuals granted protection status are given 5-years permission to stay on a protection route in the UK, after which time they may apply for settlement on a protection route. Individuals granted settlement on a protection route in the UK are

valid sponsors under refugee family reunion because this confirms that an individual has an ongoing need for protection within the UK – see settlement for people on a protection route (refugee status / humanitarian protection) guidance.

If the sponsor is settled in the UK (which does not mean settlement on a protection route), or is a British citizen, they are not an eligible sponsor and would not meet the validity requirements under paragraph FRP 1.3. This is because alternative routes exist for family seeking to join a sponsor who is settled in the UK or is a British citizen on the basis of their family life – for more information see Annex FM 3.1: children guidance for applications made under paragraph 297 overseas or Annex FM 3.2: children guidance for applications made under paragraph 298 within the UK, or Family life (as a partner or parent) and exceptional circumstances guidance for applications made under Appendix FM.

You must ensure that the sponsor's protection status is not under reconsideration and has not been revoked by checking the sponsor's status on the case working system. If the sponsor's protection status is being reconsidered, you must not make a decision on the family reunion application until after the reconsideration process has been completed.

Revocation of the sponsor's protection status

You must consider any information submitted in support of the family reunion application against any information provided by the sponsor as part of their original protection claim or any subsequent application.

If you identify evidence of deception and misrepresentation by the sponsor in their protection claim or evidence that the sponsor has re-availed themselves of the protection of their country of origin, this will lead to a review of their entitlement to protection in the UK – see revocation of protection status guidance.

You must be mindful that applicants may not always know the full details of the sponsor's protection claim due to, for example, prolonged separation or security reasons. You **must not** disclose to the applicant why their sponsor has sought protection in the first place.

Application does not meet all of the validity requirements

If an application does not meet all the validity requirements under FRP 1.1. to FRP 1.3., this application may be rejected as invalid and not considered further under paragraph FRP.1.4. - see the validation, variation and withdrawal of applications guidance.

If the application is valid

If the application meets all of the validity requirements under paragraphs FRP 1.1. to FRP 1.3. you must continue the decision-making process and go on to consider whether suitability requirements are met.

Suitability

Under paragraph CRP 2.1. you must be satisfied that that the application should not be refused under Part 9: grounds for refusal.

Addressing suitability

As part of your suitability consideration, and in line with safeguarding duties under Section 55 of the Borders, Citizenship and Immigration Act 2009, decision makers should conduct checks both on the sponsor and applicant.

In considering whether the application should not be refused under Part 9: grounds for refusal, you must refer to the:

- Criminality guidance
- Restricted leave guidance
- Exclusion from the UK guidance
- Travel bans guidance
- Non-conducive grounds for refusal or cancellation guidance

Care must be taken where the suitability ground states that an application may be refused – these are non-mandatory grounds and caseworkers must ensure any reasons that justify not normally refusing the application have been taken into account.

Where an applicant will normally be refused if they fail to meet these suitability requirements or may be refused if they fail to meet these suitability requirements, you must look at the nature of the suitability issues being considered in the context of the application as a whole. You must decide whether those issues are sufficiently serious to refuse on the basis of suitability (bearing in mind that anything which comes within these criteria should normally, must or may be refused) or whether there are compelling reasons to decide that the applicant meets the suitability criteria. This will be a case-specific consideration.

Where you are satisfied that the applicant should not be refused under Part 9: grounds for refusal, you must continue the decision making process and go on to consider whether the application meets the eligibility requirements.

Refusal on the grounds of suitability

Where the applicant meets a ground for refusal under Part 9: grounds for refusal, (excluding paragraph 9.2.1., paragraph 9.2.3., paragraph 9.3.1., paragraph 9.4.1. or paragraph 9.5.1.) you should consider whether a refusal of their application would breach Article 8 of the Human Rights Convention, because it would result in unjustifiably harsh consequences for the applicant or their family – see Article 8 of the Human Rights Convention section.

