



The Refugee Council submission to the Home Affairs Select Committee **Inquiry into the European migration crisis** October 2015

About the Refugee Council

The Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

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Refugee Council Recommendations

The high numbers of people arriving in Europe and claiming asylum is a symptom of a global refugee crisis with more people forcibly displaced than any time since WWII. There is no single answer and no single country can resolve the crisis. The only effective approach requires working collaboratively with other European countries and implementing a series of actions in the short, medium and long term, to save life; respond humanely to those who have already arrived in Europe ensuring they have access to a fair and effective asylum system; reduce the numbers forced to rely on smugglers through the creation of safe, legal routes for refugees to European states; and ultimately to tackle the root causes of refugee flight.

Responding to the humanitarian needs of refugees in Europe

The United Kingdom, along with other European Union (EU) Member States, must take responsibility for the refugee crisis unfolding in Europe. The humanitarian crisis in Calais and other pressure points across Europe are caused by a lack of safe and legal routes to Europe and *within* Europe for refugees.

We ask that the Government works collaboratively with other European governments, advocating for a humane response to arrivals of refugees in their territories that prioritises saving life and respecting the rights of refugees. The Government must recognise that a more equitable sharing of responsibility for refugees (including hosting them) is required within Europe and should seek to redress the balance by:

- a. Participating in the EU-wide relocation scheme and calling for it to be rights-based.
- b. Making full use of the provisions contained in the Dublin III regulations to protect family unity.
- c. Ensuring that border countries and other 'hotspots' are properly resourced to process requests to reunite with family members in the UK under Dublin III.
- d. Suspending returns under Dublin III except for the purposes of family reunification.
- e. Ensuring that the latest iteration of the Dublin Regulation is reflected in UK guidance as a matter of urgency including the duty to inform applicants of their right to request transfer to join family members.
- f. Allow free movement between member states for people recognized as refugees without requiring them to become EU citizens.
- g. Working with the EU and Member States to adopt a comprehensive, common asylum policy setting minimum standards of protection.

Responding to the humanitarian needs of refugees on the move outside of Europe

European governments, including the UK government, need to recognise that the increase in the number of people attempting to reach Europe by sea is a symptom of a global refugee crisis and caused by the lack of legal channels to protection in Europe. Any response should:

- a. Prioritise saving life. The Government should ensure adequate resources are allocated as long as necessary to search and rescue operations in the Mediterranean. There should be active patrolling in the most at risk zones, as close as possible to the Libyan coasts. The Government should be ready to provide search and rescue capacity (including military assets such as the HMS Bulwark) next year.
- b. Prioritise safe passage for refugees. The Government should consider its policy on visa requirements for nationals from major refugee-producing countries and should advocate for other European states to do the same. While visa requirements exist, European governments including the UK urgently need to develop and increase safe and legal routes for refugees to their territories. Without alternative legal channels to protection refugees are forced to travel irregularly, often with smugglers. This Government should increase or explore the use of:
 - i. Resettlement.
 - Resettlement targets should be kept under review and revised upwards according to need.
 - Programmes should be expanded to provide more resettlement opportunities to refugees in other parts of the world in addition to Syrians.
 - Syrians resettled in the UK should be recognised as refugees in line with Syrians arriving through the asylum system as well as other resettled refugees arriving via the Gateway Protection Programme.
 - ii. Humanitarian visas. Visas for the specific purpose of seeking asylum on arrival, issued in the country of departure or in transit countries.
 - iii. Family reunion. Family reunion should be viewed as a protection issue and not a straightforward immigration matter. Families separated by forced displacement should be supported to reunite with their family members in the UK by:
 - Making legal aid available for family reunion applications and appeals.
 - Simplifying the family reunification process and seeking ways to make it safer for applicants living in insecure conditions.
 - Amending the rules so that unaccompanied children found to be in need of international protection can bring family members to the UK.
 - Taking a more flexible approach to the definition of family, allowing refugees to join extended family members living in the UK who are willing to act as sponsors.
 - Ensuring that the relevant team in the Home Office is sufficiently resourced to swiftly process family reunification applications.
 - iv. Other forms of admission, including private sponsorship schemes, and regular mobility schemes from which refugees can benefit, such as education and work visas.
- c. Promote the rights of refugees worldwide. The Government should advocate for more countries to sign the 1951 Geneva Convention and call for fair and thorough procedures to determine eligibility for international protection wherever it is sought.

