

Written evidence submitted by Safe Passage International (BSAIB30)

Border Security, Asylum and Immigration Bill: Committee Stage

Summary

1. We welcome the parts of this bill that end the costly and ineffective Rwanda scheme and the repealing of some of the previous government's draconian legislation, including significant portions of the Illegal Migration Act. We are particularly pleased to see the ending of the indefinite detention of children and measures that prevented people from having their asylum claims processed. These changes are vital for upholding the UK's commitments to the Refugee Convention and international law.
2. However, we are concerned about the Government's continued focus on border security and enforcement as the primary method for reducing dangerous journeys. Of particular concern are clauses in the bill which risk criminalising refugees, by prosecuting people travelling to reach safety on boats, instead of the smugglers themselves.
3. Critically, there is no mention of safe routes in this bill. Providing safe routes which should include closing the gaps and deficiencies in the UK's family reunion rules is the best way to break the smuggling gangs' grip. People risk their lives taking dangerous journeys to reach protection and loved ones when safe routes aren't available. The bill is a missed opportunity for desperately needed reforms placing safe routes as central to the solution.

Criminalisation of refugees

4. Clauses 13-18 of the bill risk criminalising refugees. The wording of these clauses potentially leaves people who travel on the boats liable to being charged. Specifically, clause 18 targets people on boats by creating the offence of endangering another person during a sea crossing from France, Belgium or the Netherlands to the UK which results in someone arriving irregularly.
5. These measures follow the approach adopted in the Nationality and Borders Act 2022 which has resulted in people seeking asylum being convicted, including children.¹ They have done nothing to prevent irregular arrivals. All our experience and evidence demonstrate that refugees are unaware of policies aiming to deter their attempts to travel to safety, because this does not address why people come here - for family community, security, and to rebuild their lives. In 2023 and 2024 after the introduction of NABA almost 55,000² people have crossed the channel, with at least 69 people dying attempting to cross in 2024 alone. These policies are therefore not only deeply harmful, but wholly ineffective as a deterrent.

Reuniting with family

6. Families belong together, but war and persecution force families apart. As it stands, UK family reunion policy is failing the separated families who rely on it. When family reunion

¹ From the introduction of the NABA offences on 28th June 2022 until the end of 2024 450 people have been convicted of 'illegal arrival' <https://researchbriefings.files.parliament.uk/documents/CBP-10185/CBP-10185.pdf> 15 children were wrongly treated as adults have been criminalised, with 14 spending periods of time in custody in adult prisons. <https://www.refugeecouncil.org.uk/wp-content/uploads/2024/01/Forced-Adulthood-joint-report-on-age-disputes-January-2024.pdf>

² Irregular migration statistics – Home Office <https://www.gov.uk/government/statistical-data-sets/irregular-migration-detailed-dataset-and-summary-tables>

pathways are overly restrictive or cease to function, families are left in an impossible position: endure indefinite separation or risk their lives in the hope of being reunited.

Increased flexibility for biometrics for family reunion

7. Clauses 34-35 of the bill provide welcome provisions for taking biometric information where the government is in the process of facilitating a person's exit from a country in crisis or evacuation scenarios. The existing clause is only applicable where the government is facilitating the exit of that person to another country, meaning that it will not apply to families reuniting with refugees because families make their own way to the UK after a visa is issued. Along with calls made by the British Red Cross, we would like to see this provision extended for people submitting biometrics for the purposes of applying to join UK-based sponsors who are family members.
8. The Home Office requires that applicants applying for entry clearance, travel to a Visa Application Centre (VAC) to submit biometrics (i.e. fingerprints and facial images) before their application can be submitted, for identity checks. However, the requirement to submit biometrics upfront at a VAC means making dangerous and expensive journeys, sometimes across borders, without even knowing if their application will be successful. This requirement can put applicants at risk, with one in five families having used smugglers for part of their journey to a VAC to apply for refugee family reunion.⁶ If unable to return home, some families must wait for months for the outcome of their case in refugee camps, in hiding, or in temporary accommodation. Other people, such as those in Gaza and Libya, are physically prevented from travelling to the closest VAC at all, which means they will never be able to apply for family reunion.
9. Extending this clause would enable the government to authorise these biometrics to be taken closer to where the need is, enabling family members to provide biometrics outside a visa centre and significantly reducing the risks of reaching visa centres.

