

WITHOUT MY FAMILY

**The impact of family separation
on child refugees in the UK**



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Further information and advice

The Refugee Council’s *Children’s Advice Project* provides advice and assistance to unaccompanied children who have claimed asylum. The project also advises professionals who work with these children.

www.refugeecouncil.org.uk/get-support/services/childrens-advice

Without my family: The impact of family separation on child refugees in the UK

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Executive summary

Every child should be able to live safely with their loved ones, but conflict, human rights abuses and persecution can leave many with no other option than to flee their homes and leave their families behind. For the few who find a place of safety in the UK, callous and unfair rules are condemning them to a life without their closest family members.

In this report, Amnesty International UK, the Refugee Council and Save the Children expose how the UK Government's policy on refugee family reunion is damaging the lives of children in the UK, and how its justifications for the policy are unsubstantiated. Based on in-depth interviews with children and young people affected by the policy, and the professionals who work with them, the report shows how the UK's policy is harming child refugees who have sought safety in this country and is denying them the fundamental right of being with their family.

Damaging impact of UK's policy

The UK Government's policy on refugee family reunion:

- prevents child refugees who have sought safety in the UK from being joined by their parents, brothers, or sisters;
- leaves the UK as the only EU country that refuses to grant child refugees the right to be reunited with even their closest family; and
- is directly at odds with national and international law, contravening the principle of the best interests of the child.

This policy is leaving some of the most vulnerable children separated from their families at a time when they need their parents most. The UK Government's hard-line position deliberately keeps child refugees away from their parents and in the care of local authorities. This leaves parents and siblings with an impossible choice – never to see their closest family again or embark on a dangerous journey to try to reach them.

This is the devastating reality for child refugees in this country and the families they have left behind. Having fled conflict, persecution and human rights abuses, these children are refugees – the UK Government itself has recognised this and has stated that it would be unsafe for them to return to the country they escaped. Yet, unlike adult refugees, they are denied the ability to be joined by their closest relatives.

The UK Government argues that changing the rules would encourage parents to send their children on unsafe journeys in order to secure refugee status and enable their families to join them later. There is no evidence to support this.

The UK receives a tiny fraction of the world's refugees. In 2018, 1,072 unaccompanied children were recognised as refugees in their own right in the UK and a further 73 were granted Humanitarian Protection.¹ Most come from a handful of countries: Afghanistan, Eritrea, Iran, Iraq and Sudan. The vast majority of unaccompanied children find refuge in neighbouring countries. Those that come to the UK do so only because of a variety of factors including language and historical or community ties. The government itself admits that it is difficult to determine why people choose to flee to a particular country.

The children interviewed for this report shared memories of their departure and separation, their escapes from traumatic experiences in their home country; and their reasons for leaving their homes behind.

The interviews all show how:

- **these children's journeys were made in urgent haste and to escape danger;**
- **their choices were limited, and their prime motivation was to search for safety;**
- **none of those interviewed had been aware of the family reunion policies of different countries when they were making their journeys.**

The devastating effects of family separation

The report details the various effects on the children of family separation: constant anxiety, fear for their families' safety, and in some cases serious mental health consequences. Research reports that child refugees in the UK suffer with severe mental health problems, although they do mostly try to get on with their lives. Some children talked about wanting to do well and be good people to make their families proud.

Many of the children interviewed for this report have no one taking formal parental responsibility for them and end up in the UK's care system. While some report positive experiences with their foster carers, professionals and carers acknowledged that the care could never replace the security and love their own families would bring. For the professionals – social workers, caseworkers, lawyers – it is hard to witness how distraught these children feel. All highlight the crucial role of family in terms of keeping children physically safe, as well as for other developmental needs and outcomes such as education, social integration, wellbeing and identity. They believe the everyday practices of family life can psychologically protect a child during and after loss and danger.

Concerns were also raised about the children who fall through gaps in care and can become vulnerable to those who wish to exploit them through criminal gangs or sexual exploitation.

This policy is in breach of UK's legal obligations

The legal analysis carried out for this report shows that the UK's position puts it directly in breach of its legal obligations under both national and international law.

The family is a protected concept under international human rights law, international humanitarian law and international refugee law. The UK has an obligation under international law to ensure that all children subject to its jurisdiction have equal access to the rights enshrined in the UN Convention on the Rights of the Child (UNCRC) which contains some of the strongest provisions for the protection of a child's right to family unity and the corresponding States' obligations.

Determinations from UK Immigration Tribunals have also criticised the UK Government's stance on the rights of child refugees to family reunion.

The inconsistencies of the current UK situation are further exposed by Home Office guidance on reuniting families outside the UK. When the child is overseas, it advises that family reunion must be seen as in the 'best interests of the child'. Yet in the UK, the same does not seem to apply.

The UK is an outlier in Europe and while the government itself acknowledges that family reunion is crucial, this report and data from other countries shows the UK Government's arguments are not substantiated and should be no impediment to respecting international law and acting in the best interests of the children involved.

Being separated from their families is a traumatic experience. It can leave children more vulnerable to exploitation and abuse and can create toxic stress which could harm children's long-term development. Family separation is in no one's best interests, least of all the children who most suffer its effects.

Children – no matter where they come from – are children first and foremost and their welfare should be the most important consideration. Children need their parents.

A simple change to the UK Government’s policy would transform the lives of these children and help ensure they grow up safe and secure with the people they most need and love.

RECOMMENDATIONS

To the UK Government

In line with its obligations under international human rights law, and the UN Convention on the Rights of the Child, the UK Government should ensure that the best interests of the child are a primary consideration in all decisions and actions concerning child refugees.

The Home Office should:

1. Permit the right to family reunion for unaccompanied children with international protection needs when this is in their best interests. This right should be formalised within the Immigration Rules for those with Humanitarian Protection status as well as for those recognised as refugees.
2. Ensure that family reunion rights are made accessible to former unaccompanied child refugees who are now over 18 years of age.
3. Commit to a broad enough definition of family for unaccompanied child refugees to enjoy their right to family life and to include child siblings and any legal or customary care givers in their country of origin.

To local authority service providers

Undertake further research and consultation with social work professionals on best practice in respect of the therapeutic and practical ways to support the family-related needs of unaccompanied child refugees. This evidence should be integrated into national and local social work training and training standards to ensure that best practice in this area is systematically and consistently applied.

METHODOLOGY

Research for this report was commissioned by Amnesty International UK, the Refugee Council and Save the Children in 2017-2018. It is the first primary research published in the UK to explore the impact of a lack of family reunion on refugee children and young people. The research is based on:

- A literature review
- A legal review – an analysis of the UK’s position in the context of international legal instruments
- Interviews with children and young people affected by the rules
- Interviews with practitioners

To preserve the anonymity of all interviewees, pseudonyms have been used and other identifying information removed.

Interviews with unaccompanied refugee children and young people

To recognise the dignity of those whose lives and circumstances they wish to improve, Amnesty International UK, the Refugee Council and Save the Children UK felt it essential that unaccompanied child refugees’ participation in this research should be facilitated in a way that was safe and meaningful for them. An open-ended interview guide was created that allowed children and young people to feel in charge, selecting experiences they felt were most relevant and manageable, and with the understanding that they could stop at any time.

Given the potential vulnerabilities of the interviewees, only children known to specialist services and/or refugee projects were approached so that those interviewed could be supported afterwards. An ethical and methodological review of the research was approved by the Institute of Applied Social Research at the University of Bedfordshire, the University of Bedfordshire’s Research Ethics Committee, Amnesty International UK and Save the Children UK, as well as by the services from which the children had been referred for an interview.

Twelve children and young people, all male, took part in the research. The interviews lasted between 40 and 60 minutes, during which these young people, with courage and openness, shared memories of family life, the reasons for their departure and separation, and the ways in which their everyday lives are affected by the absence of family. Nine of those interviewed were aged between 15 and 17; three were aged between 18 and 20. Interpreters were offered and were involved in seven of the interviews. All were under 18 at the time of making their asylum application in the UK. Participants came from the following five countries:

Country of origin	Number of children
Syria	2
Afghanistan	5
Eritrea	2
Iraq	2
Sudan	1

We make no claims to this sample being statistically representative of child refugees in the UK as a whole. But, the experiences they describe are consistent with other sources of information and reflect a range of perspectives.

Interviews with key professional and policy stakeholders

The research included interviews with professionals with experience of regular work for unaccompanied child refugees. In total, 31 practitioners were interviewed, representing a range of professions including legal practitioners, social workers, residential workers, youth workers and policy advisers. The research also included interviews with seven practice and policy stakeholders from European countries where unaccompanied child refugees can be granted family reunion. The majority of interviews lasted between 60 and 90 minutes each. Except where explicitly stated, all the stakeholders were based in the UK. In addition, the research drew on publicly available information, including court case documents, legislation, policy documents, parliamentary committee documents, media reports, and legal analysis.

TERMINOLOGY

Children: Every individual below the age of 18 years as set out in Article 1 of the UN Convention on the Rights of the Child (CRC).

Child refugees: Describes those who have been recognised as such, having met the definition in the 1951 Geneva Convention Relating to the Status of Refugees (otherwise known as the 1951 Refugee Convention) and its 1967 Protocol. For the purposes of this report we also include those granted Humanitarian Protection which recognises the need to provide protection to those whose life or safety would be at risk for a reason other than those listed in the 1951 Convention. In the UK those granted Humanitarian Protection have the same limitations on family reunion rights as refugees.

Child's best interests: Article 3 (1) of the United Nations Convention on the Rights of the Child 1989 (UNCRC) provides: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Humanitarian Protection: *Humanitarian Protection* is described by the government as: a status designed to provide international protection where it is needed, to individuals who do not qualify for protection under the Refugee Convention. It covers situations where someone may be at risk of serious harm if they return to their country of origin, but they are not recognised as refugees because the risk is not of persecution for a reason covered by the Refugee Convention. The leave granted to such individuals is similar to refugee leave and usually for five years, after which the individual may apply to stay in the UK permanently.

