



# Call for Evidence

## Family migration

*“The Justice and Home Affairs Committee is conducting an inquiry into family migration. Family migration is to be understood in the widest possible sense. It encompasses the processes of obtaining or renewing a visa as a relative of a UK citizen, of someone settled in the UK, or of someone on a possible route to settlement, regardless of the immigration pathway. It also extends to the impact migration policies have on familial and other care relationships within the UK and across borders, as well as the wider economic and societal impacts of family migration policies.*

*The Committee intends to consider migration policies in whole and, rather than focussing on specific immigration pathways in isolation, intends to investigate the differences between different pathways. It is interested to know about the wider trends in the design of family immigration pathways, how migration policies affect families, and how family migration policies affect society. The Committee will be interested to identify any emerging best practices or lessons learnt in how recent immigration pathways were designed, and how this affects families.”*

Question	Response
1. How does immigration law define a “family” and a “relative”? How have these definitions evolved over time? Are they consistent across immigration	Families for Justice are submitting this evidence as a network of people impacted by immigration policies that rip apart our families and take relatives through unjust deportation decisions. We can comment on our opinion on the difference between ‘family’ and a ‘relative’, the ‘family’ normally consists of parents and children, and part of our extended family are our “relatives”, for example cousins, aunties, uncles, grandparents. We are a network of people made up of family members and relatives of people in the deportation system.



<p>pathways? Do they reflect contemporary societal understandings of “family” and “relative”, in the UK and overseas?</p>	<p>As families we shouldn't be required to know legalised definitions and complicated policies to protect the fabric of our family lives. It takes a village to build healthy, happy children for a healthy society.</p> <p>Our immigration system dehumanises the family members of those facing deportation through a series of legal questions and tests that justify forced family separation, leaving children with a foreign-born parent being treated as second class citizens. For example, deportations under the UK Borders Act 2007 are mandated unless their child can show that deportation would be “unduly harsh”. `Showing “harshness” or “cruelty” to a child is insufficient. Nowhere else in English law is child cruelty explicitly sanctioned. Do we ask these same questions when local authorities and councils intervene in families and consider forced separation? Do these mechanisms serve to protect the rights of a family with immigration matters or does it instead justify Home Office legal standing to co-sign on separating families. Legal framing of a family should reflect the flux of family members, economic and social situations instead of immovable thresholds that put a family out of legal context to be considered a ‘family’ by law and ultimately do damage to the development of children.</p> <p>We do not feel the categorisation of “family” or “relative” reflects the complexity of support and family life that develops our community. Instead our children are impacted by poor considerations of their ‘best interest’ and have to justify the legal terms to prevent losing a parent being taken out of their home and deported to another country.</p> <p>We know that despite the requirements of Section 55 of the UK Borders Act 2007, effective consideration of children’s rights through a best interest assessment are not routinely carried out. We know this from numerous families that have and continue to be separated who talk of their experiences in our network. We discuss this in our published report ‘Separated Families: Unjust Deportations and the Families Left Behind’</p>
<p>2. Does immigration law apply to every family the same? Do different rules apply to different circumstances? Are rules applied consistently in similar circumstances? What are the justifications for discrepancies? How do “mainstream” immigration pathways compare with “bespoke” ones introduced in response to geopolitical and refugee crises and how do the bespoke pathways compare with each</p>	<p>We feel the treatment of families in all immigration circumstances experience mistreatment in protecting their family lives. In the deportation context, considerations of family life are nearly always outweighed by a prescriptive “public interest” test that ignores the public interest in keeping families together and skews decision making towards forced separation. The best interest consideration is barely triggered or only engaged with superficially.</p> <p>We are more concerned with differential treatment of ‘British families’ and families who are navigating immigration systems, as well as the differential treatment within the immigration system.</p> <p>To only acknowledge the problematic differential treatment of ‘bespoke’ immigration pathways would do disservice to the fact that even those who are treated somewhat more favourably in the system do still experience a reduced protection of family life compared to the family lives of people with British citizenships, this means there are negative impacts on children living in Britain who have a parent refused leave or plucked from their family overnight to be removed or deported and indefinitely separated. In some cases, the children are</p>



