

COUNTRY
CHAPTER

UK

UNITED KINGDOM

BY THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN
& NORTHERN IRELAND



1. Resettlement Policy

The Gateway Programme

The UK Government announced in February 2002 the creation of a formal resettlement plan with a total quota of up to 500 per year (i.e. including dependants) to augment the existing Mandate and Ten or More resettlement programmes. The plan was named the Gateway Protection Programme (Gateway). The programme became operational in April 2004 and began reaching the quota in 2006/07.

The Mandate and Ten or More Programmes

For many years, the UK has worked with the UNHCR to identify and process a small number of refugees requiring resettlement. This has been achieved by using its Mandate or Ten or More Programmes. These programmes have been used to process approximately 70 persons a year for resettlement to the UK, including dependants.

The Mandate Programme has been used to mainly bring family members of settled persons to the UK.

The Ten or More Plan was established by the UNHCR in 1973 for the resettlement of disabled refugees in need of medical attention unavailable in their present country of refuge. The aim of the programme is for a host country to accept ten or more refugees, plus their families, annually. **Presently this programme in the UK has been suspended and its operation is under review.**

Both programmes are administered on behalf of the UNHCR, by the British Red Cross and cases are referred by them to the UK's Borders and Immigration Agency (BIA), the agency responsible for immigration matters – formerly known as the Immigration and Nationality Directorate (IND).

2. Criteria for Resettlement

A. The Gateway Protection Programme

Gateway is operated by the Borders and Immigration Agency (BIA) of the UK Government. The Refugee Resettlement Programmes Unit (RRPU) is the section of the BIA that is responsible for identifying caseloads, organising missions and managing the policy of decisions on Gateway applications. The RRPU also maintains oversight and management of the programme and quota once the resettled refugees have arrived in the UK.

The UK works in accordance with the UNHCR's resettlement criteria as laid out in the Handbook. To qualify for resettlement in the UK, applicants should have been assessed as a refugee within the 1951 Refugee Convention and Protocol.

The UK has additional criteria outlining that the applicant (and his/her dependants) must co-operate with UK officials and any other body involved in Gateway; not be in a polygamous marriage; and not have an active application lodged for the Mandate programme.

The UK also looks at whether Gateway is able to meet the resettlement needs of the applicant and their dependants; and whether resettlement of the applicant and their dependants in the UK would not be conducive to the public good. The UK process also seeks to establish whether resettlement to the UK may be contrary to the best interests of the applicant, or their dependants.

If an applicant's spouse and minor children, not declared on the RRF to the UNHCR or to the BIA officers at the point of referral and interview, are subsequently declared, they will not normally be recognised as the principal applicant's dependants for the purposes of the resettlement application. However, if the resettlement application is granted, the dependants may be eligible to apply for family reunion once the principal applicant is in the UK.

B. Mandate Refugee Programme

NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.

In order for a person to be resettled to the UK under this programme, he or she must be a Mandate refugee. A Mandate refugee is a person in their own country, or in a third country, who has been recognised as a refugee by, and given protection by THE UNHCR. Such a person may also be recognised as a refugee and given asylum by a host country without this affecting their mandate refugee status.

The applicant **must** have close ties with the UK. Close family members are normally limited to:

- spouse
- children under the age of 18 years old
- parents/grandparents over the age of 65

The family members in the UK do not need to have been accepted as refugees, but must be settled here or have limited leave in a category leading to settlement. .

Other close, non-immediate, family members may be considered in certain circumstances. Non-immediate family member is defined as follows:

- parent/grandparent (in the singular) under the age of 65
- family members aged 18 or over: son, daughter, sister, brother.

[NB. No other category of family member will qualify under the Mandate Programme.]

Those who have non-immediate family members as defined above, **must** also demonstrate that wholly exceptional circumstances exist which support their admittance under this programme.

3. Resettlement Allocations / Processing Priorities

A. The Gateway Protection Programme

The number of arrivals to the UK through the Gateway Protection Programme is limited by an annual quota, the level of which is established by Ministers each year having considered the resources available, need for resettlement globally, and impact on local services in the UK.

Successful applicants and their dependants who arrive in the UK through the resettlement programme before the end of the financial year (1st April to 31st March) are counted against the quota. No more than the agreed quota of people will be resettled in any financial year. No unused portion of the quota can be rolled-over to the following year.

