



**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES
GENEVA**

**Note on Family Reunification
July 1983**

I. Introduction

1. The circumstances in which refugees leave their country of origin frequently involve the separation of families. Such separation invariably leads to hardship and sometimes to tragic consequences. It may also create serious obstacles to a refugee's integration in a new homeland. Guided by both humanitarian and practical considerations, and pursuant to its responsibility under the Statute of the Office to promote measures designed to improve the situation of refugees and to facilitate their assimilation within new national communities, UNHCR has sought since its inception to ensure the reunification of separated refugee families.

2. The present note restates the position of the Office concerning the types of family reunification promoted by UNHCR, the categories of persons eligible for assistance, and the action to be taken by UNHCR Headquarters, by the Field Offices, and by refugees themselves to achieve the reunification of refugee families under various circumstances.

II. The Principle of the Unity of the Family

3. The High Commissioner's action in promoting family reunification is supported by the principle, set forth in both the Universal Declaration of Human Rights of 1948 and the United Nations Covenant on Civil and Political Rights of 1966, that "*the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*" The Conference of Plenipotentiaries which adopted the 1951 United Nations Convention relating to the Status of Refugees recognized the significance of this principle for refugees when it approved, in its Final Act, the following recommendation:

The Conference,

Considering that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity if constantly threatened, and

Noting with satisfaction that, according to the official commentary of the Ad Hoc Committee on Statelessness and Related Problems (E/1618, p. 40) the rights granted to a refugee are extended to members of his family,

Recommends Governments to take the necessary measures for the protection of the refugee's family, especially with a view to:

(1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,

(2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

4. The subject of the reunification of separated refugee families was considered by the Executive Committee of the High Commissioner's Programme at its Twenty-eighth (1977) and Thirty-second Sessions (1981) and conclusions were adopted which are reproduced in Annex I. Particular attention is drawn to Conclusion No. 24 (1981), paragraphs 6 (absence of documentary proof of marriage or filiation), 7 (unaccompanied minors), 8 (uniform status for all family members) and 9 (special assistance to permit reunification).

III. Types of Family Reunification Promoted by UNHCR

5. In accordance with the principles referred to above, the following types of family reunification should receive the support of UNHCR:

(a) Reunification of the "nuclear family", consisting of husband and wife and their dependent children. There is a virtually universal consensus in the international community concerning the need to reunite members of this family nucleus. The following points should be noted in this connection:

(i) **Husband and wife.** Besides legally married spouses, couples who are actually engaged to be married, who have entered into a customary marriage, or who have lived together as husband and wife for a substantial period can be considered eligible for UNHCR assistance. The same applies in principle to spouses in a polygamous marriage if it was validly contracted in the country of origin. On the other hand, estranged spouses who do not intend to live as a family unit in the country of asylum are not normally eligible for UNHCR assistance for reunification with each other, they may however qualify for reunification with their children.

(ii) **Parents and children.** Although some countries of asylum make a distinction between minor children and those who have come of age, it is UNHCR policy to promote the reunification of parents with at least those dependent, unmarried children, regardless of age, who were living with the parents in the country of origin.

(iii) Reunification of unaccompanied minor children with their parents and siblings. An unaccompanied minor child should be reunited as promptly as possible with his or her parents or guardians as well as with siblings. If the minor has arrived first in a country of asylum, the principle of family unity requires that the minor's next-of-kin be allowed to join the minor in that country unless it is reasonable under the circumstances for the minor to join them in another country. Because of the special needs of children for a stable family environment, the reunification of unaccompanied minors with their families, whenever this is possible, should be treated as a matter of urgency. Any unjustified delays should be reported to Headquarters. (See p. 12 on the tracing of family members.) [1]

(b) Reunification of other dependent members of the family unit. It is the position of UNHCR that the reunification of the following categories of persons of particular concern is also required by the principle of family unity:

(i) Dependent parents of adult refugees. Humanitarian and economic considerations militate in favour of reunification of dependent parents who originally lived with the refugee or refugee family, or who would otherwise be left alone or destitute.

(ii) Other dependent relatives. Where persons such as single brothers, sisters, aunts, cousins, etc. were living with the family unit as dependents in the country of origin, or where their situation has subsequently changed in such a way (e.g., by the death of a spouse, parent or bread-winner) as to make them dependent upon refugee family members in the country of asylum, they should also be considered eligible for family reunification.

(iii) Other dependent members of the family unit. Sometimes families have taken in and cared for other unattached persons, such as friends or foster children, to whom they are not actually related by blood. If such persons are in the same situation as the relatives mentioned under (ii) above, they should also be considered eligible for UNHCR assistance with reunification. Care should however be taken to verify beforehand the true situation of such persons.

