

REFUGEE FAMILY REUNION PROJECT

WORKSHOP REPORT



**ONE
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IMPACT**

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Executive Summary

The Refugee Family Reunion (RFR) Project, supported by the One King's Impact Fund is an interdisciplinary partnership led by King's Legal Clinic (KLC) in partnership with King's Forensics (DNA@King's), Refugee Legal Support (RLS), and the King's Sanctuary Programme seeking to strengthen the One King's Impact Priority of peace and justice in a turbulent world. The RFR Project aims to develop a new University interdisciplinary clinic providing pro bono legal assistance and DNA testing services to support refugee families (1) seeking reunification and producing research that contributes to policy reform aiming to develop fairer and more compassionate safe pathways to sanctuary.



On 16 October 2024, King's College London (King's) hosted a workshop with participants from the legal, humanitarian, forensic science, and policy sectors as well as those with lived experience. The workshop aimed to; collaboratively identify contemporary barriers in the family reunification processes to support strategic development of King's research; and engage in knowledge exchange with stakeholders on the barriers to RFR through an interdisciplinary lens to inform practice. The workshop focused on exploring:

- i.the fairness and robustness of the use of DNA and forensic evidence in RFR cases;
- ii.the key barriers in the legal and procedural framework, and how these could be addressed; and
- iii.issues around the welfare and wellbeing for clients, lawyers and students involved in RFR cases and how to build a compassionate and ethical Legal Clinic.

Participants reported common and systemic issues impacting the family reunion process, highlighting that current structures are not sufficiently supportive or accessible for refugee families. Key challenges identified included the complexity and restrictive nature of UK immigration law, especially concerning the restrictive definition of a family member, extensive and onerous evidential requirements, significant procedural delays, onerous biometric requirements in

1. This includes family members of those who are forcible displaced.

particular in inaccessible regions, and the reliance on DNA testing, which adds financial and logistical burdens to applicants. Participants also noted inconsistencies in decision-making processes and raised concerns around the transparency and fairness of assessments by the Home Office.

Valuable insights were reported by Participants on DNA evidence because of the dissemination of knowledge by DNA@King's. Participants developed an awareness of the limitations and complexities of DNA evidence and lack of consistency in DNA testing standards across laboratories. Weakness in Home Office decision making were explored, who often lack the scientific background required to fully understand DNA reports. This included a misunderstanding of the probabilistic nature of DNA reports and seeking '100% certainty'. which is not scientifically feasible. DNA@King's reported that families are often required to undergo additional testing or appeals due to decision-makers' lack of understanding of the DNA evidence. Participants raised concerns that DNA evidence, even when conclusive, often remains insufficient without supporting documents to meet Home Office standards.

It was felt that these collective barriers were exacerbating the emotional and financial strain already experienced by affected families. Participants highlighted the need for mental health support for clients, caseworkers and those working with refugee families to alleviate the psychological toll of the reunification process.

King's and RLS are grateful for the time and thoughtful contribution of all Participants. The report includes further details of the topics explored and solutions suggested. Key research areas identified include the standardisation of DNA evidence interpretation, exploration of alternative biometric solutions, a comparative analysis of the definition of family and exploring the fairness and consistency of Home Office decision making.



Next Steps & Pilot Research

In light of the workshop, a further survey and discussions with some stakeholders, Phase 2 (January to July 2025) of the RFR project will focus on developing the following:

1. DNA & Forensic Science

Exploring consistency and transparency in the use of DNA Evidence in RFR cases

The research aims to investigate the challenges and inconsistencies in the interpretation and application of DNA evidence in RFR cases. To critically explore the fairness and rigour of decision making and testing, the decision-making processes of the Home Office and HM Passport Office and the practices of laboratories accredited by the Ministry of Justice will be examined. The research will examine differences in DNA testing capabilities, particularly in addressing complex relationships such as half-siblings or genetic mutations, and the transparency of laboratories regarding their services. Additionally, it will assess the clarity and application of Home Office DNA guidance, from the initial identification of DNA services to the evaluation of evidence by decision-makers. By analysing these elements, the study seeks to identify barriers and recommend improvements to enhance the fairness, consistency, and accessibility of DNA evidence in RFR applications.