B. Mandate Refugee Programme

Not applicable.

4. Admissibility for Resettlement

A. The Gateway Protection Programme

Security Screening

Security screening and refusal on the grounds that admission to the UK would not be conducive to the public good.

Security screening will be conducted for the principal applicant and dependants, and they will also be considered against the exclusion provisions in the Refugee Convention.

If there is reason to suspect that the applicant, or dependant has been a combatant, checks will likely be made with relevant authorities to ensure that the applicant is not wanted for war crimes, or otherwise in connection with their military service.

Where the presence in the UK of a principal applicant, or a dependant, is deemed to be not conducive to the public good on national security grounds, because of their character, conduct or associations, or if they engage in one or more unacceptable behaviours, the UK may consider refusing their application. The list of unacceptable behaviours is set out in full in the Asylum Instruction entitled "Gateway Protection Programme" available on the BIA website.

B. Mandate Refugee Programme

see Section 2 above: Criteria for Resettlement

5. Submissions and Processing via Dossier Selection

A. The Gateway Protection Programme

The UK does not conduct dossier selections. Each applicant is interviewed by a BIA official during an organised mission.

B. Mandate Refugee Programme

NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.

Routing of submissions

Applications for resettlement in the UK can be made under the Mandate Refugee Programme as follows:

- **Referrals by THE UNHCR**

Mandate refugees are normally nominated for resettlement by the UNHCR. The administration of such referrals is undertaken by the British Red Cross (BRC) on behalf of the UNHCR. The BRC receives resettlement cases from THE UNHCR Geneva. After assessing the case, verifying the family's status in the UK and confirming that the family is willing to have the refugee join them, the BRC submits the case to the resettlement team at the BIA.

- **Referrals by a British Post Abroad**

A case for resettlement would only be referred by a British Post abroad where there is no UNHCR presence in the country of refuge. In such cases, the UK resettlement caseworker will confirm with the UNHCR London that the applicant has been recognised as a mandate refugee. Cases will only be considered if the applicant has been recognised as a Mandate refugee.

Decision Making Process

Once a case has been referred by either the BRC or British post, consideration is given to the applicant's circumstances in the present country of refuge, and whether or not the UK is the most appropriate country for resettlement. An applicant's circumstances may include such matters as his local integration prospects, his living conditions, whether there are any physical protection needs, and whether there are any close relatives in other countries apart from the UK. It may be that there is a case for the applicant to remain where he or she is, or there is a case for resettlement outside the present country of refuge to another safe third country. In addition to this, the applicant **must** have a close tie with the UK as defined in Section 2 'Criteria for Resettlement' above.

- **Acceptance of an application made via BRC**

Once an application is accepted through a BRC referral, the BIA will inform the BRC of its decision in writing. At the same time, the BIA will inform the nearest British diplomatic post to enable them to issue the entry clearance visa to allow the applicant to travel to the UK. The visa will be endorsed with the stamp "HO/HOref/settlement" so that the applicant will qualify for refugee status on their arrival in the UK.

The address of the BRC is:

**British Red Cross National Headquarters
44 Moorfields
London
EC2Y 9AL**

- **Acceptance of an application made from a British post abroad**

If the BIA accepts an application made at a British post abroad, it will advise the British post abroad of the outcome in writing, who will then advise the applicant of the decision.

- **Refusal of an application made via the BRC**

If the BIA refuses an application, it will advise the BRC in writing of its decision and provide reasons for the refusal. There is no right of appeal to this decision, because such applications are made outside the UK Immigration Rules.

- **Refusal of an application made from a British post abroad**

If the BIA refuses an application, it will advise the British post abroad of the outcome in writing and provide reasons for the refusal. There is a right of appeal to an adjudicator.

Processing Times

These cases attract some priority because they normally involve refugees facing some threat to their safety or well-being in their present country of refuge. However, the time taken to deal with a case can range from 2 weeks to 2 months depending on the complexity of the individual case.

Applications for resettlement after arrival in the UK

A Mandate refugee may not apply for resettlement in the UK after arrival. Any application for resettlement would be taken for an asylum claim and would be considered under the 1951 Convention.

