UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR OBSERVATIONS ON *RESTORING ORDER AND CONTROL: A STATEMENT ON THE UK GOVERNMENT'S ASYLUM AND RETURNS POLICY*

31 December 2025

I. INTRODUCTION

1. The Office of the United Nations High Commissioner for Refugees ('UNHCR') provides these comments in response to the United Kingdom (UK) Government's recently announced asylum reforms '*Restoring Order and Control: A statement on the government's asylum and returns policy*' ('the Asylum Statement'). Noting that there will be further details announced in relation to these reforms in the coming months, these comments consider the Government's proposals as set out in the Asylum Statement and offer initial observations to inform consideration and discussions around asylum reform in the UK. Given the wide-ranging nature of the proposals, these observations focus on the matters of greatest relevance to UNHCR's mandate, and do not seek to address every aspect of the Asylum Statement.

2. UNHCR offers these comments pursuant to its supervisory role for international refugee law, as the agency entrusted by the United Nations General Assembly with the responsibility for providing international protection to refugees and other persons within its mandate, and for assisting governments in seeking permanent solutions for refugees.[1]

3. The United Kingdom is a Contracting Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (together, "the Refugee Convention")[2], as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Statelessness Convention (together, "the Statelessness Conventions")[3]. Through accession to these

[1] See *Statute of the Office of the United Nations High Commissioner for Refugees*, UN General Assembly Resolution 428(V), Annex, UN Doc. A/1775, para. 1, available at https://www.unhcr.org/3b66c39e1.pdf. As set forth in its Statute, UNHCR fulfils its international protection mandate by, inter alia, "[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto." Ibid., para. 8(a)
[2] UNHCR's supervisory responsibility is also reflected in Article 35 of the Refugee Convention and Article II of the 1967 Protocol, obliging State Parties to cooperate with UNHCR in the exercise of its functions, including in particular, to facilitate UNHCR's duty of supervising the application of these instruments. *Convention and Protocol relating to the Status of Refugees*, available at: https://www.unhcr.org/3b66c2aa10
[3] UNGA, Resolution A/RES/50/152 of 9 February 1996, available at: http://www.unhcr.org/refworld/docid/3b00f31d24.html, which also specifically requested UNHCR "to provide technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States". See also, UNGA, Resolution A/RES/61/137 of 25 January 2007,

instruments, the United Kingdom has assumed international legal obligations in relation to refugees, asylum-seekers, and stateless persons in accordance with their provisions.

II. OVERVIEW

4. UNHCR welcomes the Government's commitment to maintaining the UK's strong tradition of providing sanctuary and safety to people fleeing conflict and persecution, while ensuring well-managed borders - noting that these are compatible and mutually-reinforcing goals. In particular, we welcome the express commitment in the Asylum Statement to the principle of *non-refoulement* – a binding international norm reflected in the Refugee Convention, other international instruments and international customary law.

5. UNHCR also shares the Government's concern regarding the dangerous journeys undertaken by refugees and migrants, the abuses perpetrated by smugglers and gangs, and the challenges that these mixed movements present. We note that there is strong support among the UK public for receiving and hosting refugees but also that concerns persist regarding a perceived lack of control, particularly in view of the salience of irregular arrivals across the Channel and pressures on asylum accommodation and support. We also recognise the importance of sustaining public confidence as an essential underpinning of a successful asylum system; as well as the need to effectively return people not in need of international protection. In our Recommendations to the Government of the United Kingdom, issued in July 2024, we shared a number of proposed measures, noting in particular that fair, efficient asylum systems are essential to swiftly identify refugees and provide the protection they need. These should be coupled with well-managed migration pathways that alleviate pressure on asylum systems - often used by those seeking to move for economic reasons - with mechanisms that ensure the swift return of individuals who are found not to have valid claims. We note the progress made in this regard and will continue to support these efforts.

6. UNHCR notes that much of the Asylum Statement sets out high level policy goals, the substance of which will now need to be elaborated in detail – some through legislation and some through policy and operational guidance. We will engage closely as these are developed with the aim of ensuring that changes are elaborated and implemented in line

available at: https://www.refworld.org/docid/45fa902d2.html; UNGA, Resolution A/RES/62/124 of 24 January 2008, available at: https://www.refworld.org/docid/47b2fa642.html; and UNGA, Resolution A/RES/63/148 of 27 January 2009, available at: https://www.refworld.org/docid/52fb51bb4.html. UNHCR's role has been recognized by the UK Supreme Court in *Pham v Secretary of State for the Home Department*, [2015] UKSC 19, para. 22, available at: https://www.bailii.org/uk/cases/UKSC/2015/19.html

with the Refugee Convention, also bringing to bear UNHCR's expertise in the drivers of refugee flows, potential solutions, and on additional policy options beyond those set out the statement.