2. Law & Policy

Evaluating the definition and interpretation of family members in UK Immigration law and the efficacy of decision making in RFR cases

The research aims to explore the definition and construction of family in the UK RFR legal framework through an interdisciplinary lens, this may include an analysis of comparative jurisdictions, anthropological, political sociology and human geography perspectives. Additionally, the research will analyse the efficacy and fairness of Home Office policy and practice in relation to the evidential requirements in RFR cases, the study will seek to achieve this by analysing a sample of Home Office decisions and surveying legal practitioners

This research focus was selected as we felt there was a reasonable prospect of positive impact of shifting barriers to RFR, either through policy change and/or supporting legal representatives advocate on behalf of clients.

We plan on scoping a further law and policy research proposal from January to July 2025, which we hope to pursue in the long term (subject to securing funding) which explores the 'Impact of RFR barriers on the use of irregular routes. This research holds significant potential for long-term policy impact on the development of safe pathways to sanctuary, though it is a substantial undertaking requiring additional funding, time and a more conducive political climate. Our scoping will focus on conducting surveys with legal practitioners and/or clients to identify asylum seekers in the UK who were also eligible for RFR.

The above approach was informed by several factors, including our understanding that some of the areas of research identified (including around biometrics) will be undertaken by other organisations, as well as feasibility relating to funding and time factors.



Pilot Clinic

The interdisciplinary pilot clinic will provide DNA services and legal representation to extended family members in a range of cultural and displaced contexts with the aim of informing the research outputs.

We hope to work collaboratively with many of the participants during phase 2 and aim to hold a public event in July 2025 to share our research findings in the hope of shaping much needed change and to develop the next phase of the RFR project.

Part 1: Forensic Genetic Evidence for RFR Applications

In the first segment the workshop explored whether the current system for the use of DNA evidence was robust, fair and accessible, this was led by presentations by Professor Denise Syndercombe Court (Professor of Forensic Genetics) and Lesley Nott (Forensic Client Relationship & Case Manager at DNA@King's).

Insights from DNA@King's

Professor Syndercombe Court shared critical insights on the complexities and challenges of using DNA evidence in RFR cases. She emphasised that while DNA testing can be invaluable for establishing familial links, it is not without limitations and complexities, which can inadvertently hinder families seeking reunification. While DNA testing is a critical tool for establishing familial relationships, it cannot provide absolute certainty. Decision-makers often misunderstand the probabilistic nature of DNA reports, seeking '100% certainty' which is not scientifically feasible. Instead, DNA evidence uses likelihood ratios, which require careful interpretation.

Professor Syndercombe Court explored the technical complexities in interpreting DNA results, especially in cases where mutations or atypical genetic markers are present. For example, mutations can sometimes result in misleading conclusions, leading to incorrect exclusions in family claims. A critical takeaway was the need for enhanced training for decision-makers who review DNA reports. She noted that decision-makers often lack the scientific background required to fully understand DNA reports, leading to misinterpretations.

Lesley Nott identified the lack of consistency in DNA testing standards across laboratories as a significant issue. She also observed that decision-makers sometimes exhibit conscious bias, leading to unwarranted scrutiny of DNA evidence and supporting documents. This bias is compounded by the simultaneous questioning of the authenticity of DNA reports, documentation, and even applicants' payments for testing services. She shared examples where applicants faced unjust rejections due to these biases, highlighting the urgent need for standardised practices to reduce such discriminatory practices.



It was also noted that families are often required to undergo additional testing or appeals due to decision-makers' lack of understanding of the evidence. This not only delays reunification but also imposes significant financial and emotional burdens on already vulnerable families. She emphasised the importance of reducing these burdens by improving the accuracy and reliability of decision-making processes.