6. Submissions and Processing via In-Country Selection

A. The Gateway Protection Programme

Case Documentation

Once the BIA and the UNHCR have agreed a region and a group case allocation, taking into account the need for resettlement and profile of the suggested caseload, the UNHCR field offices prepare RRFs in consultation with the UNHCR HQ Resettlement Unit. The BIA considers the RRFs pre-mission to ensure all necessary information is included and makes an initial assessment on the application. At this stage, it is particularly important for the RRF to provide detailed information about the applicants' flight from their country of origin and how they would meet the UK criteria.

Routing of Submissions

RRFs are referred to the BIA only by the UNHCR. Applications cannot be made direct to UK embassies or high commissions abroad.

RRFs should be forwarded from the UNHCR Branch Office to the BIA at least one month before the selection mission. This will give a reasonable amount of time before the mission to allow caseworkers to make a full initial assessment and for preparation to be completed.

Decision-Making Process

A BIA official will interview all principal applicants and their dependants to enable the UK-based BIA caseworker in making their decision. The interview will be used to supplement the information given in the RRF, as well as to gather information regarding integration and support needs.

Child dependants will generally only be interviewed to verify their relationship with the principal applicant, and to confirm integration needs. Interviews with children will be conducted by members of staff who have undertaken specialist training, and will be undertaken in the presence of another adult. In the first instance, this will be the principal applicant.

Medical screening is carried out in the field by partner agencies. (see also Section 10 below). The results of the medical screening can take up to three months to receive; the BIA is unable to make any decisions without these results. The final decision is made by BIA caseworkers taking into account the interview, health and security screening.

- **Acceptance of an application**

If a person is accepted for resettlement, the BIA will send a decision letter to the applicant via the UNHCR to confirm whether they have been accepted.

Acceptance for resettlement is on the condition that no new information emerges before an applicant travels to the UK which would have resulted in a refusal if it were known before the initial decision was made. Where any such information does emerge, the case will be re-assessed, and a fresh decision made and notified.

- **Refusal of an application**

If the applicant has been refused, the BIA will send a decision letter to the UNHCR briefly outlining the reasons.

Recourse Processing

There is no right of appeal against a decision to refuse an application for resettlement. However, if an applicant's circumstances change or if additional information comes to light that was not previously available, the UNHCR may re-submit a case for reconsideration.

Processing Times

The time required to process a resettlement application could vary. The BIA requires around one month between the submission of the RRF referral until the time of the selection mission. Following the selection mission, it could take up to three months to receive the results of the medical screening.

Once an applicant has been accepted for resettlement, agencies in the UK require at least 6 weeks between date of decision and date of arrival in the UK to ensure reception arrangements are ready. It may, therefore, take 2 – 4 months for a decision to be made after a mission has taken place. The UK aims to move the majority of accepted cases to the UK within 6 months.

B. Mandate Refugee Programme

Not applicable.

7. Emergency Cases

The UK does not accept emergency cases. Please see sections 5 and 6 for normal processing times.

8. Special Categories/Refugees with Special Needs

A. The Gateway Protection Programme

Refugees with Medical Needs

The UK conducts medical screening of all Gateway resettlement cases and their dependants (see Section 10 below). Certain medical conditions are given special consideration and a decision is made on a case by case basis after reference to ministers.

The UNHCR are required to refer any case that has significant medical needs separately and in advance of the formal submission, including cases where the disabilities are of a physical nature, such as persons on crutches or in wheelchairs. A limited number of medical cases will be considered for each mission caseload

If accepted, preparations for medical treatment are made in conjunction with local authorities and non-governmental organisations within the UK responsible for resettlement integration.

Survivors of Violence and Torture

Assessment of individuals who are survivors of violence and torture are conducted as part of the normal process.

It is important that the UNHCR referral forms are as explicit as possible in respect of the refugee's mental disturbances as a result of violence or torture, so that preparations for assessment of potential treatment can be made.

The UK, as part of its integration programme, offers an initial counselling session to all arrivals under the Gateway Protection Programme. This can followed up with further sessions if necessary.

Women at Risk

There is no specific integration programme for women-at-risk. However assessment of special needs are made pre-departure to ensure that women-at-risk are housed appropriately and given suitable support, including counselling.

Children

The UK does not consider unaccompanied children as part of its Gateway Protection Programme.