Immigration Rules: The Immigration Rules are made by the Home Secretary. The rules set out the basis on which people who are not British citizens (or certain Commonwealth citizens) may be permitted to enter or stay in the UK and on what conditions. The rules include provisions for considering, deciding and relating to applications made for protection in the UK under the Refugee Convention.

Legal Aid: Government funding that can help people meet the costs of legal services they require, if they are eligible to receive it.

Refugee: A person who: Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality

and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, unwilling to return to it. Most people in the UK who are recognised as such will be granted five years of 'refugee leave' to remain in the UK after which the person may apply to stay in the UK permanently.

Refugee family reunion: Enables those who already reside in a country (referred to as sponsors) to be joined by their family members. It is a reunion route contained within Part 11 of the UK Immigration Rules, which allows refugees and those granted Humanitarian Protection to bring over a group of narrowly defined family members. The right to family life and family unity is set out in international and regional law and this principle is also referred to as *Refugee family reunification* in international law.

Unaccompanied children: They are those who are under 18, have made a claim for asylum or have been granted it and are separated from both parents and not being cared for by their parent or other adult who in law or by custom has responsibility to do so.² Some children do not get a decision on their application until after they turn 18. Their statistics and stories are included in this report as they applied for asylum as children and the refugee family reunion policy has a similar impact on them even as they reach adulthood.

Section 55 duty and associated guidance: Section 55 of the Borders, Citizenship and Immigration Act 2009 requires that regard be taken by the UK government of the need to safeguard and promote the welfare of children in carrying out immigration, asylum and nationality functions. The UK courts have interpreted this to give effect to the duty to give primary consideration to the best interests of children, as required by the 1989 UN Convention on the Rights of the Child, when carrying out those functions.

United Nations Convention on the Rights of the Child: This is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child. Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights.

Introduction

When a child arrives in the UK as a refugee, they see their new home as a place of safety far from the conflict and persecution they left behind. But even when their asylum claim is accepted a new ordeal awaits them. UK immigration laws mean that even their closest family cannot join them. Legally protected, they often do not feel safe, as they remain alone.

The UK's rules on the rights of child refugees to sponsor visas for close family to join them are more restrictive than any country in the European Union. These provisions are set out in the Immigration Rules which define refugees, outline procedures and identify who is eligible to enter the UK, including as the family member of a refugee or person with Humanitarian Protection. They can only be changed through parliamentary procedure, although changes are proposed by the UK Government and are usually passed without debate.

As there is no immigration rule to allow for children to make refugee family reunion applications, any child who wants to try has to make an application outside of the rules. The authors are aware of a small number of children who have done this; applications are usually refused but some are successful on appeal.

The rules contain a legal anomaly: they recognise the right of an adult to be reunited with their immediate family but deny that right to a child. It is hard to fathom how an unaccompanied child can study, make friends, and move on with their lives in the UK when they are thousands of miles from their immediate family and maybe unsure of their loved ones' safety. There is a certain callousness in allowing adult refugees to bring their children to the UK but to leave child refugees alone.

The right to a family life is enshrined in national, international and regional human rights law.³ International human rights bodies have repeatedly emphasised that family unity and family reunion are central to the needs of child refugees.⁴

Separation from family can be devastating and for no-one is the impact potentially more profound than for children who have fled conflict or human rights abuses. Many child refugees have experienced serious trauma and continuing separation from their families can only exacerbate this.⁵ The presence and support of a child's family has an important effect on their recovery and their ability to integrate and adapt to their country of asylum. It is important to remember that these are children who have been recognised as refugees by the UK Government and are therefore unable to return home to be with their family.

This report is the first to seek out the testimonies of the children themselves. The moving accounts of their personal experiences make it abundantly clear that the UK Government is failing in its obligations to this vulnerable group of children, with devastating effects for young lives already beset by tragedy.

The UK Government is failing in its obligations to this vulnerable group of children, with devastating effects for young lives already beset by tragedy

1 Running for your life

**'There was also a lot of violence in my country...
There is blood everywhere. Just bloodshed.'**

Binar, 17, from the Kurdistan region of Iraq

Many of the child refugees in the UK have endured appalling horrors. They have seen their homes destroyed, loved ones killed, been tortured or fled persecution. Children who arrive in the UK alone and seeking asylum are fleeing from armed conflict, persecution, or a range of grave human rights violations which particularly affect young people such as trafficking and enforced military conscription.⁶

The children we interviewed had fled Afghanistan, Eritrea, Iraq, Sudan and Syria; the professionals also told us about children from a wider range of countries, with whom they had worked.⁷ Our interviews with children and professionals in the UK and mainland Europe offer a detailed picture of the lives of unaccompanied child refugees in their countries of origin.

'In my home country you feel that every day you are going to die. Every day you feel that today is the day you are going to be killed'

The United Nations Security Council has identified a number of grave human rights violations against children, including but not limited to; killing and maiming, sexual violence, abduction, attacks against schools and hospitals and denial of humanitarian access.⁸ The Executive Committee of the United Nations Refugee Agency (UNHCR) has recognised additional forms of child-specific persecution including under-age recruitment in armed conflicts, child trafficking and female genital mutilation.⁹ Many of the violations against children listed by the UN feature in the accounts we received. Genocide and ethnic cleansing, living in besieged cities, bombing, artillery attacks, killings, maiming, persecution and terror, formed the extreme and everyday realities of children's lives. Violence and threats to their life, liberty and security were recurring themes in the children's descriptions of what triggered their flight from their home countries.

Arman, 16, spoke about the scale of the violence that surrounded him in Afghanistan:

It is so dangerous. Life is not there to live... In one week, 400 persons [has] gone, has died... So when people ask me where I am from, I say UK, because Afghanistan it is not even a country... You can't go to school, you have to go from one city, changing to city to city, it is not a country, I don't think... In my home country you feel that every day you are going to die. Every day you feel that today is the day you are going to be killed.

A social worker supporting a boy from Syria reported:

Some of the things he has experienced [in Syria] are just awful. He was talking to me about the war, and he is such a lovely, lovely young boy and he was talking about young people not recognising what humanity is about because there were lots of beheadings that were happening and he was telling stories about young people playing football with heads and being forced to go to the mosque, watching propaganda

Kimberley, a legal representative for a Syrian child, has heard similarly harrowing accounts:

He speaks about distressing experiences in Syria. Bullets in his room, seeing dead bodies, people murdered in front of him, seeing hands cut off and having a rifle pointed at his head. Essentially deeply traumatic experiences.

Many of the children and young people we interviewed had been directly targeted, either for forcible conscription or for interrogation and torture by the security forces, because of their family members' alleged association with opposition groups. Habib, 17 from Darfur, Sudan, was targeted in this way:

Me and my friends, we went to the market to take Sudanese coffee, and there is police officers... I went to a prison for a week. And they ask me about my father and where he is and what he does and a lot of questions. They said your father is from the opposition and I sign and I do the fingerprint and I am told to come back after one week.

While conflict was a major factor forcing many children and young people to flee, others experienced widespread and persistent human rights violations not directly related to armed conflict. For example, young people in Eritrea face indefinite national service as they approach their last years in school with no possibility of an alternative, a situation tantamount to a national system of forced labour. Not only is national service never-ending, it pays a pittance – certainly not enough for people to live with dignity and enjoy their rights to food, shelter and healthcare. The impact of these human rights violations reaches deep into society and into the lives of children in Eritrea. Many drop out of school and girls are married off early in the hope of avoiding conscription. Those whose parents have been conscripted for a long time have had to assume economic responsibility for their families.¹⁰ As a result, Eritrea has become one of the biggest sources of young refugees. In 2018, it was second only to Afghanistan as the country generating the largest number of unaccompanied children seeking asylum.¹¹

FLEEING DANGER: THREE CHILDREN'S STORIES

Habib's story

Habib is 17 years old and from Darfur, a region on the western border of Sudan. Many organisations, including Amnesty International, have documented the dire security and humanitarian situation in Darfur. Widespread human rights violations have been documented in the region, including the arbitrary detention of students, human rights defenders and political activists, and deadly attacks by Sudanese Government forces on civilians.* Hundreds of thousands have died from direct violence and conflict-related disease and starvation during the conflict in Darfur.**

Habib was 15 years old when he was arrested by police. He had gone to the market with his friends but never made it home. He said he was imprisoned for a week, tortured and questioned about his father's political associations and activities – about which Habib knew nothing. Habib said that when he

was released, his mother told him he needed to leave Sudan quickly. He left the same day with an uncle, leaving behind his younger siblings, aged nine and 11, and a disabled brother he was very close to. Two of his older brothers were also later imprisoned and Habib explained how difficult it was to hear about this when he was so far away from his family, especially his mother.

Habib reached Libya, where he said he experienced serious human rights abuses at the hands of smugglers. He described how he has constant flashbacks of the moment he saw smugglers killing a baby as its mother was giving birth.

After hearing of his brothers' imprisonment, Habib and his uncle decided to leave Libya for Europe, but they became separated. On the journey alone to Europe, Habib said, his boat capsized; he was rescued by Italian coastguards but said he saw

many people drown. Habib spent eight months in the camp in Calais known as the 'jungle' before coming to the UK. He has started tracing his family in the hope that he could be reunited with them as a way of moving on from the horror of the last few years. He discovered that his mother and siblings are living in a refugee camp in Chad.

Background source: *Amnesty International Report 2017/18, [Sudan entry](#) also **[Sudan: Darfur drawdown](#), news June 2019 www.amnesty.org

Dawit's story

Dawit, now 18, was 15 when he arrived in the UK from Eritrea. His mother is widowed, and he has no memories of his father who died when Dawit was very young.

Dawit's older brother was forcibly conscripted into military service and

‘...an interpreter asked to be excused whilst doing an interview, twice, because it was just too much for him...’