If you are satisfied that the applicant should be refused under Part 9: grounds for refusal because they meet paragraph 9.2.1., paragraph 9.2.3., paragraph 9.3.1., paragraph 9.4.1. or paragraph 9.5.1., the application must be refused.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

In circumstances where there is an established Article 8 barrier to deportation and FNO Returns Command have confirmed they do not have a continued interest in pursuing deportation because of this barrier, consideration of a grant of leave outside the rules for 30 months on Article 8 grounds may be granted for the above suitability grounds, except FRP 2.1. or 9.2.1. and 9.2.3. of Part 9: Grounds for Refusal. This applies to both permission to stay and entry clearance applicants. Whilst the Secretary of State retains discretion as to the conditions of such permission, it will normally be appropriate to grant such permission with a right to work and study but no recourse to public funds.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Where a person has a prosecution pending for an offence, a series of offences, or is yet to be sentenced, you must consider whether to put the application on hold pending the outcome of the criminal proceedings. You should be mindful that you should only hold the application if the outcome of the pending prosecution or sentencing would materially affect how you decide the application – see criminality guidance and the pending prosecutions guidance.

Eligibility

Proof of identity and nationality

Under paragraph FRP 3.1. the applicant must satisfactorily establish their identity and nationality. In the absence of biometrics, where it comes to establishing identity, the standard of proof is to the balance of probabilities. For further information on how to establish identity, you should refer to the UKVI Identity Standards guidance alongside the evidence and proof of identity sections of this guidance.

Relationship requirements for a partner

Paragraph FRP 4.1. sets out the relationship requirements for a partner applying to stay with or join their sponsor with protection status or settlement on a protection route under Appendix FRP. In considering all the requirements under FRP 4.1., you must be satisfied to the balance of probabilities that the evidence produced demonstrates that these are met- see evidence and proof of relationship section.

Paragraph FRP 4.1. (a) makes clear that the applicant must be partner of the sponsor, which is defined under paragraph 6.2 of the Immigration Rules:

(a) spouse; or
(b) civil partner; or
(c) unmarried partner, where the couple have been in a relationship similar to marriage or civil partnership for at least 2 years.

Paragraph FRP 4.1. (b) makes clear that a partner, as defined above, must have formed part of the family unit with the sponsor (also termed as a 'pre-flight' relationship) before they left their country of habitual residence in order to seek protection in the UK. If the sponsor obtains protection status or settlement on a protection route in the UK, and the sponsor subsequently left the UK to form a family unit after they obtained this status in the UK, then this is a post-flight relationship. As such, there are alternative routes for this sponsor to bring their (post-flight) family to come to the UK on the basis of their Article 8 rights, such as Appendix FM, and would not meet the requirement of FRP 4.1. (b) of Appendix FRP. This is because the refugee family reunion route is intended to uphold the principle of family unity (for immediate family members) for individuals with protection status or settlement on a protection route in the UK whose family life has been disrupted due to conflict or persecution (pre-flight) in their country of habitual residence.

Whilst the intention of pre-flight under FRP 4.1. (b) should be followed in the spirit of the meaning which is set out in Appendix FRP, a distinction should be drawn between transit countries, through which the sponsor merely travelled to reach the UK after having fled their country of habitual residence, and a country where the sponsor had become habitually resident, and from which the sponsor has fled from in order to seek protection in the UK. A case-by-case consideration should be applied to determine the relationship was formed in a country of habitual residence (FRP 4.1. (b)), and the relationship was not formed in a transit country. You do not need to consider the reasons why the sponsor left this country of habitual residence before they sought protection in the UK, but instead whether the applicant formed part of the family unit with their partner in a country of habitual residence before the sponsor sought protection in the UK.

The definition of habitual residence in case law [AA (Marriage – Country of Nationality) Somalia [2004] UKIAT 00031 with particular reference to Shah v Barnet London Borough Council [1983] 2 AC 309] considers that "ordinarily resident" or "habitual residence" have interchangeable meaning and refer to a persons' abode in a particular place or country which they have adopted voluntarily and for settled purposes, whether of short or of long duration.

It is important to carefully consider all evidence available and any explanations for a lack of evidence to reach an informed decision- see evidence and proof of relationship section.

Under paragraph FRP 4.2. the applicant must meet the requirements for a partner set out within in Appendix Relationship with Partner. In considering this requirement, you should refer to relationship with a partner guidance.

Part 8 of the Immigration Rules, which applies to applications made under Appendix FRP, sets out the requirements for spouses and civil partners, fiancés and proposed civil partners, unmarried and same-sex partners as well as children. Specific to spouses and civil partners, and polygamous marriages, you should be mindful of paragraphs 227- 280. See partners, divorce and dissolution guidance.

You should also be mindful of the Marriage (Prohibited Degrees of Relationship) Act 1986 and Civil Partnership Act 2004 which addresses consanguineous relationships (relationships by blood). You may also wish to consult Part 8 of the Immigration Rules (including paragraphs 278 and 296 specifically), which also covers polygamous relationships.

