

## Written Evidence submitted by the British Red Cross to the Immigration and Social Security Co-ordination (EU Withdrawal) Public Bill Committee

28 February 2019

---

### Executive Summary

- The British Red Cross is the biggest independent provider of support and advice to refugees and people seeking asylum in the UK. As such, the implications and outcomes of the Immigration and Social Security Co-ordination Bill are of significance to our policy work and the 32,000 people at all stages of the asylum process that we support each year.
- Our submission therefore sets out two specific recommendations to the Government on **Immigration Detention** and **Refugee Family Reunion** as well as additional opportunities at hand from restoring legal aid for family reunion and expanding alternatives to detention that could substantially improve the welfare of refugees and those seeking asylum in the UK.
- Our recommendations correspond to two amendments ruled in scope of the Bill - **New Clause 1** and **New Clause 53**. The objective of each respectively is to:
  - a) Introduce a 28-day time limit on how long someone can be detained for immigration purposes such that detention is only ever used as a last resort and for the shortest possible time.
  - b) Expand the rules to allow more refugee families to be reunited legally and in safety in the UK.
- While refugees and the asylum system are not the primary focus of the Immigration and Social Security Co-ordination Bill, the Bill represents a platform from which to debate amendments to legislation and the current immigration rules that - if implemented - would secure real change for people seeking safety in the UK.
- Family reunion is the process by which refugees can formally be reunited with their family members not already in the UK. It is a safe and legal route to bring families separated by war, famine or persecution back together. Due to restrictive rules about who is eligible many people including unaccompanied minors are not allowed to reunite in this way.
- At any one time in the UK, around 2,500 people are detained under immigration powers. These are individuals held not because they have committed a crime, but solely for immigration purposes. The UK is the only European state where people can be detained in an immigration removal centre with no maximum time limit. Research by the British Red Cross has laid out the degree to which detention can have a detrimental impact on peoples' mental health and prospects for integration.

### About the British Red Cross

- The British Red Cross helps millions of people cope with all kinds of crises. In the UK this includes emergency response, independent living services, first aid education and refugee support. We are powered by over 19,600 volunteers in the UK and nearly 3,900 staff.
- The British Red Cross is the biggest independent provider of support and advice to refugees and people seeking asylum in the UK. Every year we help over 32,000 people at all stages of the asylum process, half of whom experience destitution. The British Red Cross has destitution services in around 50 towns and cities across the UK, providing basic support to those not in receipt of any support from statutory services.

- We are part of the world's largest humanitarian network, the International Red Cross and Red Crescent Movement, which has 17 million volunteers across 191 countries. This gives us a unique ability to respond to humanitarian crises around the world – with a local presence responding in almost every country, combined with a global network able to mobilise and coordinate exceptional responses to emergencies.

## Expanding the rules for Refugee Family Reunion

### Overview

1. [Family reunion](#) is the process by which refugees can formally be reunited with their family members not already in the UK. **In 2018 the British Red Cross supported 2,127 individuals from 989 families to reunite in safety in the UK**, and everyday see the positive difference it makes. For many refugees, being reunited with family members is a priority and prolonged separation has a negative impact on both mental health and integration prospects. Home Office statistics show the importance of family reunion as a safe and legal route for families to be reunited.

Year	Number of Visas Granted
2015	4849
2016	6039
2017	5199
2018	5900

Source: Home Office Quarterly Immigration Statistics

### Restrictions to family reunion

2. Due to restrictive rules about who is eligible many people are not allowed to reunite in this way. Current UK immigration rules state that adult refugees in the UK can be joined via family reunion by their spouse/partner and their dependent children who are under the age of 18. The restrictions mean, for example, that parents are not automatically able to bring their child who has turned 18 to the UK, even if that child is still dependent on them and has not yet married or formed their own family. While the family reunion guidance does allow some cases outside of the rules to be granted in exceptional circumstances, in reality this rarely happens.
3. Furthermore, unlike adult refugees, children who are in the UK alone and who have refugee status have no right to be reunited with even their closest family members. These are children who have often endured hardship and trauma and who have been recognised by the Government as having a right to stay in the UK. They now find themselves alone in an unfamiliar country and must now navigate the immigration system themselves. The Government argues that granting refugee children the right to sponsor family members to come to the UK will have a pull-factor effect and incentivise or force more children to make dangerous journeys to the UK. However, there is no evidence to support this claim and in every other EU Member State, refugee children can sponsor close relatives to join them.
4. In the twelve months before September 2018 for instance, 811 separated children were granted asylum in the UK, over a quarter of whom had fled Eritrea. These children have been recognised by the Government as being in need of international protection where it is not safe for them to be returned to their home country. Where possible and when it is in their best interests, children should be able to be with their parents. Granting separated children family reunion rights would allow this to happen.

