

What the UK should do to improve the safe and legal routes for people in need of international protection.

The debate on how refugees reach the territories of countries that can offer international protection, including under the 1951 Refugee Convention, is not new. The international obligations and associated responsibilities of signatory States to provide protection and enable refugees to rebuild their lives are, by definition, shared across the world, regardless of the geographical location of the major conflicts at any one period in time. It remains the case that the countries bearing most of the responsibility for refugee protection in recent years have been those least financially and developmentally equipped to do so.

The term 'Safe and Legal' routes is used to describe a number of distinct pathways that enable people in need of international protection to travel to the UK in a safe and managed manner, normally through an application or approval process made overseas.

The Refugee Council believes that a review of safe and legal routes to protection must seek to enhance the role that the UK plays i.e. we must approach this exercise acknowledging that if we are to honour the commitments made in the 2018 *Global compact on refugees*.¹

Furthermore, the review must include an analysis of the measures currently in place in UK law and policy aimed at preventing irregular migration that have an adverse effect on those seeking entry to the UK to claim asylum. We must acknowledge that 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. In their search for safety, they are often forced to survive in precarious and dangerous circumstances and take perilous journeys. Countries that may be safe for the majority of their own citizens may not be safe and sustainable for those in search of protection.

Given their prior experiences, refugees are vulnerable to living situations where they lack economic or civil rights, where their children can access education or where they are allowed to settle and become citizens themselves. Unless the focus of governments shifts to allow people safe routes away from these situations, the need for irregular travel will increase, not diminish.

The Refugee Council recommends that the UK government **utilises existing routes to their full potential, explores complementary routes including those outlined by the UN High Commissioner for Refugees, considers introducing routes for people to travel safely to the**

¹ Report of the United Nations High Commission for Refugees Global Compact https://www.unhcr.org/gcr/GCR_English.pdf
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UK to claim asylum and examines the current measures that currently undermine the safe travel of those who may be in need of protection.

1. Utilise and improve existing safe routes

The two main routes for refugees to come to the UK in a safe and dignified manner are resettlement and refugee family reunion. These should form the starting point of any review; ensuring they are utilised to their full potential is the simplest, most efficient and most important way to honour the commitments made in the 2018 Global Compact on Refugees.

Since the announcement of the expansion of the Syrian Vulnerable Persons Resettlement Scheme in 2015, the UK has rightly described itself as a world leader in resettlement. In 2019, the UK was the third largest resettlement country behind only the USA and Canada.² The size, scope and design of the scheme is rightly regarded as one of the best in the world. That legacy is now close to being lost, at a time when the global need for places is greater than ever. Other countries continue to take forward their resettlement commitments, even in difficult circumstances. For example, the USA recently agreed to increase its annual resettlement commitment from 15,000 to 125,000. Indeed, the UK's should be making a long-term commitment to resettle 10,000 refugees each year, from countries across the world.

Refugee Family Reunion fulfils the dual purpose of allowing refugees to live safely and sustainably with family in the country of refuge and providing protection to refugees whose family members are already safe in the UK; it aids the integration of refugees already in the UK and allows the safe relocation of their family members who may also be in danger. The UK government's own policy acknowledges this, remarking that: *This policy recognises that families can become fragmented because of the nature of conflict and persecution and the speed and manner in which those seeking asylum are often forced to flee their country of origin.*³ There is much to be commended in the UK's approach; the right to refugee family reunion is enshrined in the Immigration Rules and the applications under the rules attract neither a fee nor any income requirements to the refugee and their immediate family members. However, those family members who have become separated but are not covered by the rules are left with the invidious choice of staying put, often in insecure and dangerous places or embarking on treacherous, expensive, unregulated journeys.