Relationship requirements for a child

Paragraphs FRP 5.1. to FRP 6.2. set out the relationship requirements for a child applying to stay with or join their sponsor with protection status or settlement on a protection route under Appendix FRP. In considering all the requirements under paragraph FRP 5.1. to paragraph FRP 6.2., you must be satisfied to the balance of probabilities that the evidence produced demonstrates that these are met. See sections on evidence and proof of relationship.

All applicants who claim to be the child of their sponsor, or the child of the sponsor's partner, must provide evidence to demonstrate they meet this requirement under paragraph FRP 5.1.

Part 8 of the Immigration Rules, which applies to applications made under Appendix FRP, sets out the requirements for spouses and civil partners, fiancés and proposed civil partners, unmarried and same-sex partners as well as children. Specific to children of polygamous marriages, you should be mindful of paragraphs 296. See partners, divorce and dissolution guidance.

Children under the age of 18

Under paragraph FRP 6.1. (a) if the applicant is a child under the age of 18, they must submit evidence to support their claimed age and demonstrate they were under the age of 18 on the date they submitted their application. Where you dispute the age of the applicant as a child under the age of 18, refer to the section on cases where an applicant's age is disputed. Where you are not satisfied, to the balance of probabilities, that paragraph FRP 6.1. (a) is met, you should consider whether the applicant meets the requirements under paragraph FRP 6.2. if paragraph FRP 5.1. is met.

Under paragraph FRP 6.1. (b) the applicant must demonstrate their relationship with their sponsor is pre-flight. The same instruction in this guidance (see relationship requirements for a partner) regarding assessing pre-flight partners under FRP 4.1. (b) should be applied when assessing a pre-flight child under paragraph FRP 6.1. (b). Where a child has been conceived before the sponsor fled to seek asylum in the UK but born post-flight, you must treat that child as part of the pre-flight family of the sponsor. See sections on evidence and proof of relationship.

Under paragraph FRP 6.1. (c) you must be satisfied the applicant meets the independent life requirement for a dependent child in Appendix Children. You should assess this in accordance with the Appendix Children guidance.

Children over the age of 18

Under paragraph FRP 6.2. if the applicant is a child over the age of 18, they must submit evidence to support their claimed age and demonstrate there are any exceptional circumstances which means they are not leading an independent life and are still a dependent on their parents within the family unit like a child under the age of 18 typically is.

Paragraph FRP 6.2. requires you to consider whether there are exceptional circumstances and all relevant factors, which include, but may not be limited to:

- whether the child is dependent on the financial and emotional support of one or both of their parents
- whether the parent or parents they depend on is in the UK, or qualifies for family reunion or resettlement and intend to travel to the UK, or has already travelled to the UK
- whether the child is leading an independent life, has no other relatives to provide means of support and they could not access support or employment in the country in which they are living and would therefore likely become destitute if left on their own

Adopted children

Where a child is seeking to join their pre-flight adopted parent or parents, they must be able to demonstrate that their sponsor holds an adoption order and that it was granted either by the administrative authority in the third country, or by a court which has the legal power to decide such applications. The adoption order should have been issued in the child's country of origin or where the child is living. You should ensure that the adoption order issued overseas is recognised as valid for the purposes of UK law. The Adoption (Recognition of Overseas Adoptions) Order 2013 and the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013 and its amendment provide further detail on the countries which automatically recognise adoptions.

Appendix Adoption allows a child under the age of 18 to apply to come to the UK, to be adopted or having been adopted overseas. Under Appendix Adoption there are 4 adoption routes, which include:

- Hague Convention Adoptions
- Recognised Overseas Adoptions
- De facto Adoptions
- Coming to the UK for adoption

If you receive an entry clearance application from an adopted child, you should be mindful of the existing routes which facilitate entry clearance to the UK as an adopted child or prospective child. Where applicable, you should consider the definition of de facto adoption children contained within paragraphs AD 28.1. – AD 28.3. of Appendix Adoption to the Immigration Rules – see adoption guidance.

Under paragraphs FRP 1.1. to FRP 6.2. there is no provision for a child who has applied for refugee family reunion as the subject of a de facto adoption. Accordingly, where an application does not meet the requirements for a child under FRP 5.1. to FRP 6.2., you must consider whether there are exceptional circumstances which would make a refusal of the application a breach of Article 8 of the ECHR, because such refusal would result in unjustifiably harsh consequences for the applicant or their family member – see section on Eligibility under Article 8 Human Rights Convention.