<p>other?</p>	<p>even told, in written Home Office decisions, that maybe their best solution is to leave Britain, their home and relinquish their birth rights if they want to live as a family.</p> <p>In cases of separating a child from a parent, a decision under Local Authority Care (LAC) compared to immigration decisions are not assessed in the same way, protections to family life in family migration decisions are drastically reduced, and it is unheard of that evidence is proactively collected by the State and detailed impact assessments are carried out to give full-considerations to family life in migration cases.</p> <p>We have referred to an independent review published in 2013 '<i>Report of the inquiry into new family migration rules</i>'<sup>1</sup>. One of the concerning findings is the reported lack of assessments by Home Office decision makers under Section 55 of the UK Borders Act. The report concluded that the best interest of a child is only considered in 1 out of the 20 cases they sampled. Whilst this report sampled cases in relation to increased income threshold, and sponsorship of dependent adults, and our lived experience network discusses concerns on deportation decisions and the indiscriminate separation of families, the 2013 report is an apt representation of what is experienced within deportation decisions and poor best interest considerations.</p> <p>Referring to a published report by Families for Justice, we asked the Home Office if they could tell us how many out of the 65,000 people deported between 2009 and 2021 have children here in the UK. Worryingly the Home Office was unable to provide such information and has said they do not hold such data, this would confirm that this information isn't captured because the Home Office clearly fails to assess family life when it considers deportation decisions, so no such data is captured. This same observation was made by All Party Parliamentary Group on Migration (APPG), in their 2013 report, in regards to considering the best interest of 'British Children living in the UK' who has a parent with a pending or refused immigration decision, that Section 55 provisions in these decisions "lack [of] reliable data on family migrants after their arrival here makes it difficult to study the short and long-term outcomes of family migration to the UK and this should be addressed."</p> <p>The disparity in gathering data on protecting and safeguarding children under Local Authority Care under the Children Act 2004 with no migration concerns, compared to family migration cases where Section 55 serves as the safeguarding mechanism under the Borders Act needs to be further investigated, and we should begin to close the gap on differential treatment of families who are separated by UK immigration policies or under Local Authority Care.</p>
<p>3. Does the financial requirement for spouses and partners (also known as</p>	

<sup>1</sup> All-Party Parliamentary Group on Migration REPORT OF THE INQUIRY INTO NEW FAMILY MIGRATION RULES June 2013, [http://appgmigration.org.uk/wp-content/uploads/2012/11/APPG\\_family\\_migration\\_inquiry\\_report-Jun-2013.pdf](http://appgmigration.org.uk/wp-content/uploads/2012/11/APPG_family_migration_inquiry_report-Jun-2013.pdf)



<p>“minimum income requirement”) achieve its objectives? How could the requirement, and the process of demonstrating it is met, achieve them better? How could it be adapted to reflect changes in the economy and the labour market? Are there any unintended consequences for individuals and families?</p>	
<p>4. What are the fiscal and economic impacts of family migration policies, for instance in respect of the labour market, recruitment, productivity, and innovation?</p>	<p>In our network of family members, the issue of economic impacts is raised consistently. As a consequence of unjust deportation decisions, many of the families in our network become restricted and their social mobility compromised. The deportation of a parent takes a main caregiver away from a family structure. Once the parental support is taken from the family the financial impacts are great. Families are forced to reduce working hours or leave work altogether because childcare once provided by a partner is no longer accessible. It is clear that families have and continue to face great financial adversity as a result of separation due to unjust deportations. Some are left living in poverty and reliant upon state benefits, food banks and vouchers. In this way, some families, previously with a decent income and not reliant on benefits, have been forced into poverty by unjust deportations. One family member describes their circumstance, ““since the deportation, money is really tight. I used to work full time on a decent salary. Now I am classed as a single parent with four dependants to look after”, this is one of many accounts where families now struggle because of the lack of meaningful assessment and engagement by Home Office decision makers on their case. Little attempt is made by the government to identify the long-term financial consequences such a decision can have on a young family. You can read many of these accounts in the aforementioned report on the Families for Justice report on deportations: <i>‘Separated Families: Unjust deportations and the families left behind’</i></p>
<p>5. What is the impact of family migration policies on public services?</p>	<p>In our work over the last two years, Families for Justice (FFJ) have sought advice and contributions from issue experts and those working within statutory services. In 2021, FFJ intervened in a legal case appealing a deportation order on the basis of the best interests of the children involved. That case is no longer before the courts. These contributions and the evidence given in that legal case demonstrate many of the negative mental health impacts of unjust deportation on children that are broadly representative. What was evident for us during this process was that standard safeguards under Section 11 of Children’s Act 2004 are not considered as in-depth when there is migration decision, especially around deportation of a parent.</p> <p>‘Working Together to Safeguard Children’, a statutory guidance on inter-agency working acknowledges that consideration of the children’s views should be taken when making decisions on their ‘best interests’ and on</p>