Karim from Afghanistan was separated from his family during the chaos of the evacuations as Kabul fell in 2021. To escape persecution by the Taliban, he tried to cross the border into Iran but was detained, tortured and returned to danger in Afghanistan.

The Home Office has refused to consider requests for his biometrics to be deferred or waived – leaving him trapped, with no way for his family reunion application to progress and no way for him to escape the Taliban and reach his family in the UK. The Home Office expected Karim to delay his family reunion application until he was able to travel to a VAC – perhaps indefinitely – without any consideration for the impact of prolonged separation on him.

10. Gaps in family reunion policy mean that too many separated families and unaccompanied children are currently left without any feasible option to safely reunite. Key gaps include:
 - Children outside the UK who are separated from their families are prevented from joining refugee aunts, uncles, grandparents and siblings in the UK due to prohibitive requirements, including financial and maintenance conditions.
 - Separated refugee children in the UK do not have the right to bring their parents or siblings to join them under the Refugee Family Reunion rules.

Unaccompanied and separated children joining refugee family in the UK

11. **At Safe Passage, over three quarters of the unaccompanied children we work with are not eligible for Refugee Family Reunion but must apply instead under one of the**

other Immigration Rules or rely on Home Office discretion. After Brexit, the revocation of the EU's Dublin III Regulation means children and families became reliant on the UK's broken Immigration Rules. Previously, a child with family in the UK who was seeking asylum in the EU could be transferred to the UK under Dublin III to have their claim processed here with family, but the UK is no longer party to the Dublin Regulations.

12. The UK's current family reunion entitlements are too restrictive, take too long and have limited guarantee of success.³ Family ties are a key reason that people risk dangerous journeys to reach the UK. Most of our family reunion cases at Safe Passage are child refugees seeking to reunite with wider family members in the UK such as aunts, uncles or siblings – rather than parents. Many children's parents die before they leave or they start their journey with their parents and siblings, but then they become separated, their family disappear or die on the way.
13. However, this route is extremely difficult for children because it is fee paying (up to £5,500), the criteria is restrictive and in almost all cases Safe Passage has seen, the refugee sponsor does not meet the income and accommodation requirements.⁴ Safe Passage caseworkers have increasingly been unable to compete with people smugglers promising a swift transition to the UK, when applications have been beset by delays and restrictions. According to UNHCR, children are particularly likely to resort to people smuggling when access to family reunion is delayed or at risk.⁵ Removing restrictions on UK-based sponsors so children can reunite with their non-parent relatives we estimate would mean between 232-336 children arriving per year.⁶
14. **Over the past two years, almost 60% of Safe Passage's new cases of unaccompanied children in France being supported to reunite with family in the UK have gone missing having lost faith in the legal process. To the best of our knowledge, they have made a dangerous journey to reach loved ones, instead of pursuing their claim under slow and restrictive UK rules.**⁷ In comparison, between 2016 and 2023, of the many children Safe Passage supported to reunite under Dublin III, only one risked a dangerous journey. Since 2018 almost a fifth of small boat arrivals have been children aged 17 and under.⁸ Restrictive family reunion policies are likely a contributory factor to this figure.⁹
15. Further, the unnecessarily complex decision-making process for this cohort of children increases the workload of caseworkers and introduces further delays and uncertainty to a process that is already incredibly slow and arduous. **Of all cases that Safe Passage supported through the appeal process in 2023 and 2024, 76% were successful at appeal.**¹⁰ A system that relies on appeals is not only inefficient and costly, but harmful. This policy change represents a simplification of the rules and does not require building brand new expertise within the existing family reunion team.

*In 2023 and 2024, **almost half** of all the unaccompanied children Safe Passage supported in France attempting to reunite with family in the UK, were trying to reunite with a **sibling** - often their only remaining family member.*

³ Safe Passage International & Refugee Council, (2024) [Families belong together](#)

⁴ Appendix CNP: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-child-staying-with-or-joining-a-non-parent-relative-protection>

⁵ UNHCR (2019) [Desperate Journeys](#)

⁶ Safe Passage International & Refugee Council, (2024) [Families belong together](#)

⁷ This relates to 10 out of all 17 new Safe Passage cases concerning France-UK applications across 2023 and 2024