Elderly

Referrals of elderly persons will be considered on a case by case basis, taking into account special needs relevant to integration if their settlement application is accepted.

B. Mandate Refugee Programme

Not applicable.

9. Family Reunion of Refugees

N.B The following is the existing UK policy on family reunion which is currently subject to review.

General Policy concerning Family Reunion of Refugees

For many years, the UK has maintained a policy of allowing the refugee's spouse and dependant children under the age of 18 years old to join him or her in the UK. This long-standing policy has now been incorporated into the UK's Immigration Rules.

Criteria for Family Reunion

Normally only pre-existing families are eligible for family reunion. This means that the spouse and minor children must have formed part of the family unit prior to the time the sponsor fled to seek asylum. However the UK will also give consideration to those cases that do not strictly fit this criteria.

Other members of the family (for example, elderly parents, siblings, and adult children) do not qualify for family reunification unless there are sufficient compelling and compassionate circumstances.

Family reunion may also be refused if family members fall within the terms of one of the exclusion clauses in the 1951 Refugee Convention.

N.B. A spouse is the husband or wife of the recognised refugee. A minor is a child under the age of 18 years.

Routing of Applications

Family reunion applications for entry clearance to the UK must be made at the nearest or designated British post overseas.

Verification of Relationships

Applicants for family reunion will be interviewed by the Entry Clearance Officer (ECO) to verify the relationship of the family members to the sponsor in the UK.

The ECO may also request DNA tests to be carried out in respect of verifying a relationship.

Decision-Making Process

Once an application for entry clearance has been submitted under the Family Reunion Provisions, the applicant will normally be invited to attend an interview with the ECO. The ECO will also check the status of the sponsor in the UK with the BIA.

Normally all family reunion applications relating to resettled persons will be referred to the BIA, where caseworkers will decide on the issue of an entry clearance to join the resettled person in the UK.

- **Acceptance of an application**

If the application is accepted, an entry clearance will be granted that will give the same entry conditions as the principal applicant in the UK.

Should the family members have no travel documents, and cannot approach the authorities because the sponsor is wanted by them, ECOs may be able to issue a one-way identity document called a "EU UFF" (EU Uniform Format Form) which is valid for travel from most countries to the UK with entry clearance.

- **Acceptance of an application**

If an application is refused, the family member has a right of appeal against the refusal of entry clearance under Section 82 Nationality Immigration and Asylum Act 2002. An appeal has to be lodged with the Entry Clearance Post within 28 days of the notice of decision

Processing Times

The processing times will vary from post to post and will depend on the complexity of the case, current interview waiting times and the volume of applications being processed.

A. The Gateway Protection Programme

All family reunion applications made to join persons resettled in the UK under this programme are referred by the ECO to the BIA for advice.

Persons who have not been recognised as Convention refugees, but who are resettled in the UK under the Gateway Protection Programme on a compelling compassionate basis, are granted indefinite leave to remain.

Applications received for family reunion from dependants of individuals falling into this category will be dealt with on an individual case basis until further guidelines are published.

B. Mandate Refugee Programme

Once the applicant has been accepted for resettlement under this programme and recognised as a refugee, the immediate family members may apply to join the applicant under the UK's general Family Reunion Provisions as set out above.

10. Medical Requirements

N.B. This is the existing policy on medical screening and acceptance of case, which is currently under review.

A. The Gateway Protection Programme

The International Organization for Migration (IOM) is contracted to conduct health screening of all proposed UK Gateway cases. All cases are health screened before the UK makes a decision. The results of the medical screening can take up to three months to receive.

Resettlement will not normally be offered when, in the opinion of the medical examiner, the individual has a disease or illness, which, for the individual's own health, or for public health reasons, currently precludes travel, or requires treatment before travel. Resettlement may be offered to such individuals once, in the opinion of the medical examiner, this ceases to be the case.

Gateway applicants who have been diagnosed with HIV/AIDS, Multi-Drug-Resistant-TB, or established renal failure will not, usually, be offered resettlement for reasons of public health without Ministerial consent. In addition, resettlement may not be offered without Ministerial consent where the applicant or a dependant has any other medical condition which constitutes a danger to public health or a disproportionate cost to the Gateway Protection Programme.

B. Mandate Refugee Programme

THE UNHCR should not normally refer anyone with a significant medical condition as part of the Mandate Programme.

