



Sir George Howarth MP  
House of Commons  
London  
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HOCS Reference: MIN/0009268/20

30 June 2020

Dear George,

Thank you for your letter of 12th June on behalf of several constituents regarding family reunion for unaccompanied asylum seeking children (UASC) in Europe. I am replying as the Minister of State for Security, with responsibility for matters relating to the transition period.

The UK has presented a genuine and sincere offer to the EU on a future reciprocal arrangement for the family reunion of UASC in either the EU or the UK, with specified family members in the UK or the EU, where it is in the child's best interests.

On 19th May, the UK published its draft legal texts for proposed future agreements with the EU including on family reunion for UASC. We made the texts public as a constructive contribution to the negotiations. Your letter raises a number of concerns about that draft legal text and I want to provide you with some clarity on these issues.

Your constituents are concerned that our proposals leave it at the discretion of states whether to accept the transfer of an unaccompanied child. Under the terms of our draft legal text, transfers are not mandatory, and it is right that the UK acts on requests from sending states only where we are satisfied that the criteria for transfer as set out in the proposed agreement are met. This includes where it is in a child's best interests and where there are no safeguarding concerns. The UK has a strong track record of reuniting UASC with their UK-based families under the Dublin Regulation, under which both the UK and EU Member States will currently reject transfer requests where they do not meet the requirements set out in the Regulation, for example due to safeguarding concerns, failure to establish a proven family link and if it is not considered in the child's best interests to transfer. Therefore, it is consistent that we should be able to do so in any future agreement.

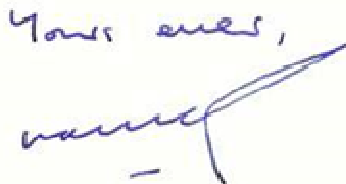
With regards to the absence of decision-making deadlines, our draft legal text is designed to cover the overarching principles of our proposed arrangements, not the operational detail of any final arrangements. Operational issues – such as timescales and the process for making decisions and carrying out transfers – will be agreed subsequently, once the overarching principles have been established.

Lastly, as with other international agreements, an individual's rights come from the UK's implementation of an international agreement, not from the agreement itself. This is standard practice for all international agreements and not a reflection of the UK's commitment on this important issue. The UK would publish clear policy guidance and the UK courts would hold the Government to account for implementation of that policy guidance where decisions made under that guidance are challenged. It is therefore not the case that individual decisions cannot be scrutinised by the courts.

During the transition period, the UK will reunite unaccompanied children with family members in the UK under the Dublin Regulation. Furthermore, children in Europe with immediate family members who have been granted refugee status or humanitarian protection in the UK will continue to be able to apply to join them under the refugee family reunion Rules, Part 8 and Appendix FM of the Immigration Rules. These routes are unaffected by our exit from the EU.

Protecting vulnerable children remains a key priority and you will be aware of our proud record of doing so through our asylum system and our resettlement schemes. The UK has granted protection to over 44,900 children since 2010 and has done more than most EU countries to help vulnerable children. In 2019, the UK received 3,651 asylum applications from unaccompanied children, a rise of 19% on the previous year and the highest intake of unaccompanied children since 2008. This means that the UK received more asylum applications from unaccompanied children in 2019 than any country in the EU. We will also continue to use our resettlement schemes to resettle refugees direct from conflict regions.

Your constituents rightly recognised the importance of this issue and I trust this letter provides them with further clarity on our approach.



Yours ever,  
James Brokenshire

**Rt Hon James Brokenshire MP**