appropriate  
Safeguarding. “Children are clear about what they want from an effective safeguarding system. These asks from children should guide the behaviour of practitioners.”  
(Department for Education, 2015)

However, such considerations or processes are absent from the Home Office’s and other public services actions in deportation cases relating to FFJ members. The public services who are involved in these decision have failed in nearly all cases to consider their own guidance to ensure understanding or assessment of the impacts and risk posed to the children who the deportation decision will affect directly.

Some of our expert evidence identified the dangerous symptoms and consequences of absent impact assessments when deportations have been carried out and the impacts felt by the children.  
Dr Anoushka Khan, a Clinical Psychologist working in the Specialist Trauma and Maltreatment Service (STAMS) at Anna Freud National Centre for Children and Families, assessed the understanding, insight and acknowledgement from two of the children in the network in respect of the deportation of their father. It was stated by Dr Khan during her assessment that:

*“at no point did the court or anyone try to approach the child to help them understand what was happening and how they might share their views about the deportation”.*

The child being interviewed by Dr Khan believed that *“if someone had supported her to understand the situation, the outcome may have been different”*. She said, *“the one thing I regret about the whole situation is not being told to the full extent about the meaning of everything. I would have loved to have gone to the court. I would have loved to have tried to persuade the judge that it will affect me and it will change my life”*.

Public services are failing children who are considered under family migration policies, basic impact assessments are not seen to be implemented, children’s perspectives are excluded and information on the protection of rights is not being made available to families who have a partner at risk of removal or deportation.

Our contact with Social Services, Probation Service, Education sector, housing and Local Authorities is that not only are they not equipped to understand the complexities of family migration and the possible impacts on British children and children living in the UK of forced parental deportation. Overly punitive and disproportionate deportation policies and practices create distrust between affected children and the State and sanction emotional abuse to the children who are completely disregarded and excluded in immigration decisions and facilitation of removals.

Whilst it could be thought that denying children access to the details and discussions of deportation is in their best interests, it is clear from the experience of FFJ members and the findings of the experts cited that the lack of information about the deportation of a loved parent has had considerable and potentially long-lasting mental



	health impacts on children.
6. What is the impact of family migration policies on local authorities?	<p>Social Mobility is a main concern for Families for Justice but should also be a main concern for local authorities. There are many definitions of social mobility. The definition provided by the UK Social Mobility Commission and the World Economic Forum, defines social mobility as:</p> <p><i>“the movement in personal circumstances either “upwards” or “downwards” of an individual in relation to those of their parents. In absolute terms, it is the ability of a child to experience a better life than their parents. Relative social mobility is an assessment of the impact of socioeconomic background on an individual’s outcomes in life. It can be measured against a number of outcomes ranging from health to educational achievement and income.”</i></p> <p>From the research carried out by the FFJ network, we heard of families being left living in poverty and reliant upon state benefits, food banks and vouchers. In this way, some families, previously with a decent income and not reliant on benefits, have been forced into poverty by unjust deportations. We consider this outcome to be unacceptable, unjust and completely avoidable.</p> <p>The Joseph Rowntree Foundation have highlighted key causes of poverty in the UK: unemployment, low levels of education and skills, discrimination, weak relationships and trauma. The British children who have been separated by unjust deportation have through no fault of their own been subjected by the Home Office to all of these causes of poverty.</p> <p>Local authorities shoulder the costs of poor deportation decisions that push families into poverty. Prior to deportation and the forced separation of families under family migration, family members reported being able to earn a decent income that provided the family with a good standard of living and not having to rely upon state benefits.</p> <p>Loss of main caregivers has in some cases meant loss of jobs and families have been left to rely upon food banks, and food vouchers.</p> <p>Many working families have fallen outside of legal aid provisions and unable to access legal advice, therefore in this case it has acted as a barrier to justice, and family’s rights, as well as increased costs to family life contributing to further risk of poverty to fight for keeping a family together.</p> <p>Families have been left feeling scared, isolated and threatened by a government service that should serve to support children and families. However, findings from our case studies state, social care was used as a ‘weapon’ to further punish and separate families. Families have expressed their fear that social care will remove/take their children away from them. The culture of neglecting the family life in Family Migration policies has created a distrust in local authorities and public services.</p>