Where an application does not meet the definition of a de facto adopted child, you should also be mindful that an alternative route exists for children to stay with or join their close relative with protection status in the UK where there are serious and compelling circumstances under Appendix Child Relative (Sponsors with Protection). This can be in situations where the child has no family other than the close relative in the UK that could reasonably be expected to support or care for them – see Appendix Child Relative (Sponsors with Protection) guidance.

Eligibility under Article 8 of the Human Rights Convention

Under paragraph FRP 7.1. where an application does not meet all the suitability or eligibility requirements (subject to FRP 7.2.) under Appendix FRP, you must go on to consider whether there are exceptional circumstances which would make a refusal of the application a breach of Article 8 European Convention of Human Rights (ECHR), because such refusal would result in unjustifiably harsh consequences for the applicant or their relevant family member, whose Article 8 rights it is evident from the information provided would be affected by a decision to refuse the application.

The Immigration Rules set out in Appendix FRP and Part 9 reflect the weight to be given to the Article 8 ‘public interest considerations’, as expressed by Parliament in primary legislation (in Part 5A of the Nationality, Immigration and Asylum Act 2002). These include, in particular, the public interest in maintaining effective immigration controls, in preventing burdens on the taxpayer, and in protecting the public and the rights and freedoms of others. The relevant rules therefore reflect the position of the Secretary of State, approved by Parliament, as to proportionality under Article 8 in cases decided under Appendix FRP. In so doing, they provide the basis for a clear, consistent, and transparent decision-making process. A decision made in accordance with Appendix FRP under paragraph FRP 7.1. and FRP 7.2. is in accordance with the duty under Article 8 of the ECHR.

Family life for the purposes of Article 8 is usually, but not always, limited to the relationship between parents and minor children, and partners or spouses. In respect of other relationships, including those between parents and adult children, adult and minor siblings, and other familial ties, family life within the meaning of Article 8 will not normally be deemed to exist absent further elements of dependency which go beyond normal emotional ties. Whether family life exists is a question of fact depending on the existence, nature, extent, and form of personal ties.
To determine whether family life exists, such that Article 8 is engaged, broadly speaking, you should ask yourself:

- is there evidence that the applicant and sponsor have a genuine pre-existing family life together?
- how frequently does the applicant communicate with the sponsor, within what is practicably possible?
- if the relationship is between adult family members or wider family members, is there evidence of an unusual or exceptional level of dependency such that Article 8 is engaged?

Unjustifiably harsh consequences

Once you are satisfied that family life exists such that Article 8 is engaged, you must consider on the basis of the information provided by the applicant whether a refusal would be a breach of Article 8 because it would result in unjustifiably harsh consequences for the applicant or their family. You should consider the impact on each family member raised in the application, as well as the family unit as a whole.

As mentioned in the application in respect of children section of this guidance, the Immigration Rules take into account the need to safeguard and promote the welfare of children. The duty in Section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard to the need to safeguard and promote the welfare of a child in the UK, together with Article 3 of the UN Convention on the Rights of the Child, means that consideration of the child's best interests must be a primary consideration in immigration decisions affecting them. This guidance, and the Immigration Rules it covers, form part of the arrangements for ensuring that we give practical effect to these obligations. In conducting your Article 8 assessment, you must take into account, as a primary consideration, the best interests of any relevant child affected by the decision.

You should consider all relevant factors in the light of all the information and evidence provided by the applicant when deciding whether to grant permission under Article 8 of the ECHR. Relevant factors include, but are not limited to the nature and extent of the family relationships involved, such as:

- the circumstances giving rise to the applicant being separated from their family
- the impact of a mental or physical disability or of a serious illness which requires ongoing medical treatment
- the likely impact on the sponsor, and their family, if the application is refused
- the best interests of any relevant child
- can family life continue or resume overseas?

All cases to some extent are unique, but in consideration of these factors, you should determine whether a refusal of the application is proportionate and will not result in unjustifiably harsh consequences.

You should assess whether family life can continue or resume overseas and consider whether there are obstacles to family life or continuing in any of the relevant countries other than the UK. A significant amount of hardship or inconvenience does not amount to an unjustifiably harsh consequence. You should note that the fact that a refusal may, for example, result in the continued separation of family members does not in of itself constitute unjustifiably harsh consequences, particularly where the family have commenced or continued their relationships in separate countries.