7. The Statement consists of proposals to i) reduce arrivals; ii) increase removals; and iii) provide safe and legal routes. With respect to the first of these – reducing arrivals – we note with concern the emphasis on restricting the status and entitlements of those who have been determined to be refugees – especially (but not only) those on the 'core protection' offer. Refugees are not migrants. They are people fleeing conflict, instability and human rights abuses - circumstances no one would willingly choose. For those whose claims are assessed in the UK, and who are found to be refugees, UNHCR urges that they be given a stable status that allows them to rebuild their lives and reunite with their families, while a long-term, durable solution is sought. For some, this will be a return home when circumstances allow. But in view of the protracted nature of many of today's conflicts, and the persistence of repressive regimes, for many, it entails the hard reality of building a future elsewhere.

8. Early investment in refugee integration is in everyone's interest. UNHCR supports approaches that help refugees rebuild their lives in safety and contribute to their new communities. In contrast, short-term stay arrangements subject to regular review, prolonged pathways to settlement and naturalisation, and stringent limitations on refugee family reunion often create prolonged uncertainty and despair, undermining integration and social cohesion. Such arrangements can be complex and costly to administer and evidence of an impact on refugee decision-making as to where asylum is sought is weak at best.

9. With respect to increasing removals, UNHCR supports the prompt return of those found to have no international protection needs nor other legal basis to stay. We also encourage the UK to continue to work with European and other partners on cooperative arrangements to effectively manage irregular arrivals while sharing responsibility for refugees and upholding international protection. With the right safeguards in place, this may include lawful transfers of some asylum-seekers to other countries, including through mechanisms like the France-UK 'one-in, one-out' arrangement.

10. UNHCR welcomes the Government's commitment to safe, regular routes for refugees to be welcomed to the UK, drawing on the experience of the UK Resettlement Scheme and initiatives for Syrians, Ukrainians and Afghans. Such pathways provide a lifeline for refugees unable to live safely or realize their potential where they are and are a means of

sharing responsibility with countries hosting most of the world's refugees. If accessible and realized at scale, they can provide managed alternatives to dangerous, irregular journeys. This work should be rooted in wider cooperation with European and other governments 'upstream' in large refugee-hosting and transit countries to help provide real alternatives to dangerous onward journeys and stabilize movements by strengthening rights, lawful stay and work opportunities.

11. In a time of unprecedented global displacement, empathy, efficiency, responsibility-sharing and international cooperation are essential to protect forcibly displaced people, with measures that work for both states and refugees. UNHCR stands ready to continue working closely with the UK Government to ensure a managed, shared approach to forced displacement that maintains access to asylum, upholds rights and promotes social cohesion.

III. COMMENT ON A NEW 'CORE PROTECTION' OFFER FOR REFUGEES: SHORTENED LEAVE, RESTRICTIONS ON FAMILY REUNION AND A LONGER PATH TO SETTLEMENT

12. The first section of the Asylum Statement sets out a wide-ranging set of changes to the type of protection the UK offers to refugees and other people in need of international protection – that is, people the UK has found to be at risk of serious harm if they were to return to their country of origin. The primary objective of these changes is deterrence, with the goal to reduce arrivals by making the UK a less desirable place to seek sanctuary. Changes include shortened leave to remain, a new 'work and study' visa, new requirements on family reunion and a longer path to settlement.

Shortened leave to remain

13. UNHCR notes with concern the Government's plans to reduce the duration of leave granted to individuals in need of international protection to 30 months. Such a change would place additional administrative and costly burdens on the asylum system, create greater uncertainty for refugees and negatively affect integration and social cohesion.

14. Currently refugees and others in need of international protection are granted five years leave and can then apply for indefinite leave (settlement) if they can show that they continue to need international protection. Under the proposed changes, the Government will instead introduce what it calls a 'core protection' offer whereby refugees will be given 30 months leave to remain in the UK that can be renewed where it is determined that they are still in need of international protection. On the 'core protection' offer, refugees will not

have automatic rights to family reunion and will be required to wait 20 years before they can apply for settlement.