<p>7. In what circumstances may family immigration law and practice result in an extended (or indefinite) period of family separation or place families under stress in other ways? How could they be adapted to prevent or shorten periods of family separation or be more accommodating of the wellbeing of families?</p>	<p>With the current Government stance on deporting people with convictions that amount to 12 months of custody, this is having a huge detrimental effect on families and discriminates and penalises families and children who have a parent or partner who does not have British citizenship and in the criminal justice system. We are subjecting thousands of children to being brought up in broken homes, single parent homes and it has been well documented over the years that children can face increased disadvantage brought up with one parent absent as opposed to children having the support and physical presence of two parents. The Government spends huge amounts of money on charter flights, which attempt to deport people who have strong Article 8 rights in the UK, use of public spending could instead be put into connecting public services to provide holistic impact assessments, that actively consider the children's perspectives, development and impacts on the community, Services should seek to help repair families that have been separated by prisons, instead of creating further trauma of doubling down on separation through deportation.</p> <p>As a network who experience deportation first hand, we know the implications of the criminal justice system and how it has interacted very differently towards our family compared to families who have defined British Citizenship. We are realistic about public services involvement when discussing deportation however we feel their engagement shouldn't constitute punishment and punitive investigation culture as reported by many members when discussing probation case management or social services involvement in deportation. We believe that such a poor culture of neglecting the perspectives of families exists in offender management services and social care services when it comes to family migration issues because of lack of resources, family migration specific training, casework capacity, and lack of practical mechanisms that would encourage public services to be collaborative with families in their approach when managing deportation decisions. Instead we have seen the misuse of multi-agency meetings which focus on facilitating deportations instead of taking perspectives of the children who should be protected from harm. Instead our experiences have been that public services collude with Home Office decisions without question or thorough investigation and blindly facilitate further punishment by way of deportation without consideration to the families and children involved. Through all of these processes at no point have we heard of the children being approached for their perspectives by case managers who support decisions to take a parent or partner without warning.</p> <p>Whilst in other areas of the criminal justice system where it is assumed the parent will be rehabilitated and be reunited with family there are clear processes that prepare and support families to ensure a healthy and rehabilitated community, with integration programmes. The prison service tries very hard to keep family connections as best as they can whilst a person is serving a sentence. The Prison service acknowledges that a person that has a family to go back to is less likely to reoffend upon release. This would then let the children have their family back in one peace, rather than having unresolved abandonment issues that can go on to cause trauma in early adulthood.</p>
<p>8. How do family migration policies</p>	<p>There has been a detrimental impact on all ages of children's development and mental health, and their</p>



affect children separated from one or both of their parents (or other relative)? How do families separated by immigration law use modern means of communication, and what is the impact of this use?

mothers. Children, young people and their mothers in our network are currently awaiting mental health support from already over stretched local mental health services.

Parents report there is a gap in attainment. Children and young people are not doing as well as they could be, and the gap between them and their peers is widening.

Mothers who were working full time, supporting their families with no need for public funds have now been pushed into poverty, as they are now a single parent, unable to afford childcare and work. This is having an impact upon the economy as families who were once contributing to the economy, are now having to live off public funds/benefits.