'Unjustifiably harsh consequences' are ones which involve a harsh outcome or outcomes for the applicant (or their family) which is not justified by the public interest, including in maintaining effective immigration controls, preventing burdens on the taxpayer, promoting integration, and protecting the public and the rights and freedoms of others. Therefore, this bar must be necessarily high.

You should refer to the family life (as a partner or parent) and exceptional circumstances guidance, including the 'relevant factors' section, when considering this requirement under paragraph FRP 7.1. You should also refer to the adult dependent relatives guidance and the Child Relative (Sponsors with Protection) guidance.

Given the nature of the route, consideration should also be given as to whether the applicant is in a conflict zone or dangerous situation. Where an application raises a protection need, you must be mindful that this route is not a protection route, and asylum cannot be claimed from outside the UK. Individuals should apply for asylum in the first safe country they reach.

Compelling compassionate factors

Compassionate factors are, broadly speaking, exceptional circumstances that warrant a grant of discretionary leave which are not for an Article 8 or any other ECHR reason. An example might be where an applicant or family member has suffered a bereavement and requests a period of stay to deal with their loss or to make funeral arrangements.

If any compassionate factors are raised in the application, which are different matters to those already considered under the Rules or under Article 8 of the ECHR, you should consult the Leave Outside the Rules (LOTR) guidance.

The applicant should demonstrate as part of their application what the compelling compassionate factors are in their case, and/or what unjustifiably harsh consequence would be faced should they be refused entry clearance or permission to stay in the UK. Each case must be decided on its individual merits.

If compelling compassionate factors are not raised in the application, or all factors that are raised have already been considered under the Immigration Rules, you do

not need to consult the LOTR guidance and consider whether a grant of LOTR is appropriate.

Related content
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Evidence

Whilst the Immigration Rules do not require specified evidence to support a refugee family reunion application, the onus is on the individual making an application under Appendix Family Reunion (Sponsors with Protection) (Appendix FRP) to provide sufficient evidence to demonstrate they meet the requirements of the rules or if relevant, the leave outside the rules (LOTR) policy.

Some refugee family reunion applicants may not be able to provide the same documents or evidence that would be required for other application routes under the Immigration Rules due to the nature of refugee journeys. You must be mindful of the difficulties individuals may face in providing documents or evidence. For example:

- applicants may have needed to leave their home under duress and without the time or capacity to collect documents
- there may not have been a functioning administrative authority to issue documents such as birth and marriage certificates, passports or courts who can provide copies of adoption orders
- the applicant may also be reluctant to approach authorities, which may have prevented what would otherwise be a standard administrative process, for example the registration of marriage or the birth of a child
- refugees or those with humanitarian protection may not have any evidence, for example, of the existence of a same-sex relationship, where there may be no avenue to legally marry or have a civil partnership or having photographs in the country from which the sponsor has fled may have put them in danger
- documents may have been lost or destroyed in the conflict or on the journey to safety

The original document does not need to be provided, and a digital copy can instead be submitted as supporting evidence. These do not have to be notarised by a solicitor or legal representative, but they should be high quality and in colour so that you can examine the documents. Where original documents or evidence are not available to submit with any application, the onus is on the applicant to provide a reasonable alternative or a reasonable explanation for their absence, including any attempts to obtain them – see section on requesting further evidence and the UKVI Identity Standards guidance.

Submitting false documents or evidence, whatever the motives for so doing, may lead to refusal – see section on suitability.

In most circumstances, English translations must be provided otherwise you will be unable to verify these documents and accept them as supporting evidence. For example, if an applicant submits communication records as proof of relationship which are not in English or translated to English.

References made to ‘preferred’ and ‘corroborative’ evidence types within the proof of relationship sub-sections are intended to provide guidance as to the range of evidence which could be submitted by applicants, but must be read in accordance with the instruction contained within this section of guidance.

Some types of evidence are preferred because they are more easily verifiable. If the applicant is unable to provide a form of preferred evidence, then a form of corroborative evidence, or other form of evidence may be submitted in substitution, by the applicant. Providing preferred evidence does not guarantee that their application will be granted. Instead, it means it may be easier for you to verify the applicant meets a particular requirement as part of their application under Appendix FRP. Other types of evidence, including corroborative evidence, may be provided by the applicant to support their application but are less likely to be accepted on their own.