(c) Other relatives in need of resettlement. In certain cultures the basic family unit also includes grandparents, grandchildren, married brothers and sisters, their spouses and children, etc. For practical reasons, however, it is not the policy of the Office actively to promote the reunification of members of the extended family or other relatives who are still *in the country of origin* unless they come within the categories of persons defined in sections (a) and (b) above. On the other hand, UNHCR strongly supports the adoption by States of broad and flexible criteria of "family reunification" with respect to the selection of refugees for *resettlement* from countries of temporary sojourn. Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who need to be resettled into countries where they have relatives or other personal ties.

IV. Persons Eligible for UNHCR Assistance with Family Reunification

6. UNHCR promotes and assists with the reunification of families of persons outside their country of origin who are *refugees* within the meaning of paragraph 6 and 7 of the UNHCR Statute or under Article 1 of the UN Convention of 1951 and the 1967 Protocol relating to the Status of Refugees. In addition, the High Commissioner may extend such assistance to *displaced persons* outside their country of origin who are considered to be of his concern by virtue of the relevant UN General Assembly Resolutions. (See IOM/35/81 – BOM/30/81 of 11 May 1981 and BOM/49/81 of 5 August 1981.) It should be noted that, except for certain special programmes [2], eligibility for UNHCR assistance with family reunification is based upon the status of *family members outside the country of origin*.

7. The *refugee status* of applicants in receiving states which are parties to the 1951 Convention and the 1967 Protocol is normally determined by the authorities of those countries. A negative determination need not always be considered binding by UNHCR, however, and in certain circumstances the Office may make its own determination under the UNHCR Statute or other relevant instruments. In countries not parties to the Convention or the Protocol the competent UNHCR Field Office will be required to determine the status of those seeking family reunification.

8. As to applicants who are not considered refugees under the 1951 Convention, the 1967 Protocol or the UNHCR Statute, but who may otherwise qualify as persons of concern to UNHCR”, the High Commissioner will have to decide whether, under the circumstances, the promotion of family reunification is desirable and feasible. It may be, for instance, that problems of mass-influx render the reunification of families temporarily impractical. Field Offices should therefore consult with Headquarters as to the course to be followed.

V. Practical Aspects of Family Reunification

9. **Situations encountered:** The problem of reuniting a refugee family can present one or more of the following situations:

(a) One part of the family has reached a country of permanent settlement, while the rest of the family is still in the country of origin. This is the common situation in which UNHCR assistance with family reunification is warranted. It may be necessary to intervene with the respective authorities in order to obtain authorizations for the entry of family members into the country of permanent settlement and for their departure from the country of origin.

(b) One part of the family is in a country of temporary asylum – and is therefore not yet definitively settled – while the rest of the family still resides in the country of origin. In such cases there exists on the one hand the problem of the departure of family members from the country of origin, on the other the circumstance that no member has yet reached a country of permanent settlement. Depending on conditions in the country of temporary asylum, it is in most instances not possible or advisable, at

this stage, actively to promote family reunification. Field Offices are advised to consult with UNHCR Headquarters before deciding on action.

(c) One part of the family has reached a country of permanent settlement while the other part of the family is in a country of temporary asylum. Although in this case all members of the refugee family have left the country of origin, reunification sometimes still presents problems. Difficulties or delays may be encountered in obtaining admission of the remaining family members into the country of permanent settlement, and UNHCR intervention in this respect is often necessary.

(d) Members of the same family have reached different countries of temporary asylum. In such cases, reunification must be effected by coordinating resettlement to the same country of permanent asylum. If resettlement cannot be expected in the near future, Field Offices should where possible promote the reunification of the family members in one of the countries of temporary asylum while awaiting a durable solution.

(e) Members of the same family are separated in different parts of the same country of temporary asylum. This often occurs when refugees are confined in camps in situations of mass influx. The Office should promote reunification of family members as soon as this is feasible.

(f) Members of the family find themselves in different countries of permanent settlement. Owing to the absence of precise rules concerning which part of the family should join the other, problems may arise if the authorities of the countries of settlement concerned refuse entry because each is of the opinion that reunification should take place in the other country. Sometimes personal disagreements between individual family members, especially with respect to living conditions or job opportunities, prevent such families from reuniting. Although dependents may normally be expected to proceed to the country where the head of the family is settled, another solution may be appropriate under certain circumstances, e.g. when the prospects for the successful integration of the family in that country are poor, or when the family has much closer links elsewhere.

10. Types of action to be undertaken:

(a) Promoting the adoption of appropriate national policies. One of the functions of the High Commissioner's Office in facilitating reunification of refugee families is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and measures permitting such reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and regular solution of family reunification cases is a normal part of UNHCR's international protection activities which must be undertaken vis-à-vis both countries of asylum and countries of origin. Besides promoting liberal admission policies in countries of asylum, the Office seeks to ensure that family members are whenever possible granted the same legal status and facilities as the refugee. (Cf. Annex I, para. 8).