About our response

1. We welcome this opportunity to provide evidence to the committee into the migration crisis facing Europe including the situation in Calais. We would be happy to provide any further written or oral evidence that would assist the Committee with this inquiry.
2. Given the remit of the Refugee Council, this submission deals exclusively with the migration of those on the move in search of protection and offers some solutions in this context. While we acknowledge that there will be some without protection needs taking the sea route to Europe, the UN Refugee Agency finds that the majority are refugees, a conclusion based on the nationalities of arrivals during 2015: Syria (53%); Afghanistan (16%); Eritrea (6%); Iraq (5%); and Nigeria (3%).¹ In 2014, the 28 Member States of the EU gave 95% of Syrian asylum seekers, 89% of Eritrean asylum seekers and 63% of Afghan asylum seekers, protection in the first instance.²

¹ UNHCR data, [Refugees/Migrants Emergency Response – Mediterranean](#)

² UNHCR, July 2015, [The sea route to Europe: The Mediterranean passage in the age of refugees](#)

Responding to the humanitarian needs of refugees in Europe

Background and key concerns

3. It is deeply concerning to see refugees facing inhumane conditions in Europe, the birthplace of the Refugee Convention. Due to the failure of a Common European Asylum System, refugees feel compelled to travel irregularly after their arrival in Europe, and may compromise their safety in doing so. Inevitably, this leads to 'hot spots' or pressure points in different locations across Europe. The Refugee Council is concerned about the conditions in such locations where there is often insufficient or no shelter and protection, and in particular, the implications for the safety of women and children. The 'jungle' in Calais is one such pressure point.
4. The conditions in Calais have become so serious that Doctors of the World, one of the few charities operating in Calais, have been forced to launch an emergency appeal in which they describe the situation as "on the cusp of a major humanitarian crisis" with one toilet for every 150 people, little food and water and whole families crammed into small tents.³ There have been reports of around 200 women sleeping rough amongst 3,000 men, leading to women reportedly being forced to seek out male 'protectors' and/or transactional relationships as survival strategies.⁴
5. However, while huge attention is paid to the situation in Calais because it is on the UK's border, the numbers of people in Calais (estimates vary between three and five thousand) are a fraction of the numbers being seen in other places in Europe. These sort of numbers pass through the Former Yugoslav Republic of Macedonia everyday.⁵ More than 100,000 have registered their intention to claim asylum in Macedonia in just over three months. 75 per cent were Syrian; the next largest groups were Iraqis and Afghans. Children, including high numbers of unaccompanied children, and pregnant women are amongst them.⁶ Similar statistics are available for Serbia.

Prevention and solutions

6. Solutions to Calais, and the pressures on Macedonia and other transit states lie in addressing the wider problem of the lack of safe and legal routes for refugees within Europe. For the UK, this involves recognising that a more equitable sharing of responsibility for refugees (including hosting them) is required within the EU.
7. The numbers applying for asylum in the UK remain relatively low. In the year ending June 2015, 25,771 applications were received in the UK, 32,508 including dependants; just 4% of all asylum claims made in the EU. By comparison, just less than 400,000 have arrived in Greece this year.⁷
8. Given the scale of the numbers arriving in mainland Europe we call upon the UK government to suspend the transfer of asylum seekers to other European countries under the Dublin regulation⁸, except for the purposes of family reunification. In the first six months of this year, 648 asylum applicants were refused under the Dublin rules; 203 were from Syria, Iraq and Eritrea,⁹ the nationalities expected to be prioritised under the new EU relocation scheme. This is wholly inappropriate at a time when other European countries are working together to relocate arrivals away from overwhelmed southern European countries.
9. As well as suspending returns under Dublin, the Government should reconsider its decision not to participate in the EU relocation programme which plans to relocate 160,000 people in clear need of

³ Doctors of the World (blog), 30 June 2015, [Doctors of the World launches emergency response in Calais](#)

⁴ The Pool, August 2015, [The Brutal and Devastating Hardship faced by women at Calais](#)

⁵ Project Hope, [Macedonia October 1, 2015 - Refugee Crisis in Europe](#)

⁶ International Organization for Migration Press Release, 29 September 2015, [Mediterranean Western Balkans Update - New Numbers from Italy, Greece, the FYROM](#)

⁷ ibid

⁸ The Dublin regulation aims to deal with the situation where an individual applies for asylum in one EU member state, but has previously made an application (or been present) in another. In such cases, the individual may be transferred to the first EU state.