As founder members of the Families Together coalition we are calling for reform of the Rules, namely to

- **Expand the criteria of who qualifies as a family member for the purposes of refugee family reunion** allowing adult refugees in the UK to sponsor their adult children and siblings who are under the age of 25; and their parents;
- **Give unaccompanied refugee children in the United Kingdom the right to sponsor their parents and siblings who are under the age of 25 to join them** under the refugee family reunion rules.

² <https://www.unhcr.org/uk/protection/resettlement/5e31448a4/resettlement-fact-sheet-2019.html>

³ Policy guidance on family reunion for refugees and those with Humanitarian Protection, Home Office December 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947066/family-reunion-guidance-v5.0ext.pdf

As well as ensuring that everyone entitled to refugee family reunion is able to complete the application with the help of a qualified advisor, to be achieved through the

- **Reintroduction of legal aid for refugee family reunion applications.**

2. Explore complementary pathways to protection

UNHCR recognises that resettlement and refugee family reunion will not meet the needs of everyone in need of protection and encourages States to explore a range of other routes, referred to as *complementary pathways* whereby refugees are permitted to enter and settle in a country and have their **needs for protection met** through such programmes as labour mobility schemes in partnership with employers, educational scholarships in partnership with institutions or individuals and community sponsorship in partnership with individuals or groups in the community. The Refugee Council encourages the UK government to fully explore the options laid out in the *Three Year Strategy on Resettlement & Complementary⁴ Pathways* to introduce or expand upon these schemes **in addition to** commitments made to resettle refugees from the first country of refuge.

3. Introduce safe routes to the UK to enable people to claim asylum here

The UK government has, in recent years, provided routes to the UK's asylum system for specific categories and cohorts of individuals. From its involvement in the original Dublin Convention to the end of the 'Dublin' arrangements through the ending of the transition period post exit from the EU, the UK was involved in the transfer of people seeking asylum amongst EU member states, therefore considering the asylum applications of people who had claimed asylum elsewhere for a period lasting from 1997 and the end of 2020.

Since 2016 the co-operation between the French and UK governments when the Calais 'jungle' was cleared and the transfer of children mainly from Italy, France and Greece under section 67 of the Immigration Act 2016 led to the arrival in the UK of unaccompanied children and the consideration of their asylum claims in our domestic asylum determination system.

None of these routes is currently functioning. We encourage the UK government to explore ways of sharing responsibility with states who have registered an asylum claim but not considered it, as well as building a programme with other states around the world whose asylum systems are overwhelmed with higher numbers, through initiatives such as Humanitarian visas. These schemes have been discussed amongst academics, voluntary sector organisations and policy makers and some examples exist in recent decades. Whilst often used as an emergency measure to evacuate people from dangerous or unstable situations, the principle and design could be adapted for the purpose of managed responsibility sharing.

4. Examine 'deterrent' measures that undermine systems of international protection and responsibility sharing.

Language and policy initiatives to deter people from making their way to the UK do not work and put lives at risk. Inflammatory language or measures aimed at deterring people from arriving are not in the spirit of protection. This is not a new phenomenon – the discourse on 'criminal gangs facilitating

⁴ Three Year Strategy on Resettlement & Complementary Pathways, UNHCR 2019

<https://www.unhcr.org/uk/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html>

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dangerous journeys', a narrative that aims to portray 'good' and 'bad' refugees and the focus on preventative measures has been a part of UK and EU policy making for many years. The Refugee Council has expressed grave concern at these measures, including as far back as our research report *Remote Controls*⁵ in 2008. The EU border control agency Frontex, individual countries engaging in 'push backs' as a deterrent policy and deals with third countries to keep migrants, including refugees, away from our territory, result in people's lives being endangered. This review must include this issue if it is to fully understand how policy can be developed in a way that meets the needs of those in need of international protection and the countries that provide it.

⁵ *Remote Controls; How UK border controls are endangering the lives of refugee, Refugee Council 2008*
https://refugeecouncil.org.uk/latest/news/860_new_report_reveals_uk_border_controls_may_be_putting_refugees_in_danger/