

Refugees (Family Reunion) Bill [HL]

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Make provision for leave to enter or remain in the United Kingdom to be granted to the family members of refugees and to refugees who are family members of British citizens and settled persons; to provide for legal aid to be available for refugee family reunion cases; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Family reunion: refugees

- (1) An individual granted refugee status or humanitarian protection under the Immigration Rules in the United Kingdom may make an application for permission for one or more family members to be granted leave to enter or remain in the United Kingdom. 5
- (2) For the purposes of this section, a family member in relation to the applicant means—
- (a) their spouse;
 - (b) their civil or unmarried partner;
 - (c) their child under the age of 18; 10
 - (d) their grandchild under the age of 18;
 - (e) their unmarried child aged 18 or over;
 - (f) their parent;
 - (g) their sibling under the age of 18;
 - (h) their niece or nephew under the age of 18; or 15
 - (i) any dependent relative not otherwise listed in this subsection.
- (3) In the case of an applicant who is under the age of 18 and neither of whose parents is known to be alive or able to reach the United Kingdom, a family member also means an aunt or uncle.
- (4) For the purposes of this section, a family member can be a relative of full blood or half blood. 20

- (5) The application must be granted unless the Secretary of State is satisfied that it is in the interest of national security to refuse it.

2 Family reunion: British citizens and other settled persons

- (1) A British citizen or any person otherwise settled in the United Kingdom may make an application for permission for one or more family members to be granted leave to enter or remain in the United Kingdom. 5
- (2) An application under subsection (1) can only be made if the family member is registered with the Office of the United Nations Commissioner for Refugees or with an internationally recognised authority responsible for the protection of refugees in the place in which the family member is present. 10
- (3) For the purposes of this section a family member in relation to the applicant means –
- (a) their spouse;
 - (b) their civil or unmarried partner;
 - (c) their child under the age of 18; 15
 - (d) their grandchild under the age of 18;
 - (e) their unmarried child aged 18 or over;
 - (f) their parent; or
 - (g) any dependent relative not otherwise listed in this subsection.
- (4) In the case of an applicant who is under the age of 18 and neither of whose parents is known to be alive or able to reach the United Kingdom, a family member also means an aunt or uncle. 20
- (5) For the purposes of this section, a family member can be a relative of full blood or half blood.
- (6) The application must be granted unless the Secretary of State is satisfied that it is in the interest of national security to refuse it. 25

3 Supplementary provisions

- (1) The Secretary of State may by regulations made by statutory instrument –
- (a) amend sections 1 and 2 to extend the definition of a family member, and
 - (b) provide for requirements for evidencing family membership or dependency. 30
- (2) The Secretary of State must, following consultation with such persons as he or she considers appropriate, issue guidance as to the application of this Act.
- (3) Regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament. 35

4 Legal aid for family reunion applications

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows. 40

- (2) After paragraph 30 (immigration: right to enter and remain) insert –

“30A Refugee family reunion

Civil legal services provided in relation to an application under section 1 or section 2 of the Refugees (Family Reunion) Act 2017.”

5 Extent, commencement and short title

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- (1) This Act extends to the whole of the United Kingdom.
- (2) This Act may come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) Regulations under this section may appoint different days for different purposes.
- (4) This Act may be cited as the Refugees (Family Reunion) Act 2017.

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Baroness Hamwee

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