In addition to individual accounts submitted by the applicant, Country Policy and Information will give some insight into challenges that individuals may face in acquiring documents or providing credible documentation and providing evidence that their relationship started before their sponsor left to support their application. Country Policy and Information also provides insight into the reasons why a couple could not live together in certain countries and the challenges around obtaining evidence of a relationship.

Requesting further evidence

In cases where original documents or evidence are not available to submit with any application or the application cannot be decided based on the evidence or information provided, you may ask for further evidence. Requests for further evidence should bear in mind the situation which has prompted the sponsor and / or applicant to leave their country of origin or habitual residence as well as the circumstances which led the applicant to apply under Appendix FRP to join their sponsor with protection status or settlement on a protection route. For example, the applicant may be residing in a refugee camp or informal settlement without easy access to the internet, telephone or postal services and may have fled their home with few belongings. They may not be in a position to provide further documents or have any safe or regular access to the internet.

Most applications are considered on the information provided in the application form, the supporting evidence that the applicant submits and the results of other checks and enquiries about the sponsor and applicant. If you consider that an explanation about the lack of documents or further evidence is required, appropriate enquiries should be made through either the applicant's representative or by arranging a telephone call to the sponsor or applicant.

If you are still not satisfied with the evidence, you may arrange an interview with the sponsor in the UK and / or with the applicant overseas. In some cases, it may be appropriate to interview the applicant or sponsor either by telephone or in person, depending on the circumstances of the case. If you are interviewing a child, you must ensure that the relevant safeguards are in place, such as the child's legal guardian and legal representative being present. During an interview you must ask appropriate questions in a sensitive manner to carefully test the evidence and put any discrepancies to the applicant or the sponsor. You may defer the application and make further enquiries into the evidence to assess whether the identity or

relationship is as claimed – see guidance on document verification checks and suitability: failure to provide required information, attend interview.

Proof of identity

It is the responsibility of the applicant to satisfy you about their identity.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Applicants can produce a range of alternative documents or evidence to establish their identity. The UKVI Identity Standards guidance contains examples of 'alternative acceptable documents' and 'corroborative evidence' an applicant can provide to establish their identity. For the purposes of refugee family reunion applications, you should be mindful of the evidence section which sets out the reasons why an applicant may not be able to produce certain documents or evidence. Therefore, in accordance with the UKVI Identity Standards guidance, additional corroborative evidence that could be submitted by an applicant so long as they can be cross-referenced against other information and there are no contradictions, includes:

- Driving Licence
- Birth certificate
- Adoption certificate
- United Nations High Commissioner for Refugees (UNHCR) registration and/or International Organization Migration (IOM) registration

Proof of relationship

All evidence submitted must meet the civil law standards, which is the balance of probabilities. You should read this sub-section in accordance with the evidence section.

The evidence provided must establish that a relationship between the sponsor and the applicant exists and that it existed prior to the sponsor having left their country of habitual residence to seek asylum in the UK.

You must take into account any other evidence previously available to the Home Office as part of any other application. For example, evidence submitted as part of the asylum claim including their statement of evidence form, witness statements, asylum interview or evidence from any appeal hearing. The fact that family members have been mentioned in the asylum claim is a strong indication that they formed part of the pre-flight family unit.

If there is no reference to dependants as part of the previous asylum claim, this may be related to factors such as security concerns for family overseas. Where there are other factors that undermine the credibility of the application, you must consider refusing the application.

Where an individual came to the UK through a resettlement scheme, you must be satisfied that the sponsor declared the dependant or dependants on their resettlement referral, and that they are related as claimed. Where the sponsor has been brought to the UK as the main applicant under a resettlement scheme, you may make further enquiries to the relevant operational resettlement team for evidence that the relationship is as claimed. You should include the sponsor's name, date of birth, Home Office reference number (if known) and specify which eligible scheme the sponsor arrived under has arrived in the UK under when contacting the relevant operational resettlement team.

Where a sponsor has not declared the dependant or dependants on their resettlement application, there may be legitimate reasons for this. The onus is on the applicant to provide a reasonable explanation for the omission and to satisfactorily demonstrate that they are related as claimed to their sponsor. You should examine the family circumstances carefully as it is relatively unusual that families are not resettled together by the UNHCR. Where other family members are not referenced in the referral form, you should seek an explanation of this – as it may be that these family members are post-flight. See section on requesting further evidence.