Abdat arrived in the UK as a child from Eritrea. He said:

Eritrea is not a good place to live. You don't have a chance there. You don't have a chance to be safe or to study, you don't have a chance to work so that is why I came here to be safe and to have a better life. When I was in my country, I was trying to be a mechanic when I was a child but I didn't have the chance to do it.

For young refugees from Kuwait, the reason to flee is linked to the fact that they are stateless Bidun (from *bidun jinsiyya* meaning ‘without nationality’). Bidun are denied full Kuwaiti citizenship, even though many were born in the country and their families may have lived there for generations. Their access to employment, health care, education and the state support enjoyed by Kuwaiti citizens is severely restricted. The Bidun who have protested this unfair system have faced violence and repression in Kuwait.¹² Natalie, a UK social worker who has worked with Bidun children from Kuwait, told us:

What they have been through within their own country is just so traumatic. I have had an interpreter asked to be excused whilst doing an interview, twice, because it was just too much for him... [The children] get arrested, then beaten for a few days, and then kicked out of the police station. One of my boys was saying that he was made to sit on a bottle and to sit on it without clothes on. The boy was in tears telling us, and the interpreter was just beside himself having to retell it.

Through the interviews, it became apparent that for most families, it was a last resort for children to flee to another country. Most of our interviewees described a particular event

Dawit has not seen him since. Their mother did not want him to suffer the same fate as his older brother, so she sent him to live with his uncle in Sudan. Dawit did not want to leave his family, but he felt happy living with his uncle, whom he loved, and who made sure Dawit spoke to his mother regularly. His uncle cared deeply for him and Dawit felt safe and loved.

Unfortunately, Eritreans in Sudan are increasingly at risk of deportation to Eritrea, where they face being charged with desertion. The Eritrean National Service Proclamation lays out a punishment for attempted evasion or desertion of two years' imprisonment or a fine, or both, and five years' imprisonment for those attempting to evade service by fleeing abroad. However, in practice, the usual punishment for those caught attempting to evade, desert or flee the country is arbitrary detention, often incommunicado,

without access to a lawyer or family members.*

Dawit's uncle, concerned about the growing risk of deportation, arranged for Dawit to leave Sudan for Europe via Libya. Dawit left with a friend of his uncle, who was to be his companion and guardian. Dawit made it to Europe after a long and hazardous journey, but his uncle's friend did not; Dawit tried to save him, but he died in his arms.

Background source: *See Amnesty International report *Just Deserters*, December 2015 www.amnesty.org

Rifat's story

In 2016, Rifat was 15 years old and living in the war-ravaged city of Aleppo in Syria. He lived with his parents, three sisters (aged 9, 15 and 16) and a younger brother (aged 13). He was targeted for recruitment into an armed group and his parents feared for his life. Many other boys of

Rifat's age in the neighbourhood had already been taken from their homes and forced to fight for armed groups.

Rifat said that his family insisted that he would not leave the country and that they would stay together. He spent some time in hiding before his parents decided he had to leave Syria. Rifat said that this was the 'last choice' his family could make to save his life. Rifat's uncle took responsibility for getting him safely out of Aleppo and across the Turkish border.

Rifat, aged 17 when interviewed, lives in the UK with a foster family. He has not seen his parents or brothers and sisters for about 16 months and has been unable to contact them by phone or text for some time. He does not know whether they are alive or dead: he is waiting to hear from the Red Cross. Every day Rifat moves between grief and hope as he lives with this terrible uncertainty.

involving direct threats to the children’s lives and security that led to the need to seek safety elsewhere. There was a clear sense that parents had tried desperately for many years to hold their family together. Rifat, aged 17, said his parents had always told him he would stay with them in Syria:

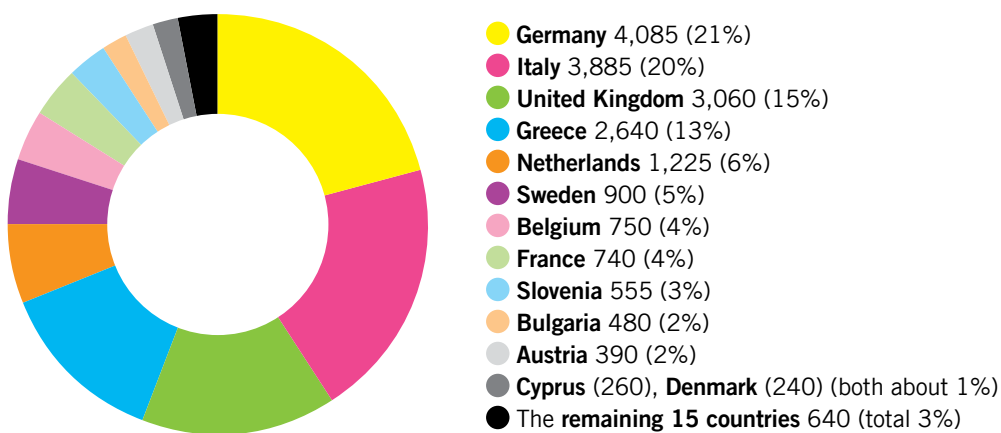
But then [the military] came to my home and said, ‘You are going to join us to fight and that time I was hiding myself for one month at home and then my father told me that they had got our neighbour’s child, he was 15, he was my age, and then I run away from home. That is what they were telling me. Don’t get out of the country until like they didn’t have any choice any more. They didn’t want me to go but it was for my safety. They take any young children... They force them to join the military to fight with them.

‘They didn’t want me to go but it was for my safety. They take any young children... They force them to join the military to fight with them.’

WHERE DO THEY GO?

Only a very small proportion of the world’s refugees travel far from their country of origin. In 2018 for example, figures from the UN High Commissioner for Refugees (UNHCR) show that 85 per cent of the world’s 25.9 million refugees were hosted by neighbouring countries or those in the immediate region.¹³ Of the people seeking asylum who reach Europe, a very small number are unaccompanied children. The UK receives a tiny fraction of the world’s displaced children. The number of applications for asylum in the UK made by unaccompanied children is low compared to the rest of Western Europe. And, in turn, Western Europe receives a fraction of the displaced children around the world separated from their families.

According to Eurostat’s 2019 report: 19,835 unaccompanied children applied for asylum in the 28 countries of the European Union during 2018. Figures below are rounded to the nearest five¹⁴



THE UK

In 2018, 1,072 children and young adults were recognised as refugees and a further 73 individuals who applied for asylum as children were granted Humanitarian Protection. The average total for those granted leave in these two categories in the previous four years was 696 a year.¹⁵

Children who arrive in the UK without a parent, legal guardian or customary caregiver and who submit an application for asylum in their own right are referred to by the UK Government as ‘unaccompanied asylum-seeking children’. In 2018, 3,063 unaccompanied children applied for asylum in their own right in the UK, 89 per cent of them boys. In the same year, 2,145 initial decisions were made, a significant proportion of which applied to young people who were over 18 by the time they received their decision.¹⁶

Most unaccompanied children recognised as refugees in the UK come from a handful of countries. Table 1 gives the numbers for those countries which produced 50 or more children who were recognised as refugees or granted Humanitarian Protection in 2018, including those where the decision was made after the child turned 18.¹⁷

Table 1. Top countries of origin of unaccompanied children granted protection in the UK in 2018¹⁸
Source: Home Office Immigration statistics

Country of origin	Eritrea	Sudan	Afghanistan	Iraq	Vietnam	Iran	Ethiopia
Refugee status (under 18 when decision made)	266	133	101	68	65	46	42
Humanitarian Protection (under 18 when decision made)	0	2	13	20	5	0	0
Refugee status (over 18 when decision made)	94	83	21	6	11	16	14
Humanitarian Protection (over 18 when decision made)	0	0	2	16	6	1	0
Total	360	218	137	110	87	63	56

Child refugees, like adult refugees, have often been left with no option but to undertake long and perilous journeys in their search for somewhere safe and secure. There are many reasons that may lead them to search for that security in one country or another, including language, historical or community ties, or dangers in the countries they reached first. However, calculations about the relative merits of different asylum systems or economies in Europe are rarely among their considerations, as reconfirmed in recent academic research.¹⁹

Most refugees remain near their country of origin. And, as many of the children interviewed for this report confirmed, they leave their homes reluctantly and long to return. But for those from countries plagued by violence and human rights violations, returning home is not an option. The choice of where to go is influenced by many things, but first of all by the urgent need to find safety and survive.

Legal representative Kimberley said that her Syrian client's family live in Egypt and he wants to sponsor them to come to the UK because they have no status in Egypt and face discrimination:

He recalls extreme racism to the point where him and his siblings were forced to stop attending school. He was scared to walk down the street where he would be spat at and told to go back to Syria. He was physically assaulted in the streets and the family resorted to just staying indoors.

In some cases, decisions to flee are made with great urgency with no plan for where the child might end up. Sometimes they become separated on the journey. Sarah, another UK legal representative, explained that a young Syrian client had told her of the panicked escape from his village when ISIS arrived in the middle of the night.

They were getting in the back of the lorries, and of course, mum and dad got in a different one and then he couldn't find them anymore. The boy, when he left his village, he left in his pyjamas and I remember that being the thing that really struck me when reading back the witness statement.

Some children spoke of initially living in countries closer to their countries of origin, such as Ethiopia, Iran, Lebanon, Pakistan and Sudan. Often, they lived with immediate family members in these countries, as either the family had made the decision to flee together or they had joined extended family members already in those countries. In many cases they lived in precarious or even hostile situations that put children's safety at risk. Interviewees spoke of families responding to these dangers by pooling resources to finance moving the children across more borders, often with great reluctance.

Daniel, a case-worker, described how a young refugee from Eritrea had to deal with the fact that his younger brother, aged 14, had been captured on the journey and was being held for ransom by gangs in Libya. The young refugee was trying to find US\$3,000 to US\$4,000 to free his brother: a distressing situation for anyone, let alone a child, but particularly for someone trying to restart their studies and set down roots in a new country. Daniel explained:

The saddest thing about the situation is that they don't understand about the journey and I have a few Eritrean young people who had tried to convince their brothers or sisters not to take this dangerous journey... the young people I work with, no one else is there to help them, so they have to work, compromising their education and their futures as well.

