

[AS INTRODUCED]

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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 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 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) In this section, “refugee status” and “humanitarian protection” have the same meaning as in the immigration rules.
- (5) In this section, “family members” include a person’s— 15
 - (a) parent, including adoptive parent;
 - (b) spouse, civil partner or unmarried partner;
 - (c) child, including adopted child, who 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 their country of residence to seek asylum;
 - (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
- (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,
 - (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
 - (v) such other matters as the Secretary of State considers appropriate.
- (6) For the purpose of subsection (5)—
 - (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;
 - (b) “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

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 2021.”

3 Extent, commencement and short title

- (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) This Act may be cited as the Refugees (Family Reunion) Act 2021.

Refugees (Family Reunion) Bill [HL]

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Baroness Ludford

Ordered to be Printed, 8th June 2021.

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