Following this, participants were asked to discuss the issues they experienced with DNA evidence in RFR cases and what changes were needed. Participants commented that DNA testing, while valuable, often creates obstacles due to its reliance on supporting documentation. Participants suggested standardised transliteration of names across European countries to avoid identity discrepancies and called for enhanced training for decision-makers to ensure fair, accurate interpretation.



Participant Perspective: Key Issues and Proposed Solutions

1

High DNA Testing Fees: DNA testing remains prohibitively expensive for refugees, particularly in conflict areas like Libya and Gaza, where access to authorised testing centres is limited. Suggestions included collaborating with local organisations to verify family relationships and partnering with nonprofit labs, such as DNA@King's, to reduce testing costs.

Clarity on guidance: Participants also identified issues around transparency on the Home Office website, as there was no guidance or information about whether a government accredited laboratory could offer complex DNA testing. They also commented on the difference in approach by some laboratories ' in comparison to DNA@King's, they felt clearer guidance was needed to ensure laboratories were more accessible and empathetic in terms of making the process clearer and accessible for refugees and their families.

2

3

Required Documentation: The inconsistency in required documentation across countries further complicates family reunification. In regions like Afghanistan, where many births go unregistered, alternative verification methods could better support vulnerable populations. Some participants recommended prioritising documentation as the primary evidence and using DNA testing as a last resort, especially in cases where formal conventional ID documentation is unavailable.

Part 2: Legal & Procedural Frameworks



The second segment of the workshop was facilitated by Shaila Pal (Director and Supervising Solicitor of King's Legal Clinic), who introduced the focused aims of the RFR project. There was an acknowledgement of the various insightful reports over the years which have explored the legal and procedural challenges families face applying for RFR. Shaila Pal highlighted the RFR project desire to complement the previous report work and develop with stakeholders new approaches to research to shape future policy. Despite the various reports, problems appear to persist and are highlighted by a recent report by RAMFEL (2). The report identified a number of issues and statistics highlighting concerns about the quality of Home Office decision making; between April and September 2023, only 37 visas were issued under Appendix CNP (3) with 186 refusals; between 2019-2022 66 % of appeals against family reunion decisions have been successful



2. Safe Routes to Nowhere: The UK's Broken Promises on Family Reunion' (June 2024) <https://www.ramfel.org.uk/family-reunion-report.html>
3. Appendix CNP of the Immigration Rules relates to children applying to a join a non-parent family member with refugee status for e.g. Aunt, Uncle, siblings etc.

Participant Perspective: Key Issues and Proposed Solutions



1

Complex process with little to no support: Participants reported the RFR process is intricate, with extensive documentation requirements, including birth certificates and biometric data, which pose significant challenges for applicants without legal assistance. Policies were constantly changing which made it more difficult for clients to understand. Simplification of these procedures was recommended to improve accessibility, with clearer, more user-friendly guidelines to support those applying without representation.

Strict family definitions: Many participants felt the UK's narrow definition of "family" in immigration law does not align with cultural and financial dependency norms in many refugee-producing regions, where 'extended family members', such as parents, in-laws, uncles, cousins, or family friends who may have raised a child, are considered part of the immediate family. In addition they felt it fails to have adequate regard to the impact of conflict and human geography on the interpretation of immediate and extended family. Participants felt the definition of family and the assessment of dependency (and the related evidential requirements) needed to be addressed so as to fairly reflect diverse family structures and the impact of conflict. .



2



3

Barriers on legal aid and biometrics: Participants reported limited legal aid options make it difficult for refugees to afford representation, leaving many without essential support in navigating complex processes. Moreover, biometric data collection, a mandatory component of the RFR process, is inaccessible in certain conflict zones due to a lack of biometric centres. To address these issues, participants suggested policy changes to improve biometric access in inaccessible regions and to allow waivers in crisis situations, similar to adaptations made in the Ukraine scheme. Additional concerns were raised about exit visas, which caused delay and complications for refugee families.

Part 3: Welfare and Wellbeing

In the final segment of the workshop Shaila Pal facilitated discussions focused on developing an interdisciplinary clinic which engaged in practices which are compassionate and support the wellbeing needs of clients, students, the forensic team, lawyers and wider support staff.

