



Home Office

# Statement in relation to legal routes from the EU for protection claimants including family reunion of unaccompanied children

February 2021



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Presented to Parliament pursuant to Section 3(4) of the Immigration and  
Social Security Co-ordination (EU Withdrawal) Act 2020

February 2021



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## STATEMENT IN RELATION TO LEGAL ROUTES FROM THE EU FOR PROTECTION CLAIMANTS INCLUDING FAMILY REUNION OF UNACCOMPANIED CHILDREN

1. This statement discharges the Government's statutory duty under Section 3(4) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.
2. The Government has a proud record of providing protection to those who need it, in accordance with our international obligations. We also remain committed to the principle of family unity and to supporting vulnerable children.
3. The United Kingdom and the European Union have now agreed a joint political declaration on asylum and returns:

*While the Trade and Cooperation Agreement between the European Union and the United Kingdom does not include provisions on asylum, returns, family reunion for unaccompanied minors, or illegal migration, the Parties note the importance of good management of migratory flows, and recognise the special circumstances arising from the juxtaposed control arrangements, roll-on roll-off ferry services, the Channel Fixed Link and the Common Travel Area.*

*To this end, the Parties take note of the United Kingdom's intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration, in accordance with the parties' respective laws and regulations.*

4. This declaration aligns with the commitment this Government made in Parliament during the passage of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ('the Act'), which was to pursue bilateral negotiations on post-transition migration issues with key countries with whom we have a mutual interest, including on the family reunion of unaccompanied asylum-seeking children. Work is proceeding to meet our political commitments in this area but the Government will not provide a running commentary on progress.
5. The Government also made a commitment that published guidance on existing family reunion routes would, if necessary, be updated to ensure this guidance is clear and transparent, by 31 December. On 30 December we met that commitment and this guidance is available on GOV.UK at the link below.

<https://www.gov.uk/government/publications/overview-of-family-reunion-options-in-the-immigration-rules>

6. During the passage of the Act, the Government committed to conduct a review of safe and legal routes to the UK for asylum-seekers, refugees and their families. The Government also introduced important statutory duties in Section 3 of the Act, specifically to:
  - a) conduct a review of legal routes by which protection claimants who are in the EU can enter the UK – including for family reunion of unaccompanied asylum-seeking children;
  - b) publicly consult on legal routes for family reunion for unaccompanied asylum-seeking children in the EU; and
  - c) lay a statement providing further details of the aforementioned review and consultation before Parliament, within three months of the Act achieving Royal Assent.
7. The Government has been clear it is committed to taking back control of our borders and restoring trust in our immigration system. The reformed system will seek to stop abuse while ensuring it is fair and compassionate towards those who need our help, welcoming people through safe and legal routes. The Home Secretary has set out the Government's ambition to overhaul our approach to asylum and illegal migration, delivering a firm but fair system, including bringing forward new legislation this year.
8. As part of this programme of work, the Government will review safe and legal routes open to those who need protection, including our future approach to resettlement. In line with our obligations under Section 3 of the Act, this review will cover legal routes by which protection claimants who are in the EU can enter the UK, including for unaccompanied asylum-seeking children in the EU to reunite with family members. This wider review of safe and legal routes will therefore include fully addressing our statutory duties as set out in the Act and the timetable of the two will run together. However, as stated in Parliament during the passage of the Act, the review will go beyond those who are in the EU, reflecting our new global approach to the immigration system. It is aimed at delivering the people's priority of securing the border and a firm but fair immigration system that provides better outcomes for those who genuinely need protection in the UK.
9. The review and public consultation will consider whether the current Immigration Rules relating to family reunion for refugees are sufficient for both adults and children (including unaccompanied children), and help to identify any issues specific to protection claimants in the EU that need to be addressed. This will include consideration of how our approach to this issue aligns with the Government's wider ambition to overhaul our approach to asylum and illegal migration, the new global immigration system and our future approach to refugee

resettlement. The public consultation required under Section 3 of the Act will be conducted in line with the Government's published consultation principles.

**Home Office, 8 February 2021**

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