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This publication is no longer current and is not being updated.



Home Office

Overview of family reunion options in the Immigration Rules

Version 1.0

Archived

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About this guidance

The instruction provides an overview of family reunion routes in the Immigration Rules and outside the rules.

The UK has left the European Union and is no longer bound by the Dublin III Regulation from 11:00pm GMT on 31 December 2020. This means we will no longer accept new referrals for the purposes of family reunion under the Dublin III Regulation.

Those previously eligible for a transfer to join a relative in the UK under the Dublin III Regulation will now need to consider alternative routes if they wish to seek entry to the UK. This guidance tells you about options for family reunion for individuals who are outside the EU as well as those in the EU as the same rules apply.

Contacts

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

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 Rules and Forms team.

Publication

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

- version **1.0**
- published for Home Office staff on **31 December 2020**

Changes from last version of this guidance

This is new guidance.

Related content

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Introduction

Purpose of instruction

This guidance provides an overview of options for family reunion claims.

Background

Regulation (EU) No.604.2013 ('the Dublin Regulation') is EU legislation that determines the single Dublin State responsible for examining an asylum claim. It allows for either the transfer of an asylum claimant from the UK to another participating state or to the UK from another participating state, for the purposes of the claimant having their claim examined in the receiving state. Under the terms of the Regulation, sometimes the state responsible for examining an asylum claim will be the state where the asylum claimant has specified family members or relatives.

From 11:00pm Greenwich Mean Time (GMT) on 31 December 2020 the UK will no longer be part of the Common European Asylum System (CEAS). CEAS is a set of EU laws which for the EU Member States outline minimum standards for the consideration and determination of claims for international protection and the tools to decide which State is responsible for examining any asylum claim. The Dublin Regulation is part of CEAS.

This means the UK will no longer be bound by the Dublin Regulation from 11:00pm GMT on 31 December 2020. The UK or EU Member States (and the Associated States of Switzerland, Liechtenstein, Norway and Iceland), will no longer be able to transfer asylum seekers, including those wishing to reunite with family, to the UK or vice versa under the Dublin Regulation from that date.

This guidance focusses on overseas routes of entry clearance under UK Immigration Rules for family reunion purposes. Additional guidance is available for other provisions relating to granting leave to enter or remain in the UK under the rules. This document does not seek to refer to every single piece of guidance that may be relevant as individual circumstances will vary.

This guidance provides information for applicants seeking a family reunion route to the UK. It is relevant to those who are no longer eligible for a transfer to the UK for family reunion purposes under the Dublin Regulation. Home Office staff may receive queries from individuals who might previously have been considered for a transfer under the Dublin Regulation but who now want information about current routes to the UK. These individuals might seek to make a claim for family reunion under the existing routes within the Immigration Rules. This guidance is also relevant to other entry clearance applicants seeking family reunion to the UK (where Dublin was never relevant to their circumstances) who may also seek such information.

There is separate guidance relating to people where there is an outstanding family reunion take charge request made to the UK by an EU or Associated State under the Dublin Regulation as at 11:00pm GMT on 31 December 2020. Cases relating to

those individuals will be handled in line with the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 (Schedule 2, Part 3). Separate saving provisions guidance for those Dublin family reunion cases referred to the UK before the end of the transition period should be consulted by Home Office staff handling those savings provision cases.

Policy intention

The policy intention is:

- to provide Home Office staff with a dedicated product that assists with signposting applicants to relevant information on family reunion under the Immigration Rules and outside the rules

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Relevant legislation and legal framework

This page tells you about that relevant legislation and legal framework.

Immigration Rules

The key policy relevant to family reunion cases is the UK Immigration Rules.

[Paragraphs 352A-352FJ in Part 11 of the Immigration Rules](#) set out the requirements for leave to enter or remain in the UK for the purposes of family reunion.

[Paragraph 319X-319XB in Part 8](#) of the Immigration Rules set out the requirements for leave to enter or remain in the UK as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom.