⁹ Home Office immigration statistics, [Asylum data tables volume 1](#), 3rd country refusals

temporary protection from Italy and Greece to other member states. Other countries that like the UK, are not bound by the TFEU, commonly known as the 'Lisbon Treaty', have voluntarily agreed to participate in the programme meaning that the UK Government stands alone in the EU in its refusal to share responsibility for arrivals. Participation would allow the Government to advocate for a scheme that is rights-based and gendered.

10. As a minimum, the Government must play a greater role by seeking to ensure that those entitled to apply to have their asylum claims considered by the UK are able to realise their entitlement, specifically, by ensuring the full use of the clauses in EU regulation 604/2013 that protect family unity (articles 8, 9, 10, 11, 16 and 17).
11. EU regulation 604/2013, commonly referred to as the 'Dublin III regulation'¹⁰ applied to applications for asylum made on or after January 2014, recasting EU No 343/2003 (Dublin II) and the UK is fully bound by it. This latest iteration contains many more opportunities for family members to request that they are transferred to other Member States (or countries that are signatories to the regulation) in order to be together and have their asylum claims dealt with by the same authorities.
12. However, the guidance to Home Office staff published on the gov.uk website has not been amended since this change of law and still refers to Dublin II, which is no longer relevant. As a result, it is unclear what written instructions staff in the Home Office are working to, which is a concern because of the significant improvements made to policy in the latest iteration of the regulation. The Dublin regulation preamble states clearly that respect for family life and the principle of family unity should govern decisions relating to the examinations of asylum applications. In addition, the criteria relating to unaccompanied children are rooted firmly in the best interests of children. This needs addressing as a matter of urgency.
13. We are specifically concerned about three significant elements of the Dublin III regulation that are not reflected in current guidance. Firstly the criteria relating to unaccompanied children, listed in Article 8, require Member States to reunite children with family members, siblings or relatives, yet this is not mentioned in the guidance. Similarly Member States are bound by Articles nine, ten and eleven which relate to the reunification of family members (spouse, partner and dependent children); a fact again, not reflected in the guidance.
14. It is unclear what process the Home Office undertakes to assess how it responds to requests made under the discretionary clause (Articles 16 and 17) in bringing together relatives, including those dependent upon asylum applicants in the UK, where family or cultural considerations prompt a request for the UK to take responsibility for asylum requests made in other Member States. A positive approach to the discretionary clause would be a sensible way of showing solidarity with those Member States experiencing most pressure, as well as being in the best interests of families and relatives seeking asylum. It would also reduce the numbers travelling through irregular channels after arrival in the EU, seeking to reach family members in the UK. Some of those in Calais may be eligible to have their asylum claims considered by the UK under Dublin III.
15. We ask that the Government works with other European governments to share responsibility for refugees arriving in Europe, ensuring there are legal channels to the UK thereby reducing the numbers travelling irregularly. We recommend that the Government:
 - a. Participates in the EU-wide relocation scheme and calls for it to be rights-based.
 - b. Makes full use of the provisions contained in the Dublin III regulations to protect family unity.
 - c. Ensures that border countries and other 'hotspots' are properly resourced to process requests to reunite with family members in the UK under Dublin III.
 - d. Suspends returns under Dublin III except for the purposes of family reunification.
 - e. Ensures that the latest iteration of the Dublin Regulation is reflected in UK guidance as a matter of urgency including the duty to inform applicants of their right to request transfer to join family members.

¹⁰ The Dublin regulations aim to deal with the situation where an individual applies for asylum in one EU member state, but has previously made an application (or been present) in another. In such cases, the individual may be transferred to the first EU state.