Interviewees in the UK and elsewhere pointed out that in some cases the children who leave are the ones at risk – for example from forced conscription or because of suspicion about their own political activities – rather than the wider family. In such instances, families may not move with the child because this would increase the risks to their safety, livelihoods and support networks, or the adults may have responsibilities to other family members, such as younger children.

Research has repeatedly shown that many factors influence the decision-making of people in search of safety. UK Home Office research carried out in 2002²⁰ outlined some of these factors, including finances, family links in a particular country and the perception of a country's respect for human rights. Subsequent research has supported the conclusion that many factors influence decision making. While it is too simplistic to describe people seeking asylum as victims of the actions and motivations of others, their choices are often extremely limited, and their primary motivation is the search for safety.²¹

When asked, all the interviewees for this report stressed that neither the children nor their families were aware of the family reunion policies operating in different European countries before the children started their journeys.

It is clear that children recognised as refugees have fled very dangerous conditions at home. The decisions they make on when they leave are quickly made and primarily based on trying to find safety. What is more, all of the refugee children and young people we interviewed said family reunion was not part of their decision making. The UK recognises these children as refugees or in need of Humanitarian Protection. And it recognises the need for adult refugees to have refugee family reunion, and all the benefits it brings to allow refugees a chance to thrive in the UK. Yet for children, the decision has been made to keep them apart from the ones they love the most, without proper consideration of the detrimental and damaging impact as has on their lives, as demonstrated below and in the following chapter.

2 Without family: Like a body without a soul

'Family is everything, an absolute magnificent thing. When you say family, it is simple, it is everything. Family is life. They give you inspiration and everything to move forward with this life... I haven't seen my family for nearly three years now. It is a long time and I miss my mum. I cannot explain what this feels like. A mum is, she gives me life... She is like my beating heart. Being without your family, it is like you have a body without a soul. How can I explain that? It is like a car without an engine... I want to be with my family, and I am going to be a really good man. I am going to go far. I can encourage other people and help everyone.'

Habib, 17, from Sudan

WHAT FAMILY MEANS FOR UNACCOMPANIED CHILD REFUGEES

A child's family should play a vital role in the settling in process for young refugees. The family's absence affects a child's safety, hinders their integration into a new society and affects their psychological wellbeing. The children and professionals interviewed for this report stressed the importance of family. The children described their experiences of family life and relationships before leaving their home countries, and how they cope with the absence of family. It was difficult to put into words as Dawit, who arrived from Eritrea at the age of 15, explained:

You just have to survive and thanks to God I have. But to be honest, it is really difficult to describe what it is like to be alone without your family. It is really hard to accept the reality of it. For me, my mum, she raised me, she is everything. She is my doctor, my nurse, my everything... To live without her is really difficult but that is my reality.

The stories the children told show that family relationships – so often taken for granted – cannot be replaced. The majority of child interviewees described coming from loving and stable families. They spoke of the deep bonds they had with them and how their love for their families endures even when they are so far apart. The words of Hemin, a 16-year-old from the Kurdistan region of Iraq, underscore how crucial these bonds are for child refugees:

Family are important, they show you a life. My mum, she teach[es] me knowledge, not to be quiet, she tell me to think about things, we would talk and she would be teaching me. Teaching me respect... I love my mum. I haven't seen my mum for two years... My mum she loves me very much. I am very close with her. She always tells me to look forward, hope, and I do that even though it is hard.

Hemin is supported by Diana, a social worker and operational manager of semi-independent living provision. She says:

Hemin will talk about having an extremely loving family – a mum and dad who really nurtured him. He is a really bright boy, a very sensitive soul, and he was really encouraged to explore. He will talk about family events, where they all cooked and ate out of one big pot, and he talks about having had lots of toys, a scooter, lots of friends, and about loving fishing.

So he had a good family life growing up and then all of a sudden he said, there were bombs in the street, there was rubble everywhere, there were all of these gangs, and he couldn't understand who they were, and he started to feel scared and didn't know who was right or wrong. He looked up to his dad and really admired him, but his dad would go away for months on end to fight.

Hemin shakes a lot – he is a child of war – and his mum would always make sure that when he was scared and shaking that she would sleep next to him... Hemin always says to me that it is the little things that make the big things, when he is talking about his mum.

In interviews, children and professionals stressed that they believed the everyday practices of family life can psychologically protect the child from the traumatic experiences they have experienced. This was one of the most prominent themes on the importance of family reunion that appeared in the interviews: the ‘ordinary magic’ of family relationships, moments, conversations, habits and practices, and how they can be key to psychological recovery and act as a buffer between the child and the world.

Social worker Kelly explained the transformation that reunion with his mother would bring for a Sudanese child she works with:

His father was shot in front of him by Arab militia. He was shot in the head. They shot him in front of his son and the rest of the family. The boy was also tortured as well by the militia before he was finally set free... He has had a lot of loss and a lot of death. A couple of his uncles were also killed in an airstrike and one of his brothers is missing. So he and his family have suffered a lot of loss at the hands of this militia that operates in that part of Sudan, the Janjaweed. And he has been granted asylum so quickly. You can see his torture marks... He has had all this trauma and it would be amazing for his mum to be with him. Just having his mum’s cooking would be amazing for this young lad. He is going to be 17 soon. And it is these small things that would definitely make it easier for him.

Young people and professionals also spoke about the importance of family for other developmental needs, such as education, safety, social reintegration and identity. All highlighted the role of the family in terms of keeping children physically safe but also in terms of supporting children to find their way towards a sustainable life. Eyob, 21, who was 16 when he arrived from Eritrea, said:

Family is really important for everything, for study, for everything, to be your future, to have your future plans... if family is with you... they can help you to do this... they can tell you the right thing to do, to help you to have a good life.

Lotte is a psychologist in the Netherlands, where child refugees have the right to reunite with their families. She told us how the risks of separation from the family compares with the benefits of reunion:

For the Syrian children we see a lot of successful family reunification [in the Netherlands] and it is very, very, very important for the children. Their life starts again when the family is here. Without family, some children become at risk, for example, a boy who was in a closed youth care residence because he was at risk in his behaviour, going with wrong people, criminality, drugs, and when it was clear to him that his father has his tickets to come, he was becoming another child. The impact was so huge. Most of the time we see such enormously happy children. That is the common situation. They really start getting on with their development.

‘...we see a lot of successful family reunification [in the Netherlands] and it is very, very, very important for the children. Their life starts again when the family is here.’

This shows the difference that family reunion can make to child refugees. Professionals who work with refugee children and young people agree that the absence of their families undermines their development and puts them at risk.

They talk about family all the time! Every reference! Every time... 'I am missing my mum. I am missing my family'

HOW A CHILD COPES WITH MISSING THEIR FAMILY

Residential social worker Diana talked to us about Binar, aged 17, who arrived in the UK aged 14 from the Kurdistan region of Iraq. She explained the everyday effect of missing his family:

Every day Binar talks about his mum. Every day. Every day there is a reference to his family, particularly his mum. He worries so much about her. She is elderly and she is on her own... He will say to me, 'Diana, my mum has hair like you' or 'Diana, my mum sews clothes' because I was saying to him that I had a sewing machine... They talk about family all the time! Every reference! Every time... 'I am missing my mum. I am missing my family'. And if we try to sort of distract them with an activity or busy them doing something else, nope, nope, it never works. It never works.

Habib, 17, from Darfur, Sudan, explained how the absence of family affected him:

It is really hard, that is all I can say. Something burning from inside you but you cannot switch it off and you cannot avoid it as well... It is something that you cannot forget about. You can cover it, but you can't forget. You can act, you can pretend, but from inside, yes, you can smile, but people don't know the inside of the person. He looks really happy but is only a fake smile. It is deep. A deep impact.

Children feel that they shoulder a huge burden; they are safe from what they fled but the cost is to live with uncertainty and fear for their families. Our interviews reveal extraordinary expressions of this absence; a preoccupation with the safety of families and constant anxiety about whether they are still alive. Residential social worker Diana said:

Arman, he will talk daily about it. He is obsessed. He will look at YouTube videos about what is happening in Afghanistan and the reporting there because he doesn't feel that he is getting a true representation in the news so he goes on all of these channels and he will come downstairs and he will say: 'Diana, 100 people have died in Afghanistan, do you think one of them is my mum? It is near the area where she lives (or where she used to live, or where we used to live). Do you think it could be her? Do you think she could still be alive? How can I find out, what can I do?' And I have to say, 'I really don't know Arman.'

Legal representative Mila works with a boy from Kabul who is desperately worried about his younger brother who is living alone in Afghanistan:

This young 17-year-old boy in England is trying to find a way to get his 12-year-old brother to safety and even then, how does a young boy in England get his brother to a place of safety in Kabul? Knowing that family are unsafe is a barrier to young people feeling balanced and feeling stable, always having to fight with the worry about close family. They feel a sense of responsibility because they are nominally safe.

The lack of family reunion rights for children in the UK makes it difficult for children to deal with these fears and anxieties. The system renders them almost powerless to do anything to try to save their family from danger. Helen Johnson, Head of Children's Services at the Refugee Council explains:

Lots of the children we see try their best to settle in to their new lives in the UK and they do remarkably well. But for many their minds are never far from home; they worry about siblings and parents who are left behind and this can stop them from really being able to recover from their experiences and feel part of the society they have joined. For some this will result in severe emotional difficulties and inhibits them feeling like they really belong and can settle here. Others try not to think about surviving family members but the yearning for family remains.