[Paragraph 297](#) in Part 8 of the Immigration Rules sets out the requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

[Appendix FM](#) of the Immigration Rules sets out the requirements for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British Citizen, is settled in the UK, or is in the UK with limited leave as a refugee or person granted humanitarian protection (and the applicant cannot seek leave to enter or remain in the UK as their family member under Part 11 of these rules).

The United Nations Convention on the Rights of the Child

The [United Nations Convention on the Rights of the Child](#) (UNCRC) is an international treaty which sets out the rights of children. The UK signed the convention on 19 April 1990 and it came into force on 15 January 1992.

European Convention on Human Rights

The [European Convention on Human Rights](#) (ECHR) provides the framework for ensuring the rights and fundamental freedoms of individuals in the UK.

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Signposting to family reunification routes

This guidance seeks to provide information for individuals looking to join a family member in the UK.

The UK already provides routes for family reunion in the Immigration Rules which will continue when we are no longer bound by the Dublin Regulation.

Where an individual seeks entry to the UK under the Immigration Rules every case will be considered on its individual facts and merits.

Those who wish to seek entry to the UK for the purposes of family reunion may find it helpful to consider whether they might be eligible under the Immigration Rules set out in this guidance. This guidance is not intended to provide all relevant details about those rules and applicants should refer to the specific rules and related guidance for more detail.

In addition, individuals might qualify for entry to the UK under other Immigration Rules not referenced in this guidance or for leave outside the rules depending on their individual circumstances.

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Refugee Family Reunion Rules

The family reunion provisions allow a spouse or partner and children under the age of 18, who formed part of the family unit before their sponsor fled their country, to be reunited with a family member who has been granted refugee status or humanitarian protection in the UK. These provisions are set out in paragraphs 352A-352FJ of the Immigration Rules.

Please see the [family reunion guidance](#) for further details. To make an application, please visit <https://www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion>.

There are no application charges or biometric enrolment fees for applications under Part 11 of the Immigration Rules.

There is also discretion for the decisionmaker to grant leave to enter outside the Immigration Rules, where a refusal under the rules would result in unjustifiably harsh consequences, or on the basis of Article 8 ECHR family life. See the [Leave outside the Immigration Rules](#) section of this guidance for more information. The [family reunion guidance](#) sets out some examples of where this discretion may be appropriate.

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Part 8 of the Immigration Rules

Paragraph 319X

[Paragraph 319X in Part 8](#) of the Immigration Rules allows non-parent adult relatives who have been granted refugee status or who are beneficiaries of humanitarian protection to sponsor a child, where there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care. This route includes maintenance and accommodation requirements.

Please see the [family reunion](#) guidance and other [guidance](#) for further details. To make an application, please visit <https://www.gov.uk/apply-to-come-to-the-uk>.

Guidance is also available on meeting the [maintenance and accommodation requirements](#).

Applications under paragraph 319X attract an application fee. If all the requirements of paragraph 319X are met, the applicant will be granted limited leave to enter the UK.

Paragraph 297

[Paragraph 297](#) in Part 8 of the Immigration Rules allows parents and non-parent adult relatives who are settled or being admitted for settlement in the UK to sponsor a child, where there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care. This route includes maintenance and accommodation requirements.

Please see guidance relating to [children](#) for further details. To make an application, please visit <https://www.gov.uk/apply-to-come-to-the-uk>. Guidance is also available on meeting [maintenance and accommodation requirements](#).

Applications under paragraph 297 attract an application fee. If all the requirements of paragraph 297 are met, the applicant will be granted indefinite leave to enter.

Serious and compelling family or other considerations

Both paragraphs 319X and 297 contain a requirement that must be met (along with the other requirements of those rules) whereby there must be serious and compelling family or other considerations which make exclusion of the child undesirable. Where a decision-maker is considering whether this requirement is met, they need to consider all the circumstances of the individual applicant and take a decision based on its merits taking into account existing guidance and caselaw.