Participants were asked to explore the challenges faced by clients, students, and lawyers respectively and what support and practices might alleviate these challenges.

The welfare and wellbeing discussions highlighted the significant psychological and emotional toll of the RFR process on both applicants and those supporting them. Below is an overview of the key themes:

Participant Perspective: Key Issues and Proposed Solutions



Emotional and Financial Stress: The prolonged and costly nature of the RFR process often places intense emotional and financial strain on families. With waiting periods extending up to 2-3 years, families experience feelings of hopelessness, frustration, and, in some cases, severe mental health challenges. Some of the proposed solutions were to better integrate mental health support services and community based support for clients during the RFR process. Participants also spoke about the need to ensure that legal practitioners engaged in trauma informed practices.

Challenges for Legal Practitioners, Students and those supporting cases: Participants faced challenges in accessing accurate information on laws and identity documentation for refugees' countries of origin. It was discussed that enhancing access to country-specific resources for legal practitioners can better support their work on RFR cases and help in reducing the pressure of casework. Additionally, working on emotionally charged cases can impact the wellbeing of practitioners and those supporting clients, underscoring the need for adequate support. One model explored was having safeguarding and wellbeing officer to provide support for lawyers, students etc when wellbeing issues arose, and more generally engage in regular reflection to enable a supportive environment.



This aspect of the workshop will be developed in more depth during phase 2 of the RFR project, time constraints limited the depth of the discussion.

Part 4: Stakeholder Feedback on current system

During the workshop we sought feedback from participants on their feelings on the current RFR system, the overwhelming response was one of frustration at the unfairness and lack of compassion in the system.

Please can you pick one word to describe the current system for the forcibly displaced or refugees seeking family reunion