15. UNHCR has long advocated that refugees and others in need of international protection are provided with a secure and stable protection status that is not subject to constant review.[4] That is not to say however, that refugee protection, once accorded, can never come to an end. As set out in the Refugee Convention, refugee status is, by its nature, temporary, as it may be ceased in certain circumstances, including when the conditions that led to a person being recognised as a refugee no longer exist (see Articles 1C(5) and 1C(6) of the Refugee Convention).[5] However, while some refugees may be able to return to their country of origin in the future, and many strongly wish to do so, it was not intended that refugees would be subject to constant review of their status. Nor is there evidence that a frequent review of status accelerates returns. Based on UNHCR's observations of comparable protection-status review procedures in other States, international protection is in practice withdrawn from only a small number of individuals following a careful assessment of whether the grounds for protection continue to apply.[6] Regrettably, the protracted nature of displacement and conflict means that for many refugees, international protection needs persist as persecution and violence continue for years, and the prospect of returning to their country of origin is limited, particularly in the short term.

16. Providing refugees with only 30 months of leave at a time is likely to be detrimental to refugees' sense of security, belonging and stability, factors critical to positive engagement and participation in society. Status of such a temporary nature may impact on a person's ability to find housing, seek employment, learn English and develop skills, and risks undermining the Government's intention to enhance refugees' ability to contribute to their new communities.

17. Additionally, a temporary protection model that requires regular review of status is likely to impose overwhelming and unnecessary financial and administrative burden on the Home Office. A person who remains on the 'core protection' route will have had their refugee status reassessed eight times in 20 years before they can be eligible for settlement.

[4] UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses), HCR/GIP/03/03, 10 February 2003, https://www.refworld.org/policy/legalguidance/unhcr/2003/en/14489 [accessed 09 December 2025

[5] See, UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status, (hereinafter "UNHCR Handbook") (1979, Geneva, re-edited Jan. 1992), para. 112.

[6] For example, protection status was withdrawn from only 48 individuals in Denmark and 29 individuals in Norway in 2024 following the regular protection status review procedures in place in both countries. See https://us.dk/tal-og-statistik/ and https://www.udi.no/om-udi/om-udi-og-utlendingsforvaltningen/arsrapporter/ for further information.

Considering the recurrent challenge of backlogs and the significant resources the Government has invested to speed up the processing of claims, adding further labour-intensive assessments into the process risks undermining this progress. Home Office resources should be concentrated on assessing only cases where there are strong reasons to believe protection status may no longer be required.

18. While the Government has pointed to the Danish example to cite the benefits of temporary protection, it should also be noted that in 2023, the Australian Government abolished temporary protection visas for refugees after they concluded that it made "*no sense – economically or socially"* to keep people in limbo.[7] A report produced by the University of New South Wales highlights the financial and administrative costs of such a policy: "*The reassessment of protection claims imposes a significant financial and administrative burden on government, especially since the necessity for protection will remain in most cases. One study estimated the costs of reprocessing protection claims to be at least $300 million. A person whose visa is refused may appeal to the Federal Court of Australia. Since many are self-represented on account of cuts to legal aid, and may have limited English, they consume a great deal of time of the court staff, government lawyers, and judges.*[8]

19. Considering the negative impacts on refugees and the considerable resources involved in recurring reassessment, UNHCR advises that a review of status (cessation proceedings) should only be initiated where a high threshold of credible and detailed evidence is met that indicates a fundamental and durable change in the country of origin so as to conclude that the circumstances in connection with which the person has been recognised as a refugee have ceased to exist. UNHCR recalls that the test for whether refugee status should cease is not whether a person has a well-founded fear of persecution and does not involve an assessment of the claim *de novo*. Refugee status can only be ended where certain requirements are fulfilled, such as a fundamental and durable change in the conditions that led to the refugee's fear of persecution (the 'changed circumstances' as provided for by Articles 1C(5) and 1C(6) of the Refugee Convention). This distinct inquiry requires an assessment of the fundamental nature and durability of the change in circumstances in a person's country of origin, such that the circumstances which previously gave rise to a person's recognition as a refugee have ceased or no longer exist.

[7] Australian Government, "Delivering a permanent pathway for Temporary Protection Visa holders," Media Release by The Hon Andrew Giles MP, 13 February 2023. Available at: https://minister.homeaffairs.gov.au/AndrewGiles/Pages/permanent-pathway-for-tpv-holders.aspx

[8] Kaldor Centre for International Refugee Law, "Temporary Protection Visas: Australia's Reform Proposal," Policy Brief No. 13, 2023. Available at: https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_Brief_13_Temporary_Protection_Visas_Australia_Reform_Proposal.pdf.