⁸ 16% of arrivals have been children - Home Office statistics <https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables#irregular-migration>

⁹ See findings of APPG inquiry on safe routes (2025) <https://www.refugeecouncil.org.uk/wp-content/uploads/2025/02/APPG-on-Refugees-Report-Safe-Routes-inquiry-February-2025.pdf>

¹⁰ 13 of 17 cases were allowed on appeal

Refugee children sponsoring parents and siblings

16. The UK rightly allows adult refugees to sponsor their children to join them, but the same right is not extended to children who arrive alone, increasing their risk of harm, exploitation, and trafficking. Multiple select committees have recommended this policy change.¹¹¹²
17. Allowing refugee children to sponsor parents and siblings would, on average, increase family reunion by 750 visa grants per year.¹³ The UK's policy on refugee children sponsoring family members is unusually harsh. In the European Economic Area, every country other than Switzerland and Liechtenstein allows refugee children to sponsor family members. Despite criticism that this policy would encourage more children to make the dangerous journey across the Channel for family members to join them later, there is no evidence to support this claim from UNHCR or other EU Member States.¹⁴¹⁵

15-year-old **Ahmed** is stranded alone in France after fleeing Afghanistan. He desperately wants to be reunited with his brother, who was granted asylum in the UK and is now a young business owner. Under the UK's Immigration Rules, the brothers will find it extremely difficult to reunite. If Ahmed's parents were in the UK, the process would be straightforward, but tragically his brother is his only remaining family member.

Ahmed is in an extremely vulnerable situation. He suffers from trauma and struggles enormously with the loss of his family. Being reunited with his brother is his only option to feel safe and to build a better future.

Resettlement and existing safe routes schemes

18. Afghans have consistently been one of the largest nationality groups crossing the Channel. **In 2023 and 2024, Afghan unaccompanied children made up 65% of all cases Safe Passage has supported in France trying to reach family in the UK.** Since the Taliban took over Kabul in 2021, the situation in Afghanistan remains as urgent as ever with many Afghans in danger or forced to take life-threatening journeys to reach family.
19. The Government committed to resettling up to 20,000 Afghans under the ACRS, but little over half this number have arrived in the UK.¹⁶ We are therefore deeply concerned and disappointed to see that the 'Government intends to reach a position where the UK Afghan resettlement schemes can be closed'.¹⁷ Furthermore, the majority of those arriving under ACRS were not conferred refugee family reunion rights. Whilst it is welcome that the Government initiated a process to begin family reunification for

"I feel stronger and happier when I get a hug from my mum... I feel guilty because I am able to get that love from my mum, whereas my brothers are not because they are in a different country."

- Nouran, refugee & student

¹¹ House of Commons Home Affairs Committee, [HC 151 Sixth report of session 2016-2017](#)

¹² House of Lords Justice & Home Affairs Committee, [All families matter: an inquiry into family migration](#) (2023)

¹³ Safe Passage International & Refugee Council, (2024) [Families belong together](#)

¹⁴ <https://publications.parliament.uk/pa/ld201617/ldselect/lddecom/34/34.pdf>

¹⁵ UNHCR (2019) [Destination Anywhere](#)

¹⁶ 12,625 arrived as of December 2024 - UK Immigration statistics – 'People offered safe and legal (humanitarian) routes'

¹⁷ <https://questions-statements.parliament.uk/written-statements/detail/2024-12-18/hcws335>

some Afghans in July 2024, many have been waiting more than three years to be reunited with family from Afghanistan, Pakistan or elsewhere.¹⁸¹⁹

20. Opening safe routes for those who would otherwise risk dangerous Channel crossings must also be matched by a commitment to help those less willing or able to take dangerous journeys, for example women and children, older and disabled people. The Syrian Vulnerable Persons Resettlement Scheme (VPRS), achieved just this, ending in 2021. Since then, the Government's UK Resettlement Scheme (started in 2019) has seen an almost 90% reduction in the number of people resettled to the UK.²⁰