At the discretion of the ECO, any applicant may be subject to medical examination.

The costs of any examination must be borne by the applicant, including when their Entry Clearance/ EU UFF is/are issued free of charge.

11. Travel

A. The Gateway Protection Programme

Travel for refugees accepted for resettlement under Gateway is co-ordinated by IOM and paid for by the UK. Travel is organised once arrangements in the reception area are finalised. The BIA liaises with the local British post and the UNHCR Branch Office to ensure all travel documentation is prepared. Successful Gateway applicants will usually travel on a one way EU UFF, which is retained by the BIA on arrival in the UK.

Accepted Gateway cases will travel in small groups of around 20 - 30 from their current country of residence to the UK. Directly before their departure they take part in a cultural orientation lasting 2-3 weeks.

B. Mandate Refugee Programme

NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.

Travel arrangements to the UK are made either by the UK sponsor or, in exceptional circumstances where there are no other financial means available, through the UNHCR. In cases referred by the BRC, the BRC will arrange for the applicant to receive the travel documents, endorsed by the BIA for settlement in the UK. In other cases, the British post will provide the necessary travel documents to the applicant for their journey to the UK.

12. Status on Arrival in UK

A. The Gateway Protection Programme

Leave to enter the UK under the Gateway Protection Programme is granted exceptionally, outside the Immigration Rules.

All persons accepted on the programme will be recognised as Convention refugees and will be granted indefinite leave to enter on arrival in the UK. Dependants will normally be granted leave to enter in line with the principal applicant.

In circumstances where the dependant is of the same nationality as the country of current refuge, then Convention status cannot be granted. In such circumstances, the person should be granted Indefinite Leave to Enter outside of the immigration rules.

B. Mandate Refugee Programme

NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.

On their arrival in the UK, applicants will be recognised as Convention refugees and granted Indefinite Leave to Enter. Following their arrival, the BRC will make requests to the BIA for the applicants to receive their letters confirming their status.

13. Domestic Settlement and Community Services

A. The Gateway Protection Programme

Actors

The Gateway Protection Programme is the official name given to the UK's resettlement programme. In the UK, BIA manages the programme in partnership with local authorities, the voluntary sector and non-governmental organisations (NGOs), and other organisations with experience of working with refugees and migrants.

Reception

Resettled individuals are met upon arrival at a port of entry and transported to temporary accommodation. Upon arrival, sponsoring agencies are responsible for ensuring that primary basic needs are met: food, toiletries, additional clothing (where necessary), a small amount of money and a briefing pack (providing practical information). After a period of approximately 2/3 days they are transported to their permanent accommodation and given two weeks living costs.

Beginning Resettlement (Basic needs of life / Referral to Settlement Services / Orientation Materials / Community Information and Orientation / Interpretation and Translation)

Following the arrival of successful Gateway applicants at their long-term accommodation, additional support is provided in the form of: information on their local community, access to local services and regional orientation. The aim is to assist those newly arrived on the programme to settle and adapt to their new communities.

Resettlement Services

Resettled individuals will be provided with support from the Local Authority in which they are resettled. A caseworker will be appointed to each family giving one to one support to enable an assessment of their needs and assistance in accessing to the services described below. This support lasts for twelve months.

Housing

Upon arrival to the UK, persons resettled under the Gateway Protection Programme are provided with furnished accommodation.

Health

Health screening will be conducted for all Gateway applicants and their dependants before a decision is made on their resettlement application. This health information is released to the Primary Care Trust in which the resettled refugee will be living. Once in the UK, resettled refugees will have access to health care services under the same conditions as nationals.

Language Training

Language training is provided as part of the Cultural Orientation Programme prior to their arrival in the UK. In addition to this, further guidance and information on the English language courses available to them, is offered as part of their long-term resettlement.

Education

Education for between the ages of 5 and 16 year is compulsory. Resettled refugee children are given the same access to education as nationals. Information is also given on facilities and services for pre-school and under five years.

Vocational Training and Employment

Resettled refugees have the same access to vocational training and employment as nationals.

B. Mandate Refugee Programme

Not applicable

15. Reference Materials

Further information on the UK's Gateway Protection Programme can be found in policy guidance published www.bia.homeoffice.gov.uk