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Appendix FM of the Immigration Rules

When considering applications under [Appendix FM](#) please see the guidance on considering claims based on [family life, private life, or exceptional circumstances](#).

To make an application, please visit <https://www.gov.uk/apply-to-come-to-the-uk>.

Applications under Appendix FM attract an application fee. If all the requirements of the relevant paragraphs of those rules are met, the applicant will be granted limited leave to enter the UK.

Please see the guidance on the [Minimum Income Threshold](#). Guidance is also available on meeting [maintenance and accommodation requirements for those not required to meet the MIR](#).

Some rules in Appendix FM will require an adult applicant to meet [English language requirements](#)

Partners and children under Appendix FM

The rules in [Appendix FM](#) apply to the partners and children of British citizens and persons who have been granted settled status in the UK. Applicants need to meet specific requirements as specified in the Immigration Rules, including meeting financial requirements which where appropriate will include the Minimum Income Requirement (MIR). Partners will need to meet English language requirements.

Parents and adult dependents under Appendix FM

Under Appendix FM, a parent can also apply to join a child who is in the UK if that child is a British citizen or has lived continuously in the UK for the seven years preceding the parent's application and providing it would not be reasonable for that child to be expected to leave the UK.

Adult dependants (including parents and grandparents) must demonstrate they require a level of long-term personal care that can only be provided in the UK by their sponsor here and without recourse to public funds. They must also apply from overseas, not while in the UK as a visitor.

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Leave outside the Immigration Rules

Where the requirements of the Immigration Rules are not met, but where there are exceptional circumstances which mean a refusal under the rules would result in unjustifiably harsh consequences for the applicant or their family, which would result in a breach of the Article 8 ECHR right to family life or which constitute compelling compassionate grounds, applicants may be granted leave outside the rules (LOTR). This means there is discretion to grant visas outside the Immigration Rules, including for extended family members, in those circumstances.

Applicants overseas applying for Leave outside the Immigration Rules must apply on the application form for the route which most closely matches their circumstances and pay the relevant fees and charges. It is for the applicant to demonstrate as part of their application what the exceptional circumstances or compelling compassionate factors are in their case.

For further details please see the [LOTR](#) guidance and the guidance on considering claims based on [family life, private life, or exceptional circumstances](#).

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Additional information

Identifying family ties

The UK is not responsible for identifying family members in the UK on behalf of a person in the EU or elsewhere seeking entry to the UK via the Immigration Rules. Applicants seeking entry clearance need to provide evidence in line with the requirements of the Rule they are applying under.

Transport to the UK

Travel arrangements remain the responsibility of the applicant and their sponsor if granted entry to the UK.

Ad hoc requests for entry

The Immigration Rules have been laid in Parliament and are the legal framework for those seeking entry to the UK. A valid application must be made for an application to be considered under the rules.

At the time of publication all applications for entry clearance must be made online. Where an ad hoc request is made requesting entry to the UK outside the normal process e.g. via a letter or communication from an individual, a state or non-Governmental Organisation they will be notified that the standard entry clearance application process must be followed.

Asylum claims

A person granted leave under the family reunion Immigration Rules mentioned in this guidance is not entering the UK asylum system.

Timeframes for entry clearance decisions

Information is available about [UK Visas and Immigration service standards](#).

Appeals

Information is available on [appeals](#) against visa decisions.

Dublin criteria

The Dublin Regulation criteria for family reunion that applied to requests made before the end of the transition period was not the same as the requirements set out in UK Immigration Rules.

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Application of guidance in respect of children

The key policy relevant to family reunion cases is the UK Immigration Rules. There is also a 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 children in the UK. This duty is reflected in the individual guidance and rules under which an application is made.

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

- Section 55 Children's Duty Guidance
- [Every Child Matters: Change for Children](#)
- [United Nations Convention on the Rights of the Child](#)

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