Evidence shows that child refugees experience multiple traumatic events, in addition to the cumulative stress of displacement, and are much more vulnerable to psychological distress than non-refugee children.²² More specifically, the evidence shows that children's separation from the protection of their families may amplify the vulnerabilities caused by displacement.²³ Our findings clearly support this conclusion and highlight the interaction between poor mental health and the loss of and longing for families.

Binar, 17, from the Kurdistan region of Iraq, recalls his initial experiences in this country:

I was taken to the hospital because I was mentally in a very bad state. I had a bad experience. They prescribed me very strong tablets. They prescribed me tablets and injections... My life changed after I went to hospital. I became a different person... I had such a tough experience... it was because I got separated from my family and I was thinking about them all of the time.

Mental health

Recent research from The Children's Society confirmed that child refugees in the UK experience severe mental health problems:

The mental health needs of unaccompanied young people can result from the stresses of pre-migration events, the journey itself or post-migration experiences. They typically range from difficulties in integrating, building relationships and adapting to their new life, to severe psychiatric issues such as sleep disorders, depression, psychosis and bipolar disorder (among others). The report highlights how children face a number of barriers to accessing mental health support; with their needs often unidentified and a lack of training among paediatricians, GPs, social workers and others.²⁴

UNACCOMPANIED CHILDREN: LOST IN THE SYSTEM?

The domestic legal framework offers limited care and protection to unaccompanied child refugees. And what does exist is not always appropriately implemented by the various agencies and professionals involved. People we interviewed explained how this creates problems in practice.

First, there is no universal system of legal guardianship for unaccompanied children across each of the administrative jurisdictions of the UK. Scotland and Northern Ireland provide for independent guardians for unaccompanied children seeking asylum, but in England and Wales the system only provides independent advocates for unaccompanied children who have been, or may be, trafficked, rather than for all unaccompanied children.²⁵ Guardianship for unaccompanied children who are refugees or seeking asylum is a legal requirement in a number of international laws and EU directives.²⁶

Second, while the majority of unaccompanied child refugees in the UK will become 'looked after children' and 'accommodated' under Section 20 of the Children Act (1989),²⁷ or receive similar provision in Wales, Scotland and Northern Ireland,²⁸ the obligations on local authorities under Section 20 do not extend to parental responsibility as set out in Section 31 of the Act. The duties under section 20 require the local authority to provide care for a child and to plan for their future, but as there has been no formal court intervention making the decision for the local authority to provide the care, it has slightly less legal standing. Few local authorities routinely use Section 31 care orders (where the court orders that the local authority takes on the care arrangements) for unaccompanied child refugees, so no-one formally takes parental responsibility for them.

The report highlights how children face a number of barriers to accessing mental health support; with their needs often unidentified

Children don't have a right to a legal guardian... there is no one with parental responsibility looking out for them

Interviewees expressed concerns that gaps in law and practice create a vacuum of belonging and protection for many unaccompanied children so that no one has responsibility for their everyday lives and circumstances beyond the statutory duties of Section 20. Many of our interviewees raised concerns about this. Marianne, policy advisor for a UK NGO, said:

We know that children who are separated from their families don't have such good outcomes, so children are having to deal with that, and the problem in England and Wales in particular is that there is no form of legal guardianship. Children don't have a right to a legal guardian. They are also not put under a care order, so there is no one with parental responsibility looking out for them and we continue to make this point but no-one listens. Local authorities are not always doing what they need to be doing to take that responsibility and not just in terms of care orders but helping children through all the different processes. If they had parents here many of these responsibilities would be taken off the child.

Some children are fortunate enough to encounter committed individuals who go the extra mile in their work to try to compensate for these gaps. Indeed, the professionals we interviewed expressed a deep humanitarian commitment to unaccompanied child refugees and described how this manifests itself in their work. Some of the children and young people also highlighted the ways in which adults around them played a crucial role in their lives. Some said that foster carers, social workers and even befrienders, felt like their 'mums' or 'dads'.

When this happened, children and young people said they felt as if they 'belonged' with these carers and professionals and were being reclaimed by adults that they could trust and rely on. These dependable people helped them to shoulder the twin burden of trauma and separation. Arman, aged 16, explained how he relies on his carers:

I share this issue of finding my family with everyone, my social worker, foster carer and everyone that belongs to me or I belong to them, so I share this issue that I have lost my mum and I want to find her.

Local authority professionals consulted for this report explained that foster care was the preferred option for unaccompanied child refugees, in recognition of the importance of family life for the well-being and adjustment of children. When foster care placements succeeded and children integrated into their foster families, social workers spoke of young people asking to 'stay put' as they transitioned into leaving care arrangements at the age of 18. This is in line with UK Government policy to offer 'looked after' children and their carers a chance to continue living in their placement beyond 18, to ease their transition to independent adult living.

There were also accounts – although this was not the main pattern – of foster carers and social workers facilitating regular contact between unaccompanied children and their families in their countries of origin. Where family contact was possible, people spoke of foster carers and social workers trying to balance the children's two worlds: their families back home (with the continuity, emotional safety, cultural identity, language, shared memories and faith that they bring) and their new world, life in the UK with its physical safety but lack of familiarity. Social worker Jenna explained:

I have two children that Skype their family regularly, but it is not enough for them. They are very attached to their parents. They speak every day. They are typical teenagers, my goodness, but they make time every day, and if they are doing things, like cooking for their foster families – these boys live together – they both have their mums on the phone at the same time. They are both from Iran and the mums join in and it is lovely for them but they are desperate to see them. They talk about them all the time.

In a few cases, social workers and foster carers had been able to involve families directly in decision-making processes about the care and protection of their children. Professionals spoke of working with parents to help address difficulties for their children, with the parents being the only adults the children would listen to. However, the proportion of children who can contact their families is small, given the context of conflict, bereavement and migration, and the fears children have about letting the authorities know where their family is.²⁹ Interviews with social workers for this research suggested that between 15 and 20 per cent of unaccompanied child refugees they work with managed to contact their families.

Social worker Lucy said:

We do try to get our young people to talk about their families. We try to get them to establish contact. For some of those young people we do have contact numbers for family, and we will try and phone, get them to phone home, just to let their family know that they are safe.

Our interviewees saw ‘family work’ as being at the heart of good child protection and social care practice with unaccompanied children. The fact is that refusing family reunion flies in the face of all the evidence about what is in the best interests of the child and what will produce the best outcomes for unaccompanied child refugees.

A MIXED PICTURE OF CARE FOR UNACCOMPANIED CHILDREN

This research was not an investigation into the range of quality of care for unaccompanied children, let alone specifically the different approaches taken by social work professionals in engaging in ‘family work’ with separated children nor how they might go about thinking and talking about families generally. However, while the interviews for this report highlighted good practice in terms of foster and social care, they also showed that some child refugees have a less positive experience.³⁰ Orhan, aged 18, from Syria, said:

I was living with another boy. We had a key worker and not foster family and it was hard for us because I didn't have any contact with my family... We had our key workers who should teach us how to live but most of the time they just say ‘Be careful, don't go out.’ Their advice was for us to stay at home and this makes us feel really upset and mad because when you stay between four walls, you start thinking about many things; especially I came from Syria and I start thinking about the war and what happened... I couldn't sleep properly. I couldn't eat... I saw my social worker three times the first year and didn't see her in 2016 and in 2017 I saw her twice maybe. They ignored us and left us alone.

The professionals interviewed for this report highlighted the positive ways that many unaccompanied child refugees search for and invent their own functional, family-like groups with other young people when the space is left empty by adults. However, they also raised concerns about the risks and consequences they see when this vacuum of belonging happens. They spoke of children, particularly those whose isolation is most acute, being vulnerable to alternative and dangerous forms of belonging with people who could subject them to significant harm, such as through drug-related criminal exploitation, sexual exploitation and unequal and abusive intimate relationships.

Social worker Lucy told us:

Family is a base, it is home. Home is where the family is and the relationships that children need to develop and experience positive outcomes. If you don't have that, if you can't belong, then you give up or you try to attach yourself to other groups, positive and negative... So, some turn to negative people, to people who want to exploit them.

These views on the dangers facing unaccompanied children correspond closely to determinations made at Immigration Tribunals. For example, in *AT and Another in 2016*³¹ the Upper Tribunal made the point that a child displaced outside their country of nationality would be more likely to succeed if reunited with their family and that, without family reunion rights, their contribution to society risks being diminished and the risk of going down dangerous pathways increases.

UK policy on child family reunion has had a devastating impact on these young people; leaving many of them unable to thrive

Research conducted by Oxfam UK and the Refugee Council in 2017-18, although not specific to children, found that reunion with family members aided refugees' integration, while continued separation from key family members had a devastating impact on refugees. In several cases long separation left them feeling unable to rebuild their lives in the UK. Three quarters of the families in that study reported feeling unable to focus on activities essential to integration, such as learning English, because they were preoccupied with worries about family members, felt guilty or were struggling with mental health problems.³²

The UK's policy on child family reunion clearly has had a devastating effect on these young people; leaving many of them unable to thrive in the UK. Without their close family they struggle to move on with their education and to integrate into their local communities. While there is a mixed picture of the care they receive, there is consensus on the irreplaceable nature of family life; how much more settled, supported and safe these young people would be with their close family here. However, the UK's policy not only has a hugely detrimental impact on child refugees but also is in breach of the UK's international obligations, as set out in the next chapter.

The best interest of the child

M, now 19 years old, arrived in the UK as an unaccompanied child aged 16. He had fled Eritrea following the imprisonment of his father, fearing persecution from the Eritrean government. M's mother and younger brother had fled Eritrea separately and were living in Sudan. They had been assisted by the UNHCR to contact the older sibling, and subsequently to travel to Khartoum to apply for entry clearance to the UK. They were refused on the basis there was no provision in the Immigration Rules to allow them to join M in the UK.

The Upper Tribunal found that in this case there had been a disproportionate interference with the young refugee's family life on the part of the Home Office and that this could not be justified, particularly due to the detrimental effect of separation on the family; the strength of the family unit; and the best interests of the child.