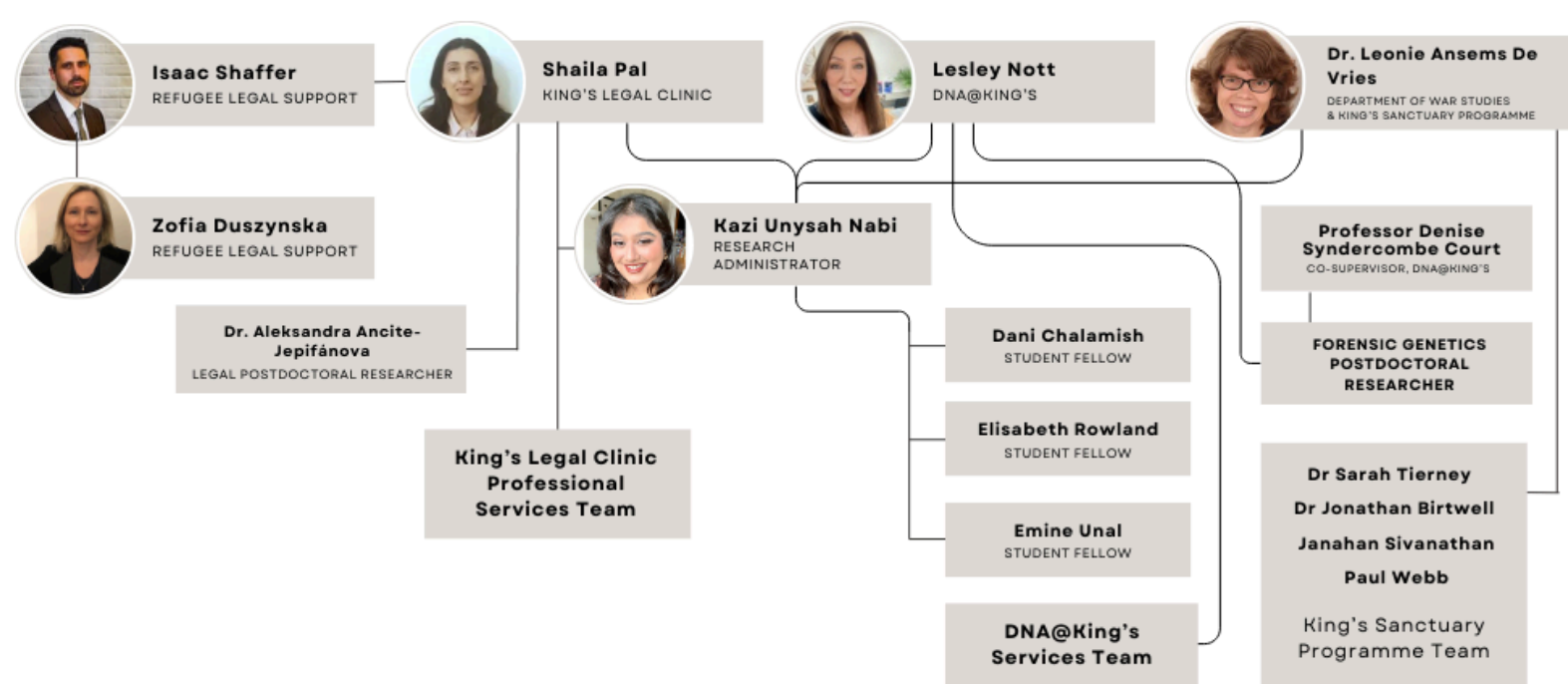
20 responses



Following the workshop, Participants were asked to also share their thoughts via a survey on how to enhance fairness, transparency, and accessibility in the system, as well as on potential research directions for the RFR project. Some themes have been identified and listed below:

- **System Fairness and Transparency**
- **Compassionate Decision-Making and DNA Interpretation**
- **Concerns on Migration Choices**
- **Public Perception of Family Reunion**
- **Impact on Clinical Legal Education**
- **Success Rates and Appeals**

Meet the Refugee Family Reunion Project Team



Meet our dedicated team of professionals who have contributed their expertise, passion, and collaboration to drive towards the success of the project.

Workshop Attendee List

<u>Organisation</u>	<u>Name</u>
British Red Cross	Giulia Gosi
Refugee Council	Woodren Brade
Safe Passage	Sana Ibrahim
Safe Passage	Nazila Shirzay
IRAP	Nadia Sebtaoui
UNHCR	Rhiann Holloway
UNHCR	Bareya Khan
Pathways International	Hannah Gregory
Pathways International	Gideon Winward
Open Society Foundations	Eleanor Kennedy
BEDS (Bedford)	Zabihullah Obaidy
Panjshir Aid	Hadi Sharifi
Home Office	Laura Pearson
University of Leicester	Aleks Palanac
Refugee Law Institute	Professor David Cantor
Member of the House of Lords	Baroness Sally Hamwee
Refugee & Migrant Forum of Essex and London (RAMFEL)	Melanie Vasselin
Refugee Legal Support.	Shamim Sarabi
Refugee Legal Support	Isaac Laban Shaffer
Refugee Legal Support	Zofia Duszynska
King's Legal Clinic	Shaila Pal
DNA@King's,	Lesley Nott
DNA@King's,	Dr. Denise Syndercombe-Court
King's Legal Clinic & DNA@King's	Kazi Unysah Nabi
King's College London (RFR Project Students)	Sev Unal, Liz Rowland, Dani Chalamish, Cate Sofia Diaz Ginna Al-Zubaidi

King's Legal Clinic (KLC) aims to enhance the education of law students at The Dickson Poon School of Law and promote social justice. We aim to improve access to justice through a range of activities, including providing free legal advice to members of the public through our Legal Advice Clinic and working with local and international organisations on research and justice projects.

This report was prepared by Shaila Pal (Director, Supervising Solicitor & Senior Lecturer at King's Legal Clinic), Lesley Nott (Forensic Client Relationship & Case Manager at DNA@King's) and Kazi Unysah Nabi (Research Assistant) with support from RFR Project students of King's College London all workshop pictures have been taken by Rinku Yunusa.

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