

# **Refugees (Family Reunion) (No. 2) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Public Bill Office on behalf of Angus Brendan MacNeil MP, are published separately as Bill 13-EN.

# **Refugees (Family Reunion) (No. 2) Bill**

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## CONTENTS

- 1 Refugee family reunion
- 2 Legal aid
- 3 Extent, commencement and short title

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**B I L L**

TO

Make provision for leave to enter or remain in the United Kingdom to be granted to the family members of refugees and of people granted humanitarian protection; to provide for legal aid to be made available for such family reunion cases; and for connected purposes.

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

**1 Refugee family reunion**

- (1) The Secretary of State must, within 6 months of this Act being passed, lay a statement of changes in rules under section 3(2) of the Immigration Act 1971 (the “immigration rules”) to make provision for refugee family reunion in accordance with this Act. 5
- (2) The statement made under subsection (1) must set out rules on the admission to the United Kingdom of family members of a person granted refugee status or humanitarian protection.
- (3) In this Act, references to refugee status or humanitarian protection are to be read in accordance with the interpretation of those terms as set out in the immigration rules. 10
- (4) In this Act, “family members” include a person’s —
  - (a) parent, including adoptive parent;
  - (b) spouse, civil partner or unmarried partner;
  - (c) child, including adopted child, that is either — 15
    - (i) under the age of 18, or
    - (ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left the country of their habitual residence in order to seek asylum;
  - (d) sibling, including adoptive sibling, that is either — 20
    - (i) under the age of 18, or

- (ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left the country of their habitual residence in order to seek asylum; and
- (e) such other persons as the Secretary of State may determine having regard to –
  - (i) the importance of maintaining family unity,
  - (ii) the best interests of a child,
  - (iii) the physical, emotional, psychological or financial dependency between a person granted refugee leave or humanitarian protection and another person,
  - (iv) the circumstances in which a person is living in the UK or elsewhere and any risk to that person’s physical, emotional or psychological wellbeing arising from those circumstances, or
  - (v) such other circumstances as the Secretary of State considers relevant.
- (5) For the purpose of subsection (4) references to –
  - (a) any relationship arising from adoption includes circumstances of de facto adoption, in accordance with the interpretation of the term “adoption” as set out in the immigration rules;
  - (b) the “best interests” of a child shall be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child.

## 2 Legal aid

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows.
- (2) *After paragraph 30 (immigration: right to enter and remain) insert –*
  - “**30A Refugee family reunion**
  - Civil legal services provided in relation to an application for leave to enter or remain on the basis of rules laid by the Secretary of State under section 3(2) of the Immigration Act 1971 for the purposes of refugee family reunion within section 1(1) of the Refugees (Family Reunion) (No. 2) Act 2018.”*

## 3 Extent, commencement and short title

- (1) Section 1 and this section extend to the whole of the United Kingdom.
- (2) Section 2 extends to England and Wales.
- (3) Section 1 and this section come into force on the day on which this Act is passed.
- (4) Section 2 comes into force at the end of the period of two months after the day on which this Act is passed.
- (5) This Act may be cited as the Refugees (Family Reunion) (No. 2) Act 2018.

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