

SECTION CONTENTS
CHAPTER 6 SECTION 2 - FAMILY REUNION

1. INTRODUCTION.....	2
2. ELIGIBILITY OF APPLICANTS FOR FAMILY REUNION	2
3. ELIGIBILITY OF SPONSORING FAMILY MEMBERS	2
3.1. Where the sponsor has refugee status	2
3.2. Where the sponsor has exceptional leave to remain.....	3
4. APPLYING FOR FAMILY REUNION	3
4.1. Vietnamese nationals	3

CHAPTER 6 SECTION 2

FAMILY REUNION

1. INTRODUCTION

This instruction gives guidance to IND on the consideration of applications made by family members who want to be reunited with a person in the UK who has been:

- recognised as a refugee; or
- granted exceptional leave to remain (ELR)

The family of asylum seekers do not qualify to join them in the UK for family reunion reasons.

Caseworkers should bear in mind when considering family reunion applications that the Human Rights Act 1998 incorporates into domestic law those rights and freedoms guaranteed under the European Convention on Human Rights. Article 8 guarantees that everyone has the right to respect for private and family life.

A minor is a child aged under eighteen. A spouse is the husband or wife of a principal applicant.

Caseworkers may also find it helpful to refer to the instructions on Dependants and Marriage Applications, as well as the relevant instructions in the IDIs.

2. ELIGIBILITY OF APPLICANTS FOR FAMILY REUNION

Only pre-existing families are eligible for family reunion i.e. the spouse and minor children who formed part of the family unit prior to the time the sponsor fled to seek asylum.

We may exceptionally allow other members of the family (e.g. elderly parents) to come to the UK if there are compelling, compassionate circumstances.

Family reunion may be refused if family members fall within the terms of one of the exclusion clauses in the 1951 UN Convention.

3. ELIGIBILITY OF SPONSORING FAMILY MEMBERS

3.1. Where the sponsor has refugee status

If a person has been recognised as a refugee in the UK we will normally recognise family members in line with them. If the family are abroad we will normally agree to their admission as refugees.

It may not always be possible to recognise the family abroad as refugees - e.g. they may have a different nationality to the sponsor or they may not wish to be recognised as refugees. However, if they meet the criteria set out in paragraph 2, they should still be admitted to join the sponsor. The sponsor is not expected to meet the maintenance and accommodation requirements of the Immigration Rules.

3.2. Where the sponsor has exceptional leave to remain

Family members normally qualify to join a person granted ELR only after that person has completed 4 years in this category.

However, if the family are already here (whether port or in country cases) we would normally grant them permission to remain, in line with the sponsor.

Applications may be considered before the four year point but we will only grant entry clearance where there are compelling, compassionate circumstances.

In all cases the sponsor will be expected to satisfy the maintenance and accommodation rules, as set out in the Rules (HC 395, paragraph 240 iii and iv).

4. APPLYING FOR FAMILY REUNION

4.1. Vietnamese nationals

Before 1 November 1999, a special concession allowed Vietnamese nationals who were refugees in the UK to apply direct to the Home Office (by letter) for their relatives to join them here. The concession applied only to Vietnamese family members in Vietnam.

The special concession was withdrawn on 1 November 1999. Since that date, family reunion applications are made by the relatives themselves in Vietnam, in line with normal arrangements applicable to other nationals.

Under transitional arrangements, applications made direct to the Home Office before 1 November 1999 should not be rejected, but should be processed under the previous special concessionary arrangements. The criteria for qualification, and the factors to take into account, are the same as for applications from other nationals.

Enquiries: Further enquiries should normally be made in writing via a senior caseworker to Team 1, APU

Further advice: see also the instructions on Dependants, Marriage Applications, Children and Implementing Decisions.