Applicants could include any number of documents to support their claim that they are related as claimed, this could be:

- a written statement from the sponsor – this should set out who is in their family, including names and dates of birth, how they came to leave their family behind when they originally fled their country to seek protection, what contact they have had with their family whilst separated, what contact they have with their family currently and what circumstances their family is living in
- marriage / civil partnership certificate
- traditional marriage ceremony documents
- documents relating to accommodation or joint purchases
- DNA evidence offered voluntarily at the applicant's expense from an accredited laboratory as set out in the Home Office DNA policy guidance
- birth certificate
- Biometric Immigration Document or original letter from UKVI or Immigration Enforcement (IE) confirming the sponsor has permission to stay and status as claimed in the UK
- family photographs – that are clear and good quality
- wedding photographs – that are clear and good quality
- wedding invitations
- witness statements (from the sponsor and applicant, wedding guests, family members, or person who conducted the ceremony)
- communication records, in English or translated in English (telephone records, emails and letters for the period they have been apart, or social media messages)

- financial transfer records (such as a bank statement to show transfer of money or shared accounts)
- government family records
- adoption orders or court documents (where the child is not a biological child)
- school records
- hospital report at birth
- court documents / police documents / job application rejections which prove that they cannot access employment and will be left destitute
- any other evidence indicating the relationship is as claimed

DNA testing

The onus lies on applicant and their sponsor to provide sufficient evidence to prove their relationship and satisfy you that they are related as claimed. DNA evidence on its own does not establish an applicant's identity but can show whether a person is biologically linked to another person and the extent of that relationship – see UKVI Identity Standards guidance. You must not require DNA evidence. Applicants can choose to volunteer DNA evidence from an accredited testing laboratory either proactively or in response to an invitation to submit further relevant evidence, which may include DNA evidence. Where applicants choose not to volunteer DNA evidence, no negative inferences can be drawn from this. Where DNA evidence has been submitted, you should consult the guidance on DNA policy.

Cases where an applicant's age is disputed

Where there is doubt as to whether the applicant is a child from the evidence submitted, an initial assessment of the child's age must be made. See guidance on assessing age for dealing with age disputed claims. This guidance may be used to inform decisions for entry clearance applications, but you should be mindful of the in-country context. For example, as the individual will not be in the care of a UK local authority, there will be no duty on a local authority to conduct an age assessment.

If, in the course of assessing an entry clearance application, you are not satisfied that a child is the age that they claim, for example on the basis of their physical appearance or the supporting documentation they have submitted, you should consider all available sources of relevant information and evidence before you accept their age to be as claimed. The onus is on the applicant to demonstrate on the balance of probabilities that their circumstances are as claimed. You should not attempt to make an assessment of what age they may be. If you have concerns that an applicant claiming to be a child is not a child, you should consider requesting additional evidence or arranging an interview with the sponsor in the UK or with the applicant overseas in order to establish timelines – see requesting further evidence.

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Decision

Grant

Applicants who meet all eligibility requirements in Appendix Family Reunion (Sponsors with Protection) (Appendix FRP) FRP 3.1. to FRP 6.2. will be granted permission which expires at the same time as the permission granted to the sponsor under paragraph FRP 9.1. For example, if the sponsor has settlement on a protection route, the applicant will be granted Indefinite Leave to Enter (ILE) with Cat D endorsement code ILE.

Where an applicant meets paragraph FRP 7.1. (Article 8 of European Convention on Human Rights (ECHR)) and is granted under FRP 9.2., the permission granted will be for a period which expires at the same time as the permission granted to the sponsor, up to a maximum period of 30 months for permission to stay or 33 months for entry clearance.

Applicants granted under Appendix FRP are not granted 'status in line' with their sponsor because the assessment to whether a person has a protection need is an individual assessment made within the UK and is not an assessment made on an Appendix FRP application.

Decisions relating to applications within the same family group should be issued at the same time to prevent families being temporarily separated whilst they await their visas. There may be rare circumstances where family members have differing lengths of leave, if for example, some are granted under the rules and others are granted leave outside the rules.

In-country applications

The outcome you must use when granting FRP 9.1. is 'FAMILY REUNION'.

Entry clearance applications

The endorsement you must use when granting under FRP 9.1. is 'FAMILY REUNION'. This endorsement code will appear under the option 'endorsement type: settlement'.

The endorsement you must use when granting under FRP 9.2. is 'FAMILY REUNION – FAMILY AND PRIVATE LIFE'. This endorsement code will appear under the option 'endorsement type: work'.