A longer route to Settlement

20. Refugees on the 'core protection' route will also be required to wait 20 years until they are eligible to apply for settlement,[9] with the requirement that they be found to be in continuing need of protection at 30-month intervals throughout this period.

21. The Government's proposal to extend the qualifying period for settlement to 20 years—double the time required for migrants—raises significant concerns, particularly when considered alongside changes made earlier this year to prevent refugees who have made a dangerous journey or arrived illegally in the UK from ever accessing citizenship. It is also important to consider in light of the Government position that "*refugees will never be in a better position than those coming to the UK on recognised migration routes (such as workers), who are subject to the usual standard settlement qualifying period of 10 years.*"[10]

22. While the Refugee Convention does not specifically confer a right to permanent residence or citizenship, Article 34 calls on States as far as possible to facilitate the integration and naturalisation of refugees and "*in particular make every effort to expedite naturalisation proceedings*". In essence, Article 34, in addition to encouraging States to expedite naturalisation proceedings for refugees, asks that any bar to naturalisation has a good-faith justification. An excessively long period of residence before becoming eligible to settle and access naturalisation proceedings would be at variance with Article 34.

23. A more expeditious route to settlement for refugees than for migrants is objectively justified. Refugees, unlike migrants, lack the protection of their country of origin and citizenship rights. Recognising these unique challenges, the UNHCR Statute mandates cooperation with States to achieve such solutions, with local integration being one. UNHCR's Executive Committee, of which the UK is a member, has further urged States with developed asylum systems to support integration through the timely grant of secure legal status, residency rights, and, where possible, naturalisation.[11]

24. While there may be limited pathways for refugees on the 'work and study' route to settle sooner than those on the 'core protection' route (although this is still likely to be a minimum

[9] By contrast, Denmark, on whose asylum policies the UK government has based its new model for 'temporary' refugee protection, provides for settlement after eight years, which can be reduced to four years if certain integration goals are attained.
[10] Home Office, A Fairer Pathway to Settlement: statement and accompanying consultation on earned settlement, November 2025, p.20
[11] UNHCR Executive Committee of the High Commissioner's Programme, Conclusion on Local Integration, No. 104 (LVI), 7 October 2005

ten year wait, these are to be based on the concept of 'earned' settlement, whereby a person will be able to reduce the wait time for settlement where they can evidence financial independence, language ability or contributions to the UK. UNHCR calls on the Government to ensure that future settlement policies recognise the unique circumstances of refugees and promotes the full social inclusion of people who cannot, unlike others, return home.

Restrictions on Family Reunion

25. Family unity is a universally acknowledged principle and was expressly acknowledged by the Act of the United Nations Conference of Plenipotentiaries at which the 1951 Convention relating to the Status of Refugees was adopted.[12] The right to family life is also reflected in other international and regional human rights instruments, including the European Convention on Human Rights.[13]

26. Ensuring family life and the principle of family unity may require a State to allow a family unit to be restored through family reunification.[14] UNHCR notes with concern that it is not clear that individuals on the 'core protection' offer will have access to family reunion at all. Furthermore, while the Government has indicated its intention to create a new 'work and study' visa to which refugees could apply, on which they would be granted family reunion rights, it appears that the Government is considering applying the same family reunion criteria imposed on migrants and UK citizens. Under the current Immigration Rules, these conditions include a minimum annual income requirement of £29,000, proof of suitable accommodation, and an elementary level of English for applicants, which are likely to present insurmountable barriers for many refugees, including those on a 'work and study' route. In fact, the European Court of Human Rights (ECtHR) has found a broad consensus

[12] Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (n 24); and UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, February 2019 (reissued), HCR/1P/4/ENG/REV. 4, Annex 1 and para. 182, available at: https://www.unhcr.org/publications/legal/5ddfcdc47/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html

[13] Universal Declaration of Human Rights (10 December 1948) 217 A (III) (UDHR), Article 16(3), www.refworld.org/legal/resolution/unga/1948/en/11563. International Covenant on Civil and Political Rights (16 December 1966) 999 UNTS 171 (ICCPR), Article 23(1), www.refworld.org/legal/agreements/unga/1966/en/17703. International Covenant on Economic, Social and Cultural Rights (16 December 1966) 993 UNTS 3 (ICESCR), Article 10(1), www.refworld.org/legal/agreements/unga/1966/en/33423. European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11, 14 and 15, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16 (4 November 1950) ETS 5, (ECHR), Article 8, www.refworld.org/legal/agreements/coe/1950/en/18688

[14] UN High Commissioner for Refugees (UNHCR), *UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection*, December 2024, https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243.

at the international and European level on the need for refugees to benefit from a more favourable family reunification regime than other foreigners.[15]

27. The proposed changes to family reunion build on the May 2025 Immigration White Paper, in which the UK Government outlined proposals to restrict family migration, including refugee family reunion. Key measures under consideration included introducing an income or maintenance threshold and language requirements. In September 2025, the refugee family reunion route was suspended for new applications.