## Impact of removal of Legal Aid

5. Successfully applying for refugee family reunion can be very complex, especially for people who have been forced to leave their homes and often do not have the official documentation needed to support an application in their possession. The process was made harder still in 2013 after the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) removed state funding to assist with family reunification applications for refugees in England and Wales. This funding previously helped provide legal counsel, DNA reports and interpreters. The Government's justification for removing it was based on the assumption that family reunion is a straightforward immigration matter. This assertion does not, however, speak to the experience of many applicants and sponsors who organisations like the British Red Cross support. In the absence of legal aid, people with refugee status in the UK can become further vulnerable to destitution and exploitation as they struggle to meet the costs of applying.

## British Red Cross recommendations to the Government

6. The British Red Cross have long urged for Government policy to reflect the need to [keep families together](#). It is recommended therefore that current immigration rules are changed to:
  - a. Expand the criteria of who qualifies as a family member for the purposes of refugee family reunion, including by allowing adult refugees in the UK to sponsor their adult children and siblings that are under the age of 25; and their parents.
  - b. Give unaccompanied refugee children in the United Kingdom the right to sponsor their parents and siblings under the age of 25 to join them under the refugee family reunion rules.

## Statutory time-limit on Immigration Detention

### Overview

7. In 2018, 21,690 people were held in immigration removal centres in the UK. At any one time, around 2,500 people are detained under immigration powers. More than half of those people who are detained, however, are then released back into their communities, calling into question whether their detention was necessary. These are individuals held not because they have committed a crime, but solely for immigration purposes. In the UK, people can be detained in an immigration removal centre with no maximum time limit – it is the only European country to detain people indefinitely.

### Negative impacts of immigration detention

8. The British Red Cross published a report in 2018, [Never Truly Free](#) which captures the mental and physical human cost of being detained. The report is based on the experiences of 26 people who had been detained for immigration purposes and who have accessed British Red Cross services. Our research highlighted how being detained has a long-lasting effect on someone where the lack of a time limit, and the feeling of not knowing what would happen next had a detrimental impact on peoples' mental health.
9. The research found how people were often moved between detention centres and detained on more than one occasion with one person for instance being transferred between eight centres the first time he was detained, and six the second time.

10. The shortest time one of the service users surveyed had been detained was 10 days – the longest two years and seven months. Five of the 26 service users attempted suicide while they were detained, while a further four said they had considered it. All but one said they were given no access to mental health support services. Highlighted below are some of the first-hand experiences of those featured in the report:
- a. *“It’s horrible not knowing when it will end. You are just there sitting, waking up and eating and there’s nothing; it’s like your whole life has just stopped.” Sabiti, Uganda*
  - b. *“Yea, it’s better to know when you will be out. That not knowing give you more torture. It’s like a mental torture.... You are tortured mentally. So when you come from there [detention] you are useless. When you come outside you are useless. When I came from there, I couldn’t even sit and read a paper.” Emmanuel, Tanzania*
  - c. *“It’s a place where they shouldn’t keep people, because you might go in there mentally okay, but by the time you leave, you’re not mentally fine. It’s really not a good place to be in.” Aniso, Somalia*
11. As evidenced by these traumatic experiences and alongside further evidence from other organisations such as the [British Medical Association](#) and the APPGs on Refugees and on Migration, the introduction of a statutory time limit of 28 days for immigration detention is an urgently needed and key first step to improving the system and reducing potential harm caused to detainees. Detention should only ever be used as a last resort and for the shortest possible time. This change should also be accompanied by other steps and alternatives to detention.
12. The Detention Forum for example is a network of more than 30 organisations that are working together to challenge the UK’s use of immigration detention. The Forum is calling for [alternatives to detention](#) other than the traditional, enforcement-based alternatives such as reporting and electronic tagging. These alternatives would be based on case management that could assist migrants to work towards resolving their cases in the community without unnecessary detention. Case resolution could entail migrants either regularising their status or returning with dignity without passing through detention. Other alternatives such as the [UNHCR-IDC Vulnerability Screening Tool](#) can also be used to inform decisions about a person’s suitability for alternatives to detention or placement options in the community. The pilots of community based alternatives to detention that the Government announced in July 2018 are very welcome. These will allow people to live in their communities while their immigration cases are resolved.

## British Red Cross recommendations to the Government

13. To ensure that detention is only ever used as a last resort, and that vulnerable people are not detained, the British Red Cross calls for:
- a. An introduction of a statutory maximum time limit of 28 days on the length of time an individual can be detained for immigration purposes bringing the UK in line with all other European states.
  - b. A prohibition of the detention of pregnant women.
  - c. The Government to publish its findings on an internal Home Office review on the effectiveness of detention time limits as first committed to in response to the second Shaw Report on vulnerability in detention.

Thomas Nguyen: Public Affairs, British Red Cross

Email: [thomasnguyen@redcross.org.uk](mailto:thomasnguyen@redcross.org.uk) / Tel: 0207 877 7343