Children's behaviour – Young people and children are living through a real life nightmare. There is no closure for them, they live in limbo and have a range of feelings, anxiety and anger regarding what has been done to them. They have had no say, they have not been part of the process and many will never see their father again. Some describe this worse than death, as with death there can be closure. There is no closure in this situation, just daily reminders that you can no longer live with your father because he is from another country.

Many mothers and children feel discriminated against. Families for Justice members made up of mothers, wives, partners and siblings report no equality rights impact assessment has been undertaken. They feel their family has been separated and treated differently just because of the country their loved one comes from. For example, a father from Africa or Jamaica is treated differently from a father or spouse from Hong Kong or the Ukraine under bespoke migration pathways. Mothers and families cannot get their head around how this is not discrimination.

Children often refuse to speak to their father via the phone, skype, face time etc. They find it too painful. Many children also do not have the emotional maturity to understand what is happening, where exactly their father is, and why he cannot be with them. This method of communication only causes further distress. From a lived experience perspective their children's rights and voices have not been taken into consideration. They feel discriminated against, forced into poverty, children's outcomes have been affected as they are already falling behind their peers. Mothers and children have been left with no support and feel punished, oppressed and humiliated. Their lives are a daily nightmare.

In years to come, there is going to be a very damaged generation due to children and young people having their families torn apart. This is not going to bode well for society, the economy, public services and local authorities. This is supposed to be the next generation, they deserve to be invested in and respected.

If the covid pandemic has taught us anything in the past 2 to 3 years it is that there is no substitute to a hug, to one human being embracing another human being. All of the technology in the world is no replacement to having a hug from a loved one that you haven't been able to touch, hold or hug for the past 2 to 3 years.





	<p>Modern technology has come on leaps and bounds; however, it still fails us. Some countries where people are deported to may not have the same access to facilities, so Wi-Fi signals fail, might not have their own phone to be able to use as they wish, not having the correct charging cables. Technology is no substitute for a hug.</p>
<p>9. How should family migration policies interact with the right to respect for family and private life and the best interests of the child? What can the immigration process learn from the family justice system and how could they best interact with one another?</p>	<p>In the first instance, it would be beneficial if family migration policies were made available to families. Many families are not aware there are family migration policies such as the Section 55 duties in immigration decision, therefore they do not know the processes that should be followed when decisions are made about their family life and children.</p> <p>Many families feel helpless, oppressed, and are ill-equipped because of lack of transparency and support from public services and Home Office decision makers.</p> <p>It is next to impossible to get legal aid, therefore little or no legal representation is made available for families who are being torn apart by legal process.</p> <p>Families for Justice has carried out their own research and have gathered first -hand evidence from numerous families in which their spouse and a parent has been deported. All of the families we spoke to through our research reported that their children’s perspectives and welfare were not actively assessed, at no stage was there any formal assessment or follow up with the children who would be impacted if a deportation of one of their parents was carried out. No child or mother was asked for their views or experience and no children’s rights impact assessment was carried out on any of the children. Therefore, the impact on these children and their rights and views were not ascertained, upheld, formed or contributed to any part of the decision maker’s decision.</p> <p>One Families for Justice member reflects on their own experience:</p> <p>“the court was too focused on the conviction instead of what was the best thing for the children. In all of these court matters the child should always be put at the top of the list with whose needs need to be protected, as in the Family courts. The immigration courts need to see a family as a whole and not smash us into a thousand pieces and leave us to figure out how it goes back together whilst half of our family is missing. The prison and probations system is considered an effective tool by government to help people who have offended be reintroduced into society, so why are parents without secured British Citizenship that have served a sentence not given the same chance to restart their lives? Instead they are served with an extra life sentence, which is cruel and inhumane to say the least.”</p> <p>To conclude, families have not had their private lives respected and children’s best interests have not been taken into consideration when decisions are made.</p>



	<p>Families are left disadvantaged and unable to access legal aid/support. Therefore, how can families access and understand migration policies, let alone interact with them.</p> <p>Our question is, how can families access migration policies, have legal support to access and understand these policies. And enable families to interact with them? With no access to legal support, families are left vulnerable, torn apart and at a disadvantage.</p>
10. How do family migration policies and their implementation affect the integration and participation in British society of (would-be) sponsors and their sponsored family members?	