3 Child-family reunion: The law

UK LAW ON REFUGEE FAMILY REUNION FOR CHILDREN

In the UK, the Immigration Rules determine which refugees in the UK can sponsor family members to join them and which family members can be sponsored.³³ According to the rules, adult refugees in the UK can sponsor their partners, or their children provided they are under 18.

However, child refugees are explicitly excluded from this provision.³⁴ Unaccompanied child refugees in the UK are excluded from the refugee reunion rules altogether. The policy guidance goes further and explicitly excludes children as eligible sponsors.

Therefore, children can only apply for family reunion outside the Immigration Rules and all applications must make use of the ‘exceptional or compassionate circumstances’ element included in the Home Office’s policy.³⁵ The Home Office has large discretion to grant family reunion outside of the Immigration Rules and in practice, the discretion is exercised very rarely and in recent years significantly fewer such discretionary visas have been granted. So, in practice applications outside the Immigration Rules are usually refused, although some of the refusals are overturned at appeal.³⁶

In 2011, for example, 77 visas were granted outside of the Immigration Rules, some of them in cases where children sponsored parents, or siblings, or both.³⁷ No information is available on how many of these visas were issued to the family members of child refugees. Their number fell to 12 in 2014 and, despite the growing numbers of people seeking asylum in Europe, only 65 family reunion visas were granted outside of the Immigration Rules between 2013 and 2015.³⁸

Given the low numbers of family reunion cases granted outside of the rules, the discretion available to the Home Office clearly fails to tackle the injustice caused to the majority of child refugees by excluding them from having family reunion rights under the Immigration Rules. This is shown by ministerial answers to Parliamentary Written Questions as reported in a joint briefing note by a group of NGOs in 2017.³⁹

The right to respect for private and family life is a fundamental right guaranteed by Article 8 of the European Convention of Human Rights (ECHR). The Human Rights Act 1998 came into full effect in the UK in October 2000; it means that most of the rights in the ECHR are directly enforceable in the UK. The treatment of children who have been granted refugee or Humanitarian Protection status is problematic in the light of the UK’s obligations under Article 8. While the right to family life is a qualified right, and can be interfered with for the purpose of maintaining effective immigration controls, the interference must be proportionate. It is certainly not a right that can only be enjoyed on a discretionary basis under compelling and compassionate circumstances. A refusal to permit reunion of family members with a child refugee can constitute a disproportionate breach of the right to respect for family life under Article 8 of the Human Rights Act. Determinations from Immigration Tribunals also emphasise the failure by the Home Office to abide by its legal obligations to children – both generally and in relation to refugee family reunion.

Article 3 of the 1989 UN Convention on the Rights of the Child requires that the child’s best interests are a primary consideration in all decisions affecting them. This is given effect in UK law by section 55 of the Borders, Citizenship and Immigration Act 2009 (under which statutory guidance is issued).⁴⁰ Section 55 requires that no other consideration can be treated as inherently more significant than the child’s best interests; where those best interests clearly favour a certain course of action, then very strong reasons are required not to follow it.⁴¹

The right to respect for private and family life is a fundamental right guaranteed by Article 8 of the European Convention of Human Rights (ECHR)

In 2016, the then President of the Upper Tribunal (Immigration and Asylum Chamber), Mr Justice McCloskey recorded in *AT and Another (Article 8 ECHR – Child Refugee – Family Reunification) Eritrea* [2016] UKUT 00227 (IAC):

As in so many cases involving children, there is no evidence that the statutory duty imposed by section 55(2) to have regard to the Secretary of State’s statutory guidance was discharged. I readily infer that it was not. This, sadly, seems to be the rule rather than the exception in cases of this kind.

An additional hurdle for children is access to legal representation. Applications under the ‘exceptional or compassionate circumstances’ element of published policy can only realistically be made with help from an expert legal practitioner. The UK Government removed such applications from the scope of legal aid funding in 2013, through the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act. Following a legal challenge taken by The Children’s Society and settled in 2018, the Government agreed to change the law and allow for separated children to benefit from legal aid in immigration matters. The Statutory Instrument signalling the change in law was laid before parliament in July 2019 and came into force on 25 October 2019.⁴² It is too early to judge how this will assist children in finding legal representation for making the applications outside of the Immigration Rules (as is currently the only option for them), as legal representatives need both time and expertise to make these complex applications and the lack of legal practitioners in some areas has been widely reported.⁴³

There is a stark contrast between the UK’s position on family reunion in domestic legislation and policy and the Home Office’s position on reuniting families **outside** the UK, including when the child is in the UK asking for asylum. The Home Office guidance on children’s asylum claims states:

When considering whether adequate reception arrangements are present in the country of return, decision makers must assess whether the child can be returned to their family. Family reunification must generally be regarded as being in the best interests of the child.⁴⁴

Here the importance of family reunion is rightly recognised by the UK as being of primary importance. The UK government appears to hold simultaneous positions of believing that family reunion is in the best interest of a child unless that child is a refugee whose future lies in the UK. This only serves to highlight the injustice of preventing family reunion for child refugees granted asylum in the UK.

At odds with international legal obligations

The legal analysis carried out for this report shows that the UK’s position puts it directly at odds with international law. The family is a protected concept under international human rights law, international humanitarian law, international refugee law and in regional legislation, and family reunion is mentioned in many international and regional legal instruments.

The family and the rights of children to family life in international human rights law

The Universal Declaration of Human Rights in Article 16(3) recognises the family as the fundamental group unit of society and as entitled to protection and assistance.⁴⁵ Additionally, Articles 17 and 23 of the 1966 International Covenant on Civil and Political Rights (ICCPR) establish that everyone has the right to family life and that it should be protected by society and the state.⁴⁶ The Human Rights Committee, which monitors states’ compliance with the ICCPR, has stressed, in its General Comment No. 15, the importance of the family in circumstances of migration: ‘In certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination,

There is a stark contrast between the UK’s position on family reunion in domestic legislation and policy and the Home Office’s position on reuniting families outside the UK

prohibition of inhuman treatment and respect for family life arise.⁷⁴⁷

As a State party of the **UN Convention on the Rights of the Child (UNCRC)**, the UK has an obligation under international law to ensure that all children subject to its jurisdiction have equal access to the rights **enshrined in the Convention** which contains some of the strongest provisions for the protection of a child's right to family unity and the corresponding states' obligations.⁴⁸ Although the UNCRC is not directly incorporated into UK domestic law, domestic legislation including the Children Act 1989 and the Borders, Citizenship and Immigration Act 2009 (section 55) ensure that a child's best interests must be taken into account in all decisions affecting them.⁴⁹

As mentioned earlier in this report, a key provision of the UNCRC is that in all actions concerning children 'the best interests of the child shall be a primary consideration' (Article 3, para 1).

The convention also requires states to ensure that every child receives the 'protection and care as is necessary for his or her wellbeing' through 'appropriate legislative and administrative measures' (Article 3, para 2). Immigration legislation and decisions that prevent reunion of parents and siblings have a direct impact on the wellbeing of children and are generally not in the best interests of the child.

Articles 9 and 10 of the UNCRC also set out the right of children to be brought up by their family: 'A child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interest of the child' (Article 9, para 1). And where a child has been separated from their family, they have a right to family reunion when it is in their best interests. Article 10 states that:

In accordance with the obligation of States Parties under Article 9, Paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family. (Article 10, para 1)

In addition, Article 16 of the UNCRC prohibits any arbitrary interference with the child's family life and Article 22 – the provision relating to children in circumstances of forced migration – places an obligation on states to: 'Trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.'

In its General Comment No. 6, the Committee on the Rights of the Child states that family reunion for unaccompanied child refugees 'wherever possible' is in the child's best interests as a way of overcoming the circumstances of being unaccompanied. It goes on to state that family reunion in the country of origin is not in the best interests of the child where there is a reasonable risk that this would violate the child's human rights. Therefore, unaccompanied child refugees should be reunited with their families in the countries that have given them refuge.⁵⁰ Moreover, the Committee's General Comment No. 14 states that 'When the child's relations with his or her parents are interrupted by migration (of the parents without the child, or of the child without his or her parents), preservation of the family unit should be taken into account when assessing the best interests of the child in decisions on family reunification.'⁵¹

The Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on state obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, states

'Preservation of the family unit should be taken into account when assessing the best interests of the child in decisions on family reunification...'

‘Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents’

that ‘Measures should be taken to avoid undue delays in migration/asylum procedures that could negatively affect children’s rights, including family reunification procedures’.⁵²

Family reunion in international humanitarian and refugee law

International humanitarian law also includes detailed family reunion provisions. The fourth Geneva Convention and its Additional Protocols refer to family tracing and reunification and to an obligation to facilitate family reunification.⁵³

As for international refugee law, while the 1951 Convention Relating to the Status of Refugees does not specifically refer to family reunion, the Final Act of the Conference of Plenipotentiaries which adopted the Convention agreed strong recommendations on family unity.⁵⁴ This includes a clear statement that the unity of the family is an essential right of the refugee and the recommendation that states take necessary measures to protect a refugee’s family members.

The UNHCR defines family reunification as: ‘The process of bringing together families, particularly children and elderly dependents with previous care-providers for the purpose of establishing or re-establishing long-term care.’⁵⁵

The UNHCR’s Executive Committee – of which the UK is an active member – has issued guiding principles that emphasise the significance of family unity and reunification, the need to apply liberal criteria and humanitarian considerations when identifying family members, and the importance of family reunification as a key driver of successful integration. Many recommendations and conclusions by the Executive Committee that exclusively address child refugees directly highlight family unity and family reunification as key needs and principles that are central to the best interests of refugee children and young people.⁵⁶

The Global Compact on Refugees, affirmed by the UN General Assembly in December 2018, also makes reference to family reunification.⁵⁷ Paragraph 95 of the Programme of Action mentions that: ‘Contributions will be sought from States, with the support of relevant stakeholders, to facilitate effective procedures and clear referral pathways for family reunification’. More specifically on children, the Compact states that ‘Capacity development for relevant authorities to undertake best interests determination and assessment to inform decisions that concern child refugees, as well as other child-sensitive procedures and family tracing, will be supported’ (para 76).