28. Family reunion was one of the few pathways that remained accessible to refugees and enabled people at risk to travel to the UK through a safe, regular route. It primarily benefitted women and children, was not nationality-specific and, unlike other pathways such as resettlement, was rights-based. Until it was paused, the route mostly benefitted applicants from countries experiencing instability, active conflict or where women and children are at particular risk, including Iran, Afghanistan, Sudan, Eritrea and Syria.

29. Further eligibility restrictions on the family reunion pathway would risk more people, particularly women and children, feeling compelled to embark on dangerous journeys, either at the same time as the men who might previously have sponsored them, or to join them afterwards. This risk has been recognised by the Council for Europe,[16] among others, and has been borne out in Australia, where the abolition of family reunion rights for holders of 'Temporary Protection Visas' was followed by a threefold increase in the percentage of refugees trying to reach Australia who were women and children.[17]

30. Family reunion is also key to ensuring that refugees can rebuild their lives and integrate in new communities, contributing to social cohesion. The absence of family members, and anxiety over their safety, has been shown to negatively impact a refugee's ability to form meaningful social connections in their country of asylum and engage in key activities such

[15] Tanda-Muzinga c. France, Appl. no. 2260/10, ECtHR, 10 July 2014, www.refworld.org/cases,ECHR,53be80094.html, para. 75; Mugenzi c. France, Appl. no. 52701/09, ECtHR, 10 July 2014, www.refworld.org/cases,ECHR,53be81784.html, para. 54
[16] Parliamentary Assembly of the Council of Europe, Resolution 2243 (2018) (n26), para 2
[17] Senate Legal and Constitutional Affairs Committee, Questions Taken on Notice, Budget Estimates Hearing 21–24 May 2012, Immigration and Citizenship Portfolio, available at: http://www.aph.gov.au/~/media/Estimates/Live/legcon_ctte/estimates/bud_1213/diac/BE12-0265.ashx; Kaldor Research Centre, UNSW Sydney, Research Brief: Temporary Protection Visas (TPVs) and Safe Haven enterprise Visas (SHEVs), June 2022, available at: Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHE https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-research-briefs/2023-09-Research-Brief_TPV_SHEV_Aug2018.pdf

as language classes and vocational opportunities,[18] whereas reunification with family is key in promoting recovery from traumatic experiences and generally facilitating smoother, more rapid integration of refugees.[19] The presence of family also enables entry points for refugees to connect with the wider community through schools, workplaces, playgrounds and other institutions and community spaces.

31. Denying refugees on the 'core protection' route the possibility of family reunification would have profound and harmful effects and would fall short of the UK's obligation to take all reasonable steps to ensure refugees can realise their right to family life. For people unable to meet the as-yet-undefined requirements to move onto the 'work and study' route, they will only become eligible for family reunification once they apply for settlement after 20 years (although they would need to meet the same eligibility requirements for family reunion as settled migrants, which will be unachievable for some). Unlike migrants, refugees cannot return to their country of origin, and face very limited admission possibilities in most major refugee-hosting States, meaning that those who remain on the 'core protection' route are likely to be separated from their families for an extremely long period of time.

32. UNHCR also wishes to draw attention to the right to family life for children, as specifically protected under the Convention on the Rights of the Child.[20] UNHCR urges consideration of the situation and rights of children who remain behind in countries of origin or asylum and the heightened child protection risks that arise from prolonged family separation.[21] Children's psychological and physical wellbeing can be significantly impacted by the extended absence of one or both parents. Among the most at-risk are children who are unaccompanied or separated from other family members. Children are particularly vulnerable to abuse, exploitation and trafficking when they lack the support and protection

