

[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

Refugees (Family Reunion) Bill [HL]

[AS BROUGHT FROM THE LORDS]

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[AS BROUGHT FROM THE LORDS]

A

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; and to provide for legal aid to be made available in such cases.

BE IT ENACTED by the King'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 section coming into force, lay before Parliament a statement of changes in the rules (the “immigration rules”) under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days. 5
- (2) Before a statement of changes is laid under subsection (1), the Secretary of State must consult with persons he or she deems appropriate.
- (3) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person granted refugee status or humanitarian protection. 10
- (4) The rules under subsection (1) must—
 - (a) lay down no practice which would be contrary to the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; and 15
 - (b) apply equally in relation to persons granted any protection status.
- (5) For the purposes of subsection (4), “protection status” means leave to enter or remain that is granted to a person for the purposes of compliance with the United Kingdom’s obligations under—
 - (a) the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; or 20
 - (b) Article 3 of the European Convention on Human Rights.
- (6) In this section, “family members” include a person’s—
 - (a) parent, including adoptive parent;
 - (b) spouse, civil partner or unmarried partner; 25

- (c) child, including adopted child, who is either –
 - (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 their country of residence to seek asylum; 5
- (d) sibling, including adoptive sibling, who is either –
 - (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 their country of residence to seek asylum; and 10
- (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 status or humanitarian protection and another person, 15
 - (iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or 20
 - (v) such other matters as the Secretary of State considers appropriate.
- (7) For the purpose of subsection (6) –
 - (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules; 25
 - (b) “best interests” of a child is to be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child.

2 Legal aid 30

In Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), after paragraph 30 (immigration: rights to enter and remain) insert –

“Refugee family reunion

- 30A Civil legal services provided in relation to an application for leave to enter or remain on the basis of rules laid down by the Secretary of State under section 3(2) of the Immigration Act 1971 for the purposes of refugee family reunion as set out in section 1 of the Refugees (Family Reunion) Act 2023.” 35

3 Extent, commencement and short title 40

- (1) Section 1 and this section extend to England and Wales, Scotland and Northern Ireland.

- (2) Section 2 extends to England and Wales only.
- (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 beginning with the day on which this Act is passed. 5
- (5) This Act may be cited as the Refugees (Family Reunion) Act 2023.
- (6) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.** 10

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