THE FAMILY IN EUROPEAN LAW

The UK’s policy on refugee family reunion violates the rights of child refugees set out in regional human rights instruments. The exclusion of children from family reunion rights is inconsistent with the UK’s legal obligations to respect family life under Article 8 of the 1950 European Convention on Human Rights, which was incorporated into domestic law by the Human Rights Act 1998.

The European legal framework establishes a commitment to children’s rights and, more specifically, to family reunion rights for unaccompanied child refugees. For example, Article 24 of the Charter of Fundamental Rights of the European Union (EU Charter) states: ‘Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her best interests.’⁵⁸

The EU Charter also sets out the right to respect for private and family life (Article 7). This Article corresponds to Article 8 (1) of the European Convention on Human Rights, which states that: ‘Everyone has the right to respect for his private and family life, his home and his correspondence.’⁵⁹

Article 10 (3) of EU Directive 2003/86/EC on Family Reunification, known as the Refugee Family Reunification Directive, establishes the right to family reunion, including for

unaccompanied child refugees. According to the Directive, family reunion for unaccompanied child refugees is permitted for: 'a) his/her first-degree relatives in the direct ascending line. b) his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line, or such relatives be traced.'⁶⁰

Denmark, Ireland and the UK have exercised options not to participate in the Refugee Family Reunification Directive. However, of these three countries, the UK has the most restrictive practices on unaccompanied child refugees and is the only country currently in the EU that does has no legislative provisions for unaccompanied child refugees to apply for family reunion.⁶¹

The UK has the most restrictive policies on child family reunion compared to EU countries and these policies are at odds with the UK's legal obligations under national, international and regional human rights law as well as international humanitarian and refugee law. The failure to provide family reunion for children to be reunited with their adult family members does not include full consideration of a child's best interests. The best interests of a child require consideration of a durable solution, which includes reunion with parents and siblings. As a result of this rule and lack of access to legal aid, child refugees in the UK are condemned to live apart from their family, often growing up instead in the UK care system. This puts at risk their safety and wellbeing in the UK.

Being reunited with close family is often critical to a refugee's chances of integration and recovery. Being separated from immediate family is clearly not generally in the child's best interests and is potentially damaging to their welfare and development.

Being reunited with close family is often critical to a refugee's chances of integration and recovery

4 Unfounded and indefensible

This lack of family reunion for child refugees has come under increased scrutiny and criticism from the United Nations, UK immigration courts, parliamentarians and an increasing number of civil society organisations.

UK Government narratives in recent years have sought to argue that it is important to prevent child refugees from considering travelling to the UK in order to claim asylum, ignoring the reality facing most refugees and the difficult decisions they face. Research on the reasons why unaccompanied children migrate in search of asylum, paint a more complex picture of decision making.⁶²

Currently, the UK remains the only country in the EU not to allow child refugees family reunion rights. The Government's position rarely addresses the rights of child refugees already in the UK or the harm done to them by family separation. This differential treatment across European member states is highlighted by Orhan, a young refugee from Syria who questions the fairness of a policy that treats child refugees from the same country differently because they happen to have found safety in the UK:

I didn't understand because I have many friends in Germany and different places in Europe, I was before them in the UK and they just came to different countries, like Germany, and they brought their families in just a few months and they were able to do it... why I cannot bring the family to the UK? The family should always be together, so why not in the UK?

In February 2018, the UK Government requested information from other EU member states about the impact of their refugee family reunion policies; this included a question on child sponsors and asked whether the country concerned allowed child refugees to sponsor parents and other relatives.

Twenty-two countries (including the UK itself) responded. Some countries introduced child sponsors into law or policy before the European Refugee Family Reunification Directive, including several that explained that there had never been a restriction to this effect.

The responses are not conclusive in measuring the impact. There was very little assessment of the impact on public services or the cost to the governments of these measures. Interestingly one of the few countries to give any information regarding the analysis of cost implications was Italy, which reported that they have seen no financial effect on public resources.

Some statistics are available on how many family members have been allowed to join their children under the Family Reunification Directive; several countries reported zero or negligible numbers; some gave numbers for applications and refusals as well as grants. Comparison of these numbers should be treated with extreme caution as the systems across EU member states (and the four additional countries comprising the EEA) are not comparable. For example, as can be seen below, children born in Belgium to refugee parents are included in refugee family reunion applications; in the UK this is not the case.

Belgium provided data from 2012 to 2016. In a total of family reunion visas issued in 2016, 12,763 were for dependent children (including 6,652 for children born in Belgium), 3,671 were for spouses and only 40 for family members in the ascending line, including parents.

Some responding countries also mentioned that their policies on refugee family reunion had

The UK remains the only country in Europe not to allow child refugees family reunion rights

changed over time, which would in all likelihood change the numbers of family members reunited. Finland responded that in the late 2000s applications for family reunion rose from unaccompanied children, and since then there have been many more refusals than visas issued. Between 2013 and 2017, 58 such permits have been granted to family members where the sponsor was a child.

Sweden was among the countries with the highest number of family members who had reunited with children in this way. France and Germany gave no numbers for child sponsors. A significant number do not count the family members of children separately from adults; this could be because in those countries there is no differential treatment for adult and child refugees as there is in the UK.

The UK Government did not announce the results of this enquiry in the UK, although it coincided with discussions with NGOs and pressure from parliamentarians to change the rules through two Refugee Family Reunion Bills in the House of Commons⁶³ and House of Lords.⁶⁴ Nor does it appear to have influenced the Government's explanation for its policy, based on a supposed need to prevent children making dangerous journeys to the UK in search of safety. For example, on 28 November 2018, a Home Office Minister stated in parliament:

Widening the [family reunion policy] to allow children to sponsor family members would create additional motives for them to be encouraged, or even forced, to leave their family, and risk hazardous journeys to seek to enter the UK illegally. This would play into the hands of criminal gangs who exploit vulnerable people and goes against our safeguarding responsibilities. The Government believes that the best interests of children are reflected in their remaining with their families and claiming asylum in the first safe country they reach; this is the fastest route to safety.⁶⁵

The UK Government's policy and the lack of evidence to support it have faced criticism from human rights bodies, parliamentarians and Immigration Tribunal judges. The report of a House of Lords Select Committee Inquiry on unaccompanied minors in the EU stated:

We found no evidence to support the Government's argument that the prospect of family reunification could encourage families to send children into Europe unaccompanied in order to act as an 'anchor' for other family members. If this were so, we would expect to see evidence of this happening in Member States that participate in the Family Reunification Directive. Instead, the evidence shows that some families are reluctant to seek family reunification, for fear that it may place family members in danger.⁶⁶

In the House of Commons, the Home Affairs Select Committee said:

It seems to us perverse that children who have been granted refugee status in the UK are not then allowed to bring their close family to join them in the same way as an adult would be able to do. The right to live safely with family should apply to child refugees just as it does to adults.⁶⁷

The UN's Committee on the Rights of the Child has consistently raised the issue of family reunion for unaccompanied children in its Concluding Observations on various country reports. In its most recent observations to the UK, in 2016, it recommends that the UK Government:

review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State Party.⁶⁸

'We found no evidence to support the Government's argument that the prospect of family reunification could encourage families to send children into Europe unaccompanied'

Even the UK Government's own response acknowledged that it does not have the evidence to support its theory that more children would make dangerous journeys to the UK if the refugee family reunion policy was to change. In its response to the House of Lords Select Committee Inquiry on unaccompanied minors in the EU, the UK Government said:

There are a range of factors that encourage people to choose where to claim asylum, including the very real "push factors" of conflict in their country of origin. As such it is difficult to provide clear evidence of the impact of any one policy.⁶⁹

The UK Government also consistently recognises the vulnerability of child refugees and those seeking asylum and has done much to stress their need of care and support in the absence of their parents. The Department for Education and Home Office Joint Safeguarding Strategy published in November 2017 states that:

Unaccompanied asylum seeking and refugee children can be some of the most vulnerable children in our society. They are alone and in an unfamiliar country, at the end of what could have been a long, perilous and traumatic journey. Some of these children may have experienced exploitation or persecution in their home country or on their journey to the UK. Some may have been trafficked, and many more are at risk of being trafficked, being exploited in other ways, or going missing once they arrive in the UK... We must remember that they are children.⁷⁰

A refusal to permit the family members of such child to enter and remain in the United Kingdom may constitute a disproportionate breach of the right to respect for family life

Despite recognising these risks to children, the UK Government has, to date, been unwilling to take this into account in its policy on refugee family reunion for children. Instead, by allowing children to remain separated from their parents, the government leaves them at greater risk of exploitation and harm.

The Upper Tribunal in the UK has also been critical of the Government's position. Mr Justice McCloskey overturned a decision to refuse the application made by a 19-year-old, who had been recognised as a refugee when he was 16, to be allowed to sponsor his mother and brother to join him in the UK. The headnote of the decision in *AT and Another* states:

While the Immigration Rules make no provision for family reunification in the United Kingdom in the case of a child who has been granted asylum, a refusal to permit the family members of such child to enter and remain in the United Kingdom may constitute a disproportionate breach of the right to respect for family life enjoyed by all family members under Article 8 ECHR.⁷¹

One of the arguments the UK Government put forward in support of the initial decision was that it was in the public interest not to allow the family reunion application. The government argued that other would-be child refugees 'would be at risk of trafficking and exploitation in their quest to reach the UK'. Mr Justice McCloskey, president of the UT at the time, rejected these arguments stating the 'There is no evidence underlying [them]'. Indeed, elsewhere in the judgment he says that allowing reunification would in fact 'promote, rather than undermine, the public interest'.⁷²

The Immigration Rules and policy guidance were not changed as a result of this case, although the authors are aware, though their work and discussions with legal representatives, that there are a number of unreported judgments (successful appeals) overturning the refusals to allow family members to join unaccompanied children.