Humanitarian visa

21. There is currently no way to apply for asylum to the UK unless you are physically present in the country. People fleeing war and persecution are therefore reliant on the limited and inadequate schemes available, otherwise they have to pay people smugglers and risk their lives in search of safety in the UK. The creation of bespoke nationality schemes (including Ukraine, Afghanistan and Hong Kong) has created a complex system which provides no options to claim asylum in the UK safely for people from outside these nationalities.
22. After the outbreak of war in Ukraine, two safe routes to the UK were opened and only five Ukrainians have ever made the journey across the Channel.²¹ The Ukraine schemes clearly demonstrate how streamlined, well-resourced and flexible safe routes can effectively break the business model of the smugglers by cutting demand for dangerous journeys.
23. We believe the government should pilot a much-needed safe route in the form of a humanitarian visa for people to travel to the UK for the purposes of claiming asylum, which could be offered initially on a pilot basis. Polling after the 2024 election found that 50% of people backed the introduction of a visa scheme to allow people with strong asylum claims to travel here to claim asylum, with only 16% opposing.²² It is important to emphasise that a Refugee Visa can never be considered as a substitute for the rights enshrined within the Refugee Convention, it should be in addition to and must never replace the right to seek asylum for those arriving irregularly.

Our recommendations

As the bill progresses through Parliament, the Government should take steps to save lives and weaken the business model of criminal gangs whilst not inadvertently criminalising refugees. A coherent strategy on the vital role of safe routes is missing, and the Government must act urgently to develop this. The following elements should be included:

- **Refugees must not be criminalised for seeking safety**
Amend clauses 13-18 of the bill to ensure that the specific focus of the new offences is on people smugglers and not those seeking protection in the UK.
- **Increased flexibility must be provided for biometrics for family reunion**
Amend clauses 34-35 to include people applying to join UK based sponsors who are

¹⁸ The Afghan Citizens Resettlement Scheme (ACRS) was expanded to enable family reunion for some Afghans who were resettled under Pathway 1 of the scheme.

¹⁹ Afghan Pro Bono Initiative (APBI) (2024) <https://www.safepassage.org.uk/reports/still-waiting-the-afghans-abandoned-by-the-uk>

²⁰ 734 in 2024 as opposed to 5612 in 2019; People offered safe and legal (humanitarian) routes, 2010 to 2024 'Resettlement routes (excluding Afghan Schemes)'

²¹ Detected attempts to enter the UK irregularly, 2018 Q1 to 2024 Q4

²² British Futures: [https://www.britishfuture.org/public-gives-new-government-a-chance-on-immigration-reforms/#:~:text=Half%20the%20public%20\(50%25\)%20%E2%80%93%20as%20well%20as%2062%25,undermining%20the%20business%20model%20of](https://www.britishfuture.org/public-gives-new-government-a-chance-on-immigration-reforms/#:~:text=Half%20the%20public%20(50%25)%20%E2%80%93%20as%20well%20as%2062%25,undermining%20the%20business%20model%20of)

family members. This would ensure families, including children, would be able to provide biometrics outside a visa centre significantly reducing dangerous journeys.

- **Unaccompanied and separated children must be allowed to safely join refugee family in the UK and not be prevented from doing so by financial and other barriers**
Remove financial restrictions and maintenance requirements on UK-based sponsors so children can reunite with their non-parent relatives under Appendix CNP of the Immigration Rules.
- **Refugee children must be allowed to sponsor parents and siblings**
Amend the Immigration Rules to allow refugee children in the UK to sponsor their family to join them.
- **Commitments to existing resettlement schemes must be renewed**
Make a multi-year pledge for the UK Resettlement Scheme and provide a comprehensive plan to ensure that safe routes remain available to Afghans in need of protection.
- **Open a new humanitarian visa**
Pilot a much-needed safe route in the form of a humanitarian visa for people to travel to the UK for the purposes of claiming asylum. This could initially be started as a pilot focusing on nationalities with a high asylum grant rate.

About us

Safe Passage International is the leading family reunion charity assisting unaccompanied child refugees in Europe. Our legal teams in the UK, Greece and France provide legal advice and support to refugee children across Europe and beyond who are looking to reunite with family.

*Since we started in 2016, we have supported nearly **3000 children** and their family members to reach safety.. Since 2022, we have also been running award-winning crisis response work to assist those directly in conflict hit areas; namely Afghanistan and Ukraine, and more recently Gaza and Sudan.*

We fight for a more compassionate response for refugees and run national campaigns to advocate for improvements in the system that currently provides no adequate safe routes for people on the move, and often leaves children trapped, alone and in danger.

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