(b) Self-help. When refugee families can be reunited without difficulty, for instance where such reunification is a routine part of a large resettlement operation or where it

is not otherwise impeded by administrative or economic obstacles, the active intervention of UNHCR in individual cases may not be required. Many refugee families become reunited on their own without the help of UNHCR. It is the policy of the Office to encourage members of dispersed families themselves to take the first steps towards reunification and to initiate the necessary formalities whenever this is possible without risk to themselves or other family members. In these cases, the role of the Office is confined to informing refugees of the procedures to be followed and monitoring the process.

(c) UNHCR assistance in individual cases. In many cases, the help of UNHCR is required to bring about reunification. Refugees may need UNHCR assistance in obtaining entry visas, exit visas and travel documents, in arranging for and/or financing travel, or in facilitating the resettlement or the tracing of family members, as described in the following paragraphs. It should be noted that since family reunification as promoted by UNHCR is meant to be of a permanent or durable nature, members of a refugee family wishing to join each other only temporarily do not normally qualify for UNHCR assistance in this regard.

(i) Entry visas. Refugees residing in a country of settlement who wish to be reunited there with other family members who are still in the country of origin or in third countries should be advised, in the first instance, to apply to the competent authorities for the necessary entry visas or immigration authorization. Should difficulties arise, the competent UNHCR Field Office may have to intervene with the Government concerned in order to seek permission for such reunification, pointing where necessary to the relevant international instruments and to the Executive Committee conclusions on the subject. (See paras 3 and 4, above, and Annex I.) Where countries make admission contingent upon the fulfilment of conditions which the refugee cannot meet, e.g. with regard to employment or housing, impose long waiting periods, or refuse altogether to authorize certain types of family reunification, such difficulties should be reported to Headquarters. Since the objective is durable reunification of the refugee family, the Office should ensure that the visa issued by the receiving country permits the holder to stay permanently, or will lead in due course to a permanent or durable residence permit.

(ii) Exit visas. Were it is at all feasible without placing themselves at risk, the family members in the country of origin should try to obtain authorization to leave. In many cases they are required to make a formal application to the competent authorities. However, it frequently occurs that UNHCR intervention with the authorities of that country is also necessary. Normally, any interventions with the authorities of the country of origin are to be made by Headquarters rather than by UNHCR Field Offices. Unless a special procedure has been established, the matter should be referred to Headquarters for further action. It should be stressed that, although the Office of the High Commissioner considers the promotion of family reunification as a most important part of its international protection function, and therefore makes every possible effort to obtain authorization for the departure of the family members of refugees from countries of origin, such interventions remain of a very delicate nature and are not always successful.

(iii) Travel documents. When it is not feasible for family members to use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of visa from the authorities of the destination country may suffice, often, however, a more formal travel document is needed. Certain countries of temporary sojourn may be willing to issue aliens passports. In States party to the Convention and/or the Protocol, a Convention Travel Document may be a possibility for family members who also qualify for refugee status. When no other travel document is available and the family member is outside his or her country of origin, an ICRC Travel Document may be obtained. Headquarters should be consulted if assistance is needed.

(iv) Travel arrangements. Unless travel is arranged within the framework of an on-going resettlement operation, the organization and financing of the travel of family members from abroad is in principle the responsibility of the refugee family, with UNHCR providing assistance only if needed. When the refugee family is not able to meet travel expenses and when no other source of funding is available, UNHCR will normally provide funding and make the necessary arrangements. UNHCR Field Offices must obtain prior authorization from Headquarters in such cases. For most countries, travel as well as financing are arranged by UNHCR Headquarters through the Intergovernmental Committee for Migration (ICM). ICM benefits from reduced air fares and, with financing from UNHCR, governments and other sources, administers a variety of travel projects, sometimes involving travel loan schemes. Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

(v) Resettlement processing. When members of the refugee family are in one or more countries of temporary asylum, it may be necessary for UNHCR Field Offices in those countries to intervene so as to ensure their admission to the same country of resettlement in accordance with family reunification principles. Such intervention is often required to prevent the separation of foster children, adult dependents, fiancés, or other relatives from the basic family unit. The assistance of Headquarters should be requested when the matter cannot be resolved by the Field Offices concerned.