EVIDENCE FROM OTHER COUNTRIES

This report highlights the severity of the impact of the UK Government's policy on the lives of child refugees, lives already beset by conflict, persecution and trauma. Yet, despite consistent challenges and calls for the UK to change these unfair rules, the Government remains absolute

in its position to keep these families apart. Even when the basis of such a policy has been shown to be without evidence, the UK continues to keep child refugees far from their loved ones. Its policy relies on unfounded fears that to allow child refugees in the UK the right to be with their close family might incentivise other children who are fleeing conflict and persecution to make dangerous journeys to the UK. The UK ignored the challenges over this issue from NGOs, parliamentarians, the UN and the immigration judgements. And the UK also ignores evidence that paints a very different picture from other EU countries where family reunion for children is allowed.

As already mentioned, the ad hoc enquiry to other EU member states in 2018 revealed little analysis of the impact on government budgets or on the numbers of children making asylum applications in the years following introduction of the directive allowing children to bring family members to the country that had provided international protection to the child. This is unsurprising, given that so many other factors influence the numbers of asylum applicants; no more so when the numbers of people seeking protection in Europe increased very steeply in 2015. Policies changed rapidly during this period, including refugee family reunion policies, so it is not possible to discern the different impact of these factors.

Statistics need to be analysed carefully and read in conjunction with qualitative analysis and commentary, particularly through academic research. If statistics alone are examined, the situation reflects that of the responses to the ad-hoc enquiry – there is almost no evidence to suggest a relationship between refugee family reunion rights and numbers of people seeking international protection. For example Ireland, like the UK, did not adopt the European Directive but introduced domestic policy in 2016 (when the 2015 International Protection Act came into force) allowing for children to sponsor family members. Ireland saw no significant change in numbers of child asylum applicants in the two years prior to the new law and the two years following its introduction.

Norway, in its response to the ad-hoc European Migration Network enquiry, stated that no research had been conducted that could determine the impact on immigration patterns of child refugees applying for family reunion. However, researchers uncovered data that offers some insight. Data from Statistics Norway for the years 1990 to 2015 shows that only 12 per cent of unaccompanied child refugees sponsored the entry of family members into Norway. In absolute numbers, around 800 unaccompanied refugee minors managed to bring 1,125 family members into Norway.⁷³

Interviewees in the UK suggested that a similar pattern may emerge in the UK if family reunion rights are established for unaccompanied child refugees. Debra, a legal advisor and policy officer, told us:

In Scotland where... hundreds of children have been supported we have had very little ask around family reunification – three or four – a handful of cases and I guess the same would go elsewhere. I would be surprised if anyone said that 90 per cent of children are asking for their families and there is no indication from our practice that something like that would happen.

The data available, combined with the testimonies of children impacted by these policies, show that allowing children to have the same rights as adult refugees to be reunited with their close families in safety would be a simple change, for a small number of children. But it would be a change that would have a transformational impact on their lives.

5 Conclusion and recommendations

IMAGINE IT WAS YOUR CHILD

The children and young people interviewed for this report were asked what messages they would like the UK Government to hear about the impact of the Immigration Rules on their lives. Without exception, they all invited the Government to imagine themselves or their families in a similar situation to their own:

If the people who work in the Government... if they pretend that their child is here, and they are out of the country, so then they will realise what is the importance of family. How hard is that? If they feel this, they are going to know themselves why family is important.

Arman, aged 16, from Afghanistan

Just imagine yourself that someone takes you from somewhere and puts you somewhere else, for example, a desert in the Sahara. And you have got no language, no nothing. And they say, 'live your life without your family, without anything'. It is really hard to start, you know.

Habib, aged 17, from Sudan

Family reunion. It is really important. You can't imagine how important it is. Because you are in another country and you don't know anything about [your family] ... You don't even know if they are going to be alive or dead. It is important to have your family here because you feel good – communicating, laughing, joking... if the Government accept this reunion then many young people, they will be happy, they won't get depressed, and I know many people who have injured themselves... they want to feel as you feel with your children and your parents.

Rifat, aged 17, from Syria

I want them to imagine if they left their children far away from them and they want to get them. What they would do?

Orhan, aged 18, from Syria

Our young interviewees highlighted the importance of family reunion for mental health, wellbeing and integration. They spoke of the family as the carrier of their hopes and ambitions, best able to support and sustain them as they seek to integrate, develop a sense of belonging and rebuild their lives. They emphasised the family's value to society and the value of family reunion. Pamir, 17, from Afghanistan, put it this way:

I am a person who wants to see peace – to see my country safe and secure and to see it with a peaceful future. After that I want to go through my higher education and be a medical doctor – a surgeon. But without my family it is difficult. I always think about my mum and dad and when I am at school, college, and the thoughts come to me and I cannot study. I cannot concentrate on my lessons... If they are able to come here and live peacefully then my life will definitely change. My mind will be OK that I have my family beside me who are safe and always supporting me.

THE BEST INTERESTS OF THE CHILD

This report has shown how unaccompanied child refugees in the UK are being denied the right to family life and to seek family reunion. The UK's refusal to ensure they enjoy this right unfairly compromised children's lives in the UK. Time and again the children and professionals we interviewed underscored the crucial role that families play in ensuring the wellbeing and educational progress of child refugees.

The UK Government's refusal to guarantee a child's right to refugee family reunion is in breach of its national and international obligations: it is failing to fulfil its commitment under the UN Convention of the Rights to the Child to ensure that the best interests of the child guide its policies and practices. In some cases, it has also been found to be in disproportionate breach of the right to respect for family life under Article 8 of the Human Rights Act. Moreover, when it comes to family reunion, the UK stands alone among European countries in its disregard for the best interests of child refugees. The devastating impact of the UK position for those children and their families has been clearly demonstrated in this report.

The arguments the UK Government puts forward for denying these rights revolve around an unfounded fear of encouraging dangerous journeys by more children seeking asylum. Nothing in our research, or indeed in the wider research into this issue, supports this contention.

The experiences of other countries show that family reunion policies and practices that are in line with international standards and commitments can improve the outcomes for children.

The UK Government must take urgent steps to reverse its policy and replace it with an evidence-based approach that is consistent with its commitments under international and regional law, as well as decisions from its own national courts. And this new approach must have the best interest of the child at its heart.

RECOMMENDATIONS

To the UK Government

In line with its obligations under international human rights law, and the UN Convention on the Rights of the Child, the UK Government should ensure that the best interests of the child are a primary consideration in all decisions and actions concerning child refugees.

The Home Office should:

1. Permit the right to family reunion for unaccompanied children with international protection needs when this is in their best interests. This right should be formalised within the Immigration Rules for those with Humanitarian Protection status as well as for those recognised as refugees.
2. Ensure that family reunion rights are made accessible to former unaccompanied child refugees who are now over 18 years of age.
3. Commit to a broad enough definition of family for unaccompanied child refugees to enjoy their right to family life and to include child siblings and any legal or customary care givers in their country of origin.

To local authority service providers

Undertake further research and consultation with social work professionals on best practice in respect of the therapeutic and practical ways to support the family-related needs of unaccompanied child refugees. This evidence should be integrated into national and local social work training and training standards to ensure that best practice in this area is systematically and consistently applied.

Appendix

Asylum applications from unaccompanied children across EU and EEA Member States, 2014 to 2018

Source: Eurostat

	2018	2017	2016	2015	2014
Belgium	750	735	1,020	2,545	470
Bulgaria	480	440	2,750	1,815	940
Czech Rep	10	5	0	15	5
Denmark	240	460	1,185	2,125	815
Germany	4,085	9,085	35,935	22,255	4,400
Estonia	0	0	0	0	0
Ireland	15	30	35	35	30
Greece	2,640	2,455	2,350	420	440
Spain	75	20	30	25	15
France	740	590	475	320	270
Croatia	25	40	170	5	10
Italy	3,885	10,005	6,020	4,070	2,505
Cyprus	260	225	215	105	50
Latvia	5	10	5	10	0
Lithuania	0	0	0	5	5
Luxembourg	35	50	50	105	30
Hungary	40	230	1,220	8,805	605
Malta	5	5	15	35	55
Netherlands	1,225	1,180	1,705	3,855	960
Austria	390	1,350	3,900	8,275	1,975
Poland	125	115	140	150	185
Portugal	40	40	25	50	15
Romania	135	265	45	55	95
Slovenia	555	390	245	40	65
Slovakia	10	10	0	5	10
Finland	105	175	370	2,535	195
Sweden	900	1,285	2,160	34,295	7,045
United Kingdom	3,060	2,205	3,175	3,255	1,945
All 28 Countries	19,835	31,400	63,240	95,210	23,135
Iceland	5	10	20	5	0
Liechtenstein	0	0	5	5	0
Norway	145	175	270	4,790	940
Switzerland	435	765	1,985	2,670	775
EEA 4	585	950	2,280	7,470	1,715

All numbers rounded to the nearest five

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WITHOUT MY FAMILY

The impact of family separation on child refugees in the UK

Every child should be able to live safely with their family. But when disaster strikes, children may need to seek safety from conflict or persecution, leaving their families behind. A few of these children find safety in the UK – where unfair immigration rules make their separation from family permanent.

The UK allows adult refugees to sponsor their immediate family to join them, but denies this right to children. In this report, young people affected by this policy reveal its devastating impact on their lives. They must try to build a future, but are dogged by constant anxiety about the fate of their parents and siblings, and keenly feel the absence of family love and support. The young people's testimony is backed up by accounts from the professionals who work with them.

The UK keeps some of the most vulnerable children apart from their families at a time when they need them most. This policy is not justified by any evidence and is directly at odds with international human rights law. It is time to change the rules, and to put children's best interests first.

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