Responding to the humanitarian needs of refugees on the move beyond Europe

Background and key concerns

14. In the context of 60 million people forcibly displaced from their homes, the numbers crossing into Europe should be manageable.¹¹ There are 1.9 million refugees in Turkey, now the largest refugee-hosting country in the world. Lebanon is host to just over 1 million where one in four people is a refugee. By comparison, if Germany were to accept the 800,000 refugees it expects this year, that would amount to only about 1 per cent of its total population. [ref]
15. When people are forcibly displaced, because of conflict or persecution, it is often many years before they are able to find a safe haven where they can begin to rebuild their lives. After fleeing their homes, many are forced to make secondary movements as they may still be at risk, or because of insecure and unsustainable conditions in countries which are unable or unwilling to cope with the disproportionate number of refugees they are hosting. Most refugees will have no legal avenues for international travel open to them and will have no option but to embark on long dangerous journeys in the company of smugglers in order to find protection. Travelling irregularly through transit countries such as Egypt, Libya and Morocco amongst others, they are at risk of further violence and exploitation.¹² Women travelling irregularly are particularly vulnerable to sexual violence.¹³
16. Successive UK governments have played their part in closing down legal channels to safety in the UK for refugees. In order to make a claim for asylum in Britain, a refugee has to be physically present in the country. It is not generally possible to apply for asylum in the UK from overseas, or to obtain a visa with the explicit purpose of seeking asylum in the UK. In response to a parliamentary question about the potential logistical difficulties in claiming asylum in the UK for Syrians, the Minister for Immigration said:

*The United Kingdom has a proud tradition of providing protection to those who need it and we will give the most careful consideration to applications by Syrian nationals seeking asylum in the UK. But we cannot undertake to consider requests for asylum from Syrians who have taken refuge in neighbouring countries and it is not our practice to grant visas or to in any other way facilitate the arrival in the UK of foreign nationals for the purpose of seeking asylum.*¹⁴
17. Visa applications are routinely refused if the authorities believe there is an intention to claim asylum upon arrival. This is clear in the case of Syrians with a dramatic reduction in the number of visas granted to Syrian nationals since the conflict in Syria began: in 2010 the UK approved 70% of visas for Syrian nationals; in 2014 this dropped to 40%.¹⁵ Furthermore, additional visa requirements have been imposed since the start of the conflict: Since March 2012, Syrian nationals transiting the UK en route to another destination are now required to apply for transit visa.¹⁶ In March of this year further changes to the immigration rules were made to remove the transit without visa exemption for Syrians with a visa for entry to the USA. This change took effect without the usual 21 days notice “in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum.”¹⁷
18. The obstacles preventing Syrians travel to the UK cited above contribute to the creation of a ‘Fortress Europe’. They suggest that it is not that refugees are an accidental casualty of the Home Office’s responsibility to protect and control our borders but rather a deliberate effort to block the entry of foreign

¹¹ IOM estimates that as of 29 September, 522,134 people have arrived in Europe via the sea. Statistics available here:

<http://www.iom.int/news/mediterranean-western-balkans-update-new-numbers-italy-greece-fyrom>

¹² Amnesty International, May 2015, *‘Libya is full of cruelty’: Stories of abduction, sexual violence and abuse from migrants and refugees*. See also blog by Acer, Human Rights First, January 2015, *Refugees in Egypt Urgently Need Protection*

¹³ MSF, March 2010, *Sexual Violence and Migration: The hidden reality of Sub-Saharan women trapped in Morocco en route to Europe*

¹⁴ [HC Deb 3 March 2014 c607W](#)

¹⁵ Guardian article, 11 March 2015, *UK closing doors to Syrian migrants, lawyers say*

¹⁶ House of Commons Hansard Ministerial statements by the Home Department for 13 March 2012, *Transit Visa Requirements (Syrian, Libyan and Egyptian Nationals)*

¹⁷ [Statement of changes in immigration rules](#), 16 March 2015. See paragraph 3.2 of the explanatory notes.

nationals who most likely, if their asylum claims were considered, would be entitled to protection here.¹⁸ Such efforts to prevent refugees from reaching the UK are extremely alarming and run contrary to the spirit of the 1951 Geneva Convention (commonly referred to as the 'Refugee Convention').

Prevention and solutions

19. The Government should reconsider its policy on visa requirements for nationals from major refugee-producing countries and should advocate for other European states to do the same. While visa requirements exist, European governments including the UK government urgently need to develop and increase safe and legal routes for refugees to their territories. A significant commitment to the establishment of safe and legal routes to Europe by a number of European countries would lead to a reduction in the numbers attempting to arrive by sea.