(vi) Tracing family members. When the whereabouts of relatives is unknown, it may be necessary for UNHCR to facilitate tracing. The Central Tracing Agency of the International Committee of the Red Cross (ICRC) and its national counterparts have special competence in this area and may be of assistance. Recourse may also be had in certain circumstances to the UNHCR EDP big-data system, or to the records of the authorities of countries of resettlement. Experience has shown, however, that the efforts of refugees themselves, using their own contacts, are often the most effective method of tracing. When special problems arise, such as the tracing of the families of unaccompanied minors involuntarily separated from their parents, Headquarters should be consulted.

11. **Procedures.** In those individual cases which require special attention and assistance from UNHCR, the following procedures should be observed:

(a) The applicant for family reunification in the country of settlement should be asked to complete the form “Request for the Reunification of a Refugee Family” (Annex II).

(b) Field Representatives should determine:

- whether the applicant is a refugee under the applicable international instruments or the Statute of the Office, or is otherwise a person of concern to UNHCR for whom family reunification assistance is appropriate, (Headquarters should be consulted in case of doubt),
- whether the appropriate démarches to obtain entry visas, exit visas and travel documents for the family member in question have been undertaken, and whether UNHCR follow-up is needed in this connection,
- where assistance in financing travel is requested, whether other sources of assistance are available and whether the financial situation of the family would warrant the commitment of UNHCR funds to cover travel costs;
- whether assistance in making travel arrangements is needed.

(c) When Headquarters action or authorization is required, the request should be transmitted to Headquarters with appropriate documentation, including a copy of the completed family reunification application form.

(d) Where travel assistance is sought, details concerning entry and exit visas, travel documents and requested travel dates should be provided. UNHCR funds may not be committed for family reunification travel without authorization from Headquarters. Field Offices should ensure before committing funds that the necessary visas and travel documents will be delivered to the persons concerned. Travel arrangements should wherever possible be made through ICM in order to benefit from reduced fares.

12. Family reunification cases outside the competence of UNHCR. UNHCR Offices sometimes receive requests for help with family reunification or travel with regard to persons not eligible for assistance, under the established criteria and procedures. These requests may involve persons not within the mandate of the Office, relatives not belonging to the family unit, or family members wishing merely to visit the refugee family temporarily in the country of asylum. They often relate to the completion of formalities, obtaining of visas and travel documents, or even the financing of travel. When it is determined that a request is outside the competence of UNHCR, the applicant should be advised that UNHCR cannot assist and in appropriate cases should be directed to the competent government office or voluntary agency.

Annex I

A

The Executive Committee of the UNHCR Programme – 28th Session (1977)

Conclusions Adopted by the Executive Committee on International Protection of Refugees [3] [4]

No. 9 (XXVIII) Family Reunion

The Executive Committee,

- (a) Reiterated the fundamental importance of the principle of family reunion;
- (b) Reaffirmed the coordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and non-governmental organizations;
- (c) Noted with satisfaction that some measure of progress has been achieved in regard to the reunion of separated refugee families through the efforts currently undertaken by UNHCR.

B

The Executive Committee of the UNHCR Programme – 32nd Session (1981)

Conclusions Adopted by the Executive Committee on International Protection of Refugees [5]

No. 24 (XXXII) Family Reunification [6]

The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

1. In application of the principle of the unity of the family and for obvious humanitarian reasons, every effort should be made to ensure the reunification of separated refugee families.
2. For this purpose it is desirable that countries of asylum and countries of origin support the efforts of the high Commissioner to ensure that the reunification of separated refugee families takes place with the least possible delay.
3. The generally positive trends in regard to the reunification of separated refugee families are greatly to be welcomed but a number of outstanding problems still need to be resolved.

4. Given the recognized right of everyone to leave any country including his own, countries of origin should facilitate family reunification by granting exit permission to family members of refugees to enable them to join the refugee abroad.
5. It is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.
6. When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not per se be considered as an impediment.
7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption – involving a severance of links with the natural family – is decided upon.
8. In order to promote the rapid integration of refugee families in the country of settlement, joining close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.
9. In appropriate cases family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.

Endnotes

[1] Other aspects of the special responsibility of the High Commissioner to promote the best interest of refugee or displaced unaccompanied minor children are outside the scope of the present note and are treated in separate guidelines and memoranda.

[2] UNHCR is sometimes requested to undertake special programmes which may even benefit persons not within its mandate who are in need of assistance with family reunification. An example is the Orderly Departure Programme ODP from Viet Nam, which was the subject of IOM/23/79 – BOM/21/79 of 15 June 1979.

[3] Contained in United Nations General Assembly Document No. 12A A/32/12/Add.1.

[4] Contained in United Nations General Assembly Document No. 12A A/32/12/Add.1.

[5] Contained in United Nations General Assembly Document No. 12A A/36/12/Add.1.

[6] Conclusion endorsed by the Executive Committee of the High Commissioner's Programme upon the recommendation of the Sub-Committee of the Whole on International Protection of Refugees.