[18] UN High Commissioner for Refugees (UNHCR), *A Refugee and Then: Participatory Assessment of the Reception and Early Integration of Unaccompanied Refugee Children in the UK,* 2019, https://www.unhcr.org/uk/media/refugee-and-then; UNHCR, *Safer and Stronger: Experiences of Refugee Women Resettled to the UK,* 2020, https://www.unhcr.org/uk/media/safer-and-stronger-experiences-refugee-women-resettled-uk;https://www.unhcr.org/uk/media/safer-and-stronger-experiences-refugee-women-resettled-uk; UNHCR, *A New Beginning: Refugee Integration in Sweden – It's about time!* 2013, https://www.refworld.org/reference/countryrep/unhcr/2013/en/98107.
[19] Executive Committee of the High Commissioner's Programme, *Conclusion No. 104 (LVI): Local Integration - Adopted by the Executive Committee (2005)*, No. 104 (LVI) 2005, 7 October 2005, https://www.refworld.org/policy/exconc/excom/2005/en/114429
[20] UN General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, Articles 9, 10 and 16 https://www.refworld.org/legal/agreements/unga/1989/en/18815
[21] UN High Commissioner for Refugees (UNHCR), *UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection*, December 2024, https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243

of their family members. [22] They may also be more compelled to embark on a dangerous, irregular journey in the hope of reuniting with their family.

33. In the last year, over 11,600 children were granted family reunion to the UK, comprising 56% of all visa-holders on this route. The introduction of requirements such as financial thresholds or application fees may force families to make a selection among qualifying family members and could result in one or more children being left behind, ultimately prolonging the profoundly negative impact on children's wellbeing associated with split families.[23]

34. While UNHCR notes that people on the 'work and study' route may be able to sponsor family members, it is unlikely that all refugees will meet the requirements of this new visa, thus creating a risk of a two-tier system of refugee rights. There are likely to be factors beyond the control of the refugee that may inhibit their ability to transfer out of the 'core protection' route and to subsequently meet income or accommodation thresholds for family reunification. These include long-term illness or disability affecting work capacity, gender norms within families, care giving responsibilities, regional disparities in access to employment or education opportunities, such as admissions into college and English language courses and prolonged periods out of work during the asylum process.

35. The opportunity for refugees to be reunited with family should not be contingent on whether they are employed or studying, as refugees often have no other option to be reunited with their family members other than in the country of asylum. Further, the creation of two different classes of recognised refugees with varying access to family reunion has no basis in international human rights law. The European Court of Human Rights affirmed, in the context of differential family reunification entitlements across analogous forms of leave, that the protection conferred by the prohibition of discrimination under Article 14 of the European Convention on Human Rights (ECHR) is not limited to innate or inherent characteristics, but also extends to an individual's immigration status. Unless the Government can provide an "objective and reasonable justification" for treating refugees with 'core protection' differently from those who have transferred to a 'work and

[22] UNICEF and UNHCR, *Unaccompanied and separated children fleeing escalating conflict in Ukraine must be protected,* 7 March 2022 https://www.unicef.org/press-releases/unaccompanied-and-separated-children-fleeing-escalating-conflict-ukraine-must-be
[23] UNHCR, Access to Family Reunification for Beneficiaries of International Protection in Central Europe, December 2012, https://www.refworld.org/docid/588b4f164.html, p. 12

study' visa, such an approach may risk amounting to a breach of Article 14 ECHR read in conjunction with Article 8 ECHR.[24]

IV. INCREASING REMOVALS

36. The Government has outlined a range of measures aimed at increasing the removal of failed asylum-seekers and other migrants with no right to remain from the UK. UNHCR takes this opportunity to comment specifically on the plans to scale up removals of people whose claims have failed and the use of returns hubs.

37. The safe and dignified return of failed asylum-seekers is a cornerstone of a well-functioning asylum system. This is important to maintain public confidence in the integrity of asylum systems and to tackle irregular migration. Effective returns can support the functioning of asylum systems and contribute to addressing challenges posed by irregular migration, while upholding the principle of non-refoulement and other human rights.

38. UNHCR acknowledges the ongoing efforts of the Government to increase returns. However, key challenges remain, including delays in asylum decision making which can lead to long-term stay and disincentivise voluntary return, difficulty securing readmission agreements with countries of origin and lack of bilateral relations in some cases, as well as delays with documentation and other travel formalities. UNHCR recognises that a range of interventions are necessary to address the obstacles to effecting return and is ready to support these interventions on a good offices basis provided that its involvement is not inconsistent with its humanitarian mandate to provide international protection to refugees.