Resettlement

20. The recent commitment to offer resettlement opportunities in the UK to 20,000 Syrians during the course of this Parliament is a welcome step. However, the Refugee Council concurs with the view of lawyers, former judges and academics published in *The Times* and *The Guardian* on 12 October 2015 that this commitment is "too low, too slow and too narrow".¹⁹

21. The Government has shown considerable reluctance to providing resettlement places to Syrian refugees, despite leading the international response to the refugee crisis in other respects. It was only after considerable pressure following a campaign led by the Refugee Council that the Government responded to UNHCR's appeal and established the Vulnerable Persons Relocation scheme for Syrians (VPR) in January 2014. However since its inception, the scheme has continued to come under heavy criticism because of the very low numbers arriving through this route. As of 30th June, only 216 Syrians had been resettled in the UK.

22. The Refugee Council is disappointed that Syrians resettled in the UK are granted humanitarian protection, rather than refugee status (like the vast majority of Syrians who claim asylum and receive international protection). There are practical implications for Syrians receiving this lesser form of protection which may impede their ability to integrate and settle in the UK. For example, Syrians arriving through this route wishing to apply to study at a university will not be entitled to 'home fees' until three years after their arrival, nor will they be entitled to student loans. They may also face difficulties accessing Convention Travel Documents.

23. The Refugee Council recommends that:

- a. Resettlement targets should be kept under review and revised upwards according to need.
- b. Programmes should be expanded to provide more resettlement opportunities to refugees in other parts of the world in addition to Syrians.
- c. Syrians resettled in the UK should be recognised as refugees in line with Syrians arriving through the asylum system as well as other resettled refugees arriving via the Gateway Protection Programme.

24. The commitment to resettle many more Syrians in the UK was made in response to an outpouring of public sympathy for Syrian refugees, provoked by the image of Aylan Kurdi's body washed up on Turkish beach. However, it is important to understand that it is unlikely that a Syrian resettlement programme would have saved Aylan Kurdi, nor will a Syrian resettlement programme help others like Aylan who have already left the region, or who do not meet the qualifying criteria for a resettlement place.²⁰ The plight of Aylan highlights the urgent need for states around the world to respond to the crisis by facilitating safe passage for refugees,

¹⁸ 83 per cent of Syrians who have claimed asylum in the UK since the start of 2013 have been granted protection. See Home Office immigration statistics, [Asylum data tables volume 1](#)

¹⁹ The published statement and signatories are available at <http://www.lawyersrefugeeinitiative.org/>

²⁰ To be considered for a resettlement place, families or individuals must fall under one of the UNHCR resettlement submission categories. These are: 1) Legal and/or physical protection needs of the refugee in the country of refuge; 2) Survivors of torture and/or violence, where the conditions of asylum could result in further traumatization or where appropriate treatment is not available; 3) Medical needs, in particular life-saving treatment that is unavailable in the country of refuge; 4) Women and girls at risk, who have protection problems particular to their gender; 5) Family reunification, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents; 6) Children and adolescents at risk, where a best interests determination supports resettlement; 7) Lack of foreseeable alternative durable solutions.

through the expansion of existing legal channels to protection in Europe (e.g. family reunion), and the creation of new routes (e.g. humanitarian visas), in addition to the provision of resettlement places.²¹ Such an approach would reduce the number of people relying on people smugglers and therefore would save lives.