For both 'FAMILY REUNION' and 'FAMILY REUNION – FAMILY & PRIVATE LIFE', these endorsements grant the same conditions which are:

- work is permitted (including self-employment and voluntary work)
- study is permitted (subject to the ATAS requirement when the applicant is 18 or over)

- access to public funds

Where an applicant is granted under FRP 9.1., and the sponsor has Leave to Remain (LTR), the Cat D endorsement will be code 1A.

Where an applicant is granted under FRP 9.1., and the sponsor has Indefinite Leave to Remain (ILR), the Cat D endorsement will be code ILE.

Where an applicant is granted under FRP 9.2., permission will be granted up to a maximum of 33-months and the Cat D endorsement will be code 1A.

Grant permission to stay outside of the Immigration Rules

Where you determine that an application does not meet the requirements of Appendix FRP but there are compelling compassionate factors which justify a grant of permission, you should consider granting permission outside of the requirements of the Immigration Rules (LOTR).

You should refer to the Leave Outside the Rules (LOTR) guidance to determine what period and conditions of permission to grant which reflect the individual circumstances of the application.

Refusal

Where you determine that an application does not meet the requirements of the Rules under Appendix FRP you must refuse under FRP 8.1., and where there are no compelling compassionate factors raised to warrant a grant of LOTR, you must refuse the application. The decision letter should detail the reasons for refusal under the relevant paragraph of the rules, and where relevant, outside of the rules.

Appeals

Where an applicant is not content with the outcome of their application, they can lodge an appeal on the decision. Appeals can be lodged online or by post.

For guidance on rights of appeals against immigration decisions, see the rights of appeal guidance. Instruction on how to implement an appeal that is allowed and is not being challenged can be found in the implementing allowed appeals guidance.

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Once in the UK

Travel to and from the UK

Part 1 of the Immigration Rules details the powers afforded to Immigration Officers upon arrival in the UK. On arrival, a Border Force officer must be satisfied as to the identity of the family member and will examine the individual's entry clearance visa (which comes in the form of a vignette affixed to the passport or travel document) to ensure that the family member is joining their sponsor for the purposes of Appendix Family Reunion (Sponsors with Protection) (Appendix FRP).

Where an applicant is granted permission to enter for a duration of 6 months or less in line with their sponsor, the full duration of their permission will be recorded on their vignette (visa sticker).

Where an applicant is granted more than 6 months entry clearance, they will receive a vignette valid for 90 days which allows individuals to travel to the UK within this period. If the 90-day visa vignette expires before individuals travel to the UK, they will need to replace it by transferring their visa, which will attract a cost.

Applicants will receive a notification if their visa application is successful, which will include instructions on how to access their biometric immigration document (eVisa) in order to evidence their immigration status in the UK. See GOV.UK for further information.

If an applicant needs longer to make travel preparations, they should make clear on the application form the earliest date they intend to travel to the UK so that the visa can be issued to start on that day. Applicants should give themselves enough time to make travel arrangements when completing the application form.

If for some reason the visa has been endorsed in error with leave that is different to that held by the sponsor the applicant, sponsor or their representative can ask to have it amended by contacting UKVI. See GOV.UK for further information.

Travel documents

A person granted under Appendix FRP is normally expected to keep their own national passport valid or obtain a passport from their own country of origin.

A person granted permission under Appendix FRP can apply for a Convention Travel Document, to use for travel outside of the UK, except to the country the sponsor has been recognised as a refugee from. A person cannot be in possession of their national passport (valid or expired) and a Convention Travel Document at the same time. The national passport will be impounded when a Convention Travel Document is issued.

All Convention Travel Documents issued to successful refugee family reunion applicants since 21 February 2011 should contain an endorsement making it clear

that the holder cannot be a sponsor under the refugee family reunion rules in their own right.

Applying for further permission to stay or settlement

Immediate family members granted a form of limited permission in line with the length of permission of their sponsor under Appendix FRP must apply for further permission to stay or settlement no more than 28 days before their permission expires. The route an individual may take to apply for further permission to stay or settlement in the UK depends on their individual circumstances.

In most cases, the sponsor with protection status will be able to include their immediate family members granted under Appendix Family Reunion (Sponsors with Protection) as part of their application for settlement. All applications are considered in accordance with the policy on settlement in place at the time of the application. See guidance on settlement protection and settlement family and private life.

Where a sponsor has a settlement protection application outstanding, there may be a delay in issuing the family reunion decision whilst the settlement protection application is being considered.

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