Returns Hubs

39. In light of the increasing attention in some regions to the concept of return hubs and the role that these may play in supporting returns of people not in need of international protection, UNHCR has issued detailed guidance on the potential of return hubs and key considerations for States.[25] While there is no commonly agreed upon definition of a return hub, it generally refers to an arrangement between two or more States whereby third

24 Hode and Abdi v. The United Kingdom, (Application no. 22341/09), Council of Europe: European Court of Human Rights, 6 November 2012, available at: http://www.refworld.org/docid/509b93792.html

25 UNHCR, "Note on Effective Return Systems and the Potential Role of Return Hubs," March 2025. Available at: https://www.refworld.org/sites/default/files/2025-04/note_on_effective_return_systems_and_the_potential_role_of_return_hubs_-_final_march_2025_0.pdf.

country nationals who have been found to have no right to reside in a State and who cannot immediately be returned to their country of origin, are instead sent (voluntarily or involuntarily) to a third country. The third country hosting the return hub would need to grant temporary legal stay pending onward voluntary or involuntary return to the country of origin.

40. UNHCR considers that return hubs can be appropriate for people not in need of international protection, provided that they are designed within certain parameters and in line with human rights standards. At the same time, UNHCR underlines that return hubs should only be considered as an option when direct return to the country of origin is not feasible within a reasonable period of time. In addition, in UNHCR's view, the goal of return hubs should be to provide a location for temporary stays to facilitate staged returns to the country of origin.

41. UNHCR advises that agreements on return hubs with third countries may only be concluded where the third country respects international human rights standards as a precondition. Further, the agreement or arrangement must set out modalities for onward return to the country of origin, and the consequences where this is not possible.

42. UNHCR welcomes the Government's ongoing engagement on this issue and remains committed to working with States and other stakeholders on the potential use of return hubs as part of comprehensive responses to address mixed movements and ensure the integrity of asylum systems is upheld.

Resuming removals to certain countries

43. The Asylum Statement sets out the Government's plans to explore enforced returns to countries where they have not routinely carried out such removals in recent years, including to Syria. The Asylum Statement further indicates the Government's intention to cease refugee status and return people to their country or origin "*should the regime change in their home country"*, noting that "*If someone has fled the rule of one regime, but that regime has since been replaced, it must be possible to return them to that country."*

44. A change of regime or a similar significant shift in circumstances within a refugee's country of origin can create a critical opportunity for advancing peace and for refugees to begin returning home. However, such a change, on its own, is unlikely to be sufficient to determine that a person can safely return home. In the case of regime change, the process of national reconstruction and reconciliation must be given sufficient time to take hold and

agreements with opposing groups carefully monitored. Also, in addition to physical security and safety, consideration should be given to whether there is a functioning government able to provide basic administrative services and administer a system of law and justice.[26]

45. Cessation of refugee status as a result of changed circumstances in the county of origin under Article 1C(5) of the Refugee Convention is only permissible where the changes are fundamental and durable, and where effective protection is available in the country of origin.[27] For a change to be considered fundamental in nature it must allow a person to re-avail himself or herself of the protection of the country of origin. Where a particular cause or fear of persecution has been identified, consideration must be given to whether those specific circumstances have ceased. With regard to whether the change is durable, it will generally take some time before it can be determined whether the change can be regarded as non-temporary. UNHCR's Guidelines on Cessation provide that "*a situation which has changed but continues to show signs of volatility is not by definition stable, and cannot be described as durable.*"[28] The appropriate period of time will vary depending on the nature of the change, but where the changes in a country occur in a context of violence, unreconciled warring groups, ineffective governance and the absence of human rights guarantees, a longer waiting period will be necessary to confirm the durability of the change.

46. UNHCR calls on the Government to ensure that the cessation of status is conducted in line with its obligations under international law, ensuring that the principle of non-refoulement is upheld.

47. With regard to Syrian refugees, UNHCR does not consider that the requirements for cessation of refugee status have been met. The changed circumstances in Syria, that being the fall of the Assad regime and the formation of a provisional government, cannot currently be considered so fundamental and durable in nature to warrant cessation of refugee status. Further, UNHCR continues to advise against forced returns to Syria.[29]

[26] Refugee Protection in International Law, *UNHCRs Global Consultations on International Protection*, edited by Feller, Turk & Nicholson (2003).
[27] UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses), HCR/GIP/03/03, 10 February 2003, https://www.refworld.org/policy/legalguidance/unhcr/2003/en/14489 [accessed 09 December 2025]
[28] Ibid.
[29] UNHCR, Position on Returns to the Syrian Arab Republic, December 2024, https://www.refworld.org/policy/countrypos/unhcr/2024/en/149254

UNHCR will continue to assess this position as the situation evolves in Syria and will provide updated guidance as required.