Family reunion

25. Family reunion is one of the few existing legal channels available for refugees to come to the UK and other European countries. In the UK, the families of recognised refugees and those granted humanitarian protection can apply to enter under the family reunion rules, to be reunited here. Evidence suggests that refugees seeking to bring their family members to join them in the UK as well as to other European countries face considerable barriers. Currently, very few refugees with relatives in the UK will qualify for family reunion due to the very restrictive nature of family reunion rules.
26. UNHCR has repeatedly advocated for swifter, more efficient family reunification procedures for refugees in Europe, particularly for Syrians, but there is little indication that member states are prepared to make the process any easier. In fact, the trend is towards more restrictive eligibility criteria, more onerous requirements for supporting documentation and less availability of state-funded legal aid to help refugees navigate the complex application process.
27. Home Office data certainly demonstrates increasing refusal rates on applications for family reunion in the UK for certain refugee groups: 12 per cent of all family reunion applications from Syrians were refused in the first quarter of 2014. By the third quarter of last year the refusal rate had doubled to 24 per cent, almost a quarter of applications. By the first quarter of this year this increased to 32 per cent; almost a third of all Syrians applying to join their family members living in the UK were refused. The statistics on family reunion for Eritreans paint an even more disturbing picture: In early 2014 the refusal rate on Eritrean family reunion applications was 21 per cent; this has steadily risen each quarter and by the first quarter of this year it stood at 60 per cent.²²
28. Some of those refused the chance to reunite with family in the UK may not fit the Government's definition of family. For adult refugees, only partners and dependent children under the age of 18 qualify for family reunion in the UK, under the usual rules. This, for example, means that a Syrian father granted asylum in the UK would be allowed to bring his wife and his younger children to join him. However his eldest child, an 18 year old daughter, would not ordinarily be allowed to travel with the family and they would be forced to leave her behind or pay smugglers to bring her to the UK – in either scenario, putting the young woman at considerable risk. We are aware of a number of cases, including Syrian, where young female dependant family members who are over the age of 18 are refused.
29. Unlike other EU member states, unaccompanied children granted asylum or humanitarian protection in the UK are denied the right to reunite even with their closest family members. This is despite the fact they have been through an asylum determination system and been found to be a refugee or in need of humanitarian protection, in the same way as an adult. The right to reunite with your family is a fundamental right of a refugee and as a matter of urgency the Home Office should amend the rules for unaccompanied children so that they are in line with adults granted refugee status or humanitarian protection.
30. Family reunion rules in the UK and other member states do not recognise the way that forced migration can change the makeup of a family and their dependency on extended family. In addition to ensuring that those entitled to refugee family reunion under the current rules are able to access it, the Refugee Council recommends that at this time of exceptional need a more flexible approach is taken to what constitutes 'family' allowing refugees with extended family members living in the UK who are willing to act as sponsors, to be allowed to join them in safety here. The Government could follow the examples of Austria, Germany, Ireland, and Switzerland; states that have provided opportunities for the admission of relatives beyond

²¹ Aylan's aunt in Canada had for a number of years sought to 'sponsor' her brother's family to enable them to join her in Canada. According to media reports, in June the application had been returned as it was "incomplete as it did not meet regulatory requirements for proof of refugee status recognition". It was only after their visa applications were refused that the family embarked on the dangerous journey that led to the deaths of Aylan, his brother and his mother.

²² Disaggregated statistics by country of origin provided by the Home Office statistics team.

family reunification rules. For example, Germany has pledged 18,500 places to Syrian refugees through private sponsorship.²³ Refugees in Germany are able to privately sponsor members of their extended family if they can guarantee accommodation and living costs.

31. Family reunion for refugees is seen as a straightforward immigration matter by the Government and this was the justification behind removing entitlement to legal aid for family reunion applications under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). However, a recent British Red Cross report highlights that family reunion is in fact a complex protection issue. Of the 91 cases included in the study, the majority of sponsors (in the UK) were men while 95% of applicants were women and children (seeking to join their sponsor in the UK). 51% of applicants were exposed to security risks. 96% of those exposed to security risks were women and children.²⁴ The report illustrates how the application process itself can put women and children at risk; in particular, obliging them to travel through areas of armed conflict or violence in order to submit documentation. Syrian applicants travelling to Lebanon cited arrest and imprisonment as a major concern. Indeed, one child applicant was imprisoned on his return to Syria following the submission of his application.²⁵
32. Such security risks posed by the very process of applying to join relatives in the UK may be at least in part addressed by allowing applications for family reunion to be made by the sponsor in the UK rather than by the applicants at their nearest British consulate, particularly if this involves crossing a border or travelling through conflict areas. The Government operated such a concession between September 1988 and January 1994 for Somalis in refugee camps in Ethiopia and Kenya seeking to join relatives in the UK, in recognition of the logistical problems of making an application from the camps.
33. The Refugee Council urges the Home Office to view family reunion as a protection issue and not a straightforward immigration matter. The Home Office and other relevant Government departments should proactively help families separated by forced displacement reunite with their family members in the UK by:
 - a. Making legal aid available for family reunion.
 - b. Simplifying the family reunification process and seeking ways to make it safer for applicants living in insecure conditions, including consideration of implementing a concession similar to that made for Somali families 1988-1994 for those persons likely to be living in conflict areas where their safety may be compromised in seeking to make an application.
 - c. Amending the rules so that unaccompanied children found to be in need of protection can bring their family to live with them in the UK.
 - d. Taking a more flexible approach to the definition of family, allowing refugees to join extended family members living in the UK who are willing to act as sponsors.
 - e. Ensuring that the relevant team in the Home Office is sufficiently resourced to swiftly process family reunification applications.

Humanitarian visas

34. A humanitarian visa is another tool that could be used to enable refugees to travel legally to the UK and other European countries to claim asylum. Certain states already issue humanitarian visas, however there is a lack of detail around such programmes, complicating understanding of the opportunities they may present for people in need of protection. However, current practice suggests the following process:
 - a. Applicants for humanitarian visas approach the consular representation of the potential host state (possibly in a third country).
 - b. The consular representation may pre-screen the humanitarian visa application to identify protection needs but this is only an initial assessment as the final status determination procedure is conducted after entry to the host state.
 - c. After arrival in the host state, the applicant lodges an asylum application.
35. The humanitarian visa programmes of Brazil and France seem to operate on this basis and were established in response to the Syrian refugee crisis. Since 2013, Brazilian embassies in countries neighbouring Syria have

²³ UNHCR fact sheet, 7 October 2015, [Resettlement and Other Forms of Admission for Syrian Refugees](#)

²⁴ British Red Cross, 2015, [Not so straightforward: the need for qualified legal support in refugee family reunion](#)

²⁵ *ibid*

had the possibility to issue special humanitarian visas for Syrians and other nationalities affected by the Syrian conflict who want to seek refuge in Brazil. Claims for asylum are presented upon arrival in Brazil. As of February 2015, Brazil had issued 7,380 humanitarian visas to Syrian refugees.²⁶ Since 2012 French consulates have been able to issue asylum visas where a need for protection is evidenced on a discretionary basis. There is little detail on the scheme but as of February 2015 France had issued 1,880 visas to Syrians to enable them to travel to France and claim asylum.²⁷

36. The Refugee Council recommends that the government explores the use of humanitarian visas, to facilitate access to protection in the UK for refugees, through discussion with other EU Member States.
37. In line with UNHCR's recommendations, other forms of admission should be considered such as academic scholarships and labour mobility schemes, allowing Syrians who have had their studies interrupted to continue their education and helping refugees realise their right to work.²⁸

Concluding observations

38. The European 'migration crisis' needs to be viewed in the context of the global refugee crisis and it is imperative that solutions to the former do not risk exacerbating the challenges facing those countries that host the highest numbers of refugees. Refugee Council is cognisant of the Government's exemplary commitment to funding the humanitarian relief effort in and around Syria, second only to the USA, and commends the Government on this. Certainly efforts to address the causes of refugee flight should be paramount. The announcement to resettle 20,000 Syrian refugees over a five year period was also welcome. However, aside from this commitment, the Government's response seems to have been one of containment and deterrence. This is difficult to justify given the very low numbers of refugees in the UK. It is hard to envisage how measures to prevent refugees from leaving Turkey, host to the largest number of refugees in the world, could possibly succeed.
39. There is an urgent need for the Government to take a multi-faceted collaborative approach that embraces the spirit of the 1951 Refugee Convention and to proactively seek to share responsibility for hosting a greater proportion of refugees. If countries around the world facilitated the safe passage of refugees, it would reduce the number of refugees in countries such as Lebanon, Jordan and Ethiopia and, would make improving conditions in those countries more realistic. It would also provide much needed leadership, encouraging other states to uphold the rights of refugees on the move, including by ensuring legal routes to protection in their territories.

²⁶ UNHCR fact sheet, 7 October 2015, [Resettlement and Other Forms of Admission for Syrian Refugees](#)

²⁷ *ibid*

²⁸ For more details see [UNHCR guidance for the Ministerial-level pledging conference on resettlement and other forms of admission for Syrian refugees](#)