48. In relation to enforced return of persons not in need of international protection, UNHCR reiterates that voluntary returns are the most effective, dignified, and sustainable option for return and should remain the preferred approach. UNHCR welcomes ongoing efforts by the Home Office to increase voluntary returns.

France – UK Pilot

49. As part of measures to increase returns, the Government has also indicated an ongoing commitment to the France-UK pilot. While not relating to the return of failed asylum-seekers, this pilot involves the UK returning to France asylum-seekers who crossed the Channel, while bringing an equal number of people to the UK through a managed application process. UNHCR supports the pilot's intention to provide an alternative to dangerous crossings and disrupt smuggling networks.

50. UNHCR has consistently noted the importance of regional cooperation to effectively manage mixed flows of refugees and migrants and enable good border management while providing access to international protection. UNHCR considers that, if appropriately implemented, the France-UK arrangement could contribute to a more managed and cooperative approach to migration, offering alternatives to dangerous journeys while safeguarding access to asylum.

51. In line with its mandate, UNHCR can play an important role in supporting the development and implementation of international agreements concerning the transfer of refugees and asylum-seekers. As such, UNHCR is committed to ongoing engagement with the UK and France aimed at helping ensure that such arrangements uphold international protection standards and are implemented in a way that can be effective at scale and can contribute to improved refugee protection and the rights-based management of refugee movements. In the UK, this includes monitoring activities at the Manston facility and in Immigration Removal centres with a focus on screening procedures for individuals being considered for the France-UK pilot, the provision of information to individuals who have been selected for the pilot and access to legal representation for those detained for the purpose of the pilot.

V. LEGAL REFORM

52. In addition to the above measure to increase removals, the Government has also set out reforms to the law and legal processes that are considered to make it more difficult to remove people not in need of international protection, including reform of the appeals system and possible changes to the way the European Convention on Human Rights (ECHR) is interpreted.

53. The Asylum Statement also outlines further changes in relation to the treatment of unfounded asylum claims and late claims. These changes must be considered in light of the need to provide due process to refugees and ensure key safeguards are in place to prevent refoulement. UNHCR will consider these changes in greater detail as further information becomes available.

Creation of a new appeals body

54. The Government has outlined plans to set up a new appeals body with increased capacity to deal with asylum appeals. The new body, independent of the Home Office, is intended to allow for greater ability to prioritise and accelerate certain profiles and caseloads and to add surge capacity as needed. The Asylum Statement also makes reference to a 'single appeal route' noting that if an appeal is unsuccessful the claimant will be required to leave the UK.

55. UNHCR recognises the undesirability of lengthy backlogs in the appeals system and supports initiatives to speed up the hearing of appeals. With an ever-growing backlog at the First Tier Tribunal, there is a clear need to ensure that asylum appeals are determined more quickly, moving those in need of international protection towards integration more swiftly and discouraging unmeritorious asylum claims through rapid but fair refusals.

56. Given that the Tribunal currently overturns almost half of all asylum decisions, the need to ensure that the new body continues to provide a full review of first instance asylum decisions is critical in ensuring that the principle of non-refoulement is upheld. Further details are required to understand whether claimants will be able to seek leave to appeal a decision made by the new appeals body on a point of law, for example to the Upper Tribunal as is currently the case. While UNHCR recognises the need to reduce the appeals

backlog, it advises against measures that seek to achieve quicker decisions by reducing procedural safeguards.

57. As the Government further develops how the new body will work, UNHCR takes this opportunity to reiterate that it should be established in compliance with international standards and core due process. A detailed list of these criteria can be found in the *UNHCR Handbook for Parliamentarians – A guide to international refugee protection and building state asylum systems, 2017*.[30] In particular, the following standards are necessary: the opportunity to present a claim in person; the provision of accessible, reliable, and high-quality government funded legal aid; allowing for a full and *ex nunc* examination of both facts and points of law; adequate time for claimants to seek legal advice and file representations, and appropriately trained decision makers.

VI. RESETTLEMENT AND COMPLEMENTARY PATHWAYS

58. UNHCR welcomes the commitments made by the UK Government in relation to resettlement of refugees identified by UNHCR as well as the expansion of complementary pathways, including routes for refugees to access higher education and employment opportunities. UNHCR has enjoyed a long-standing collaboration with the UK on resettlement, with 30,000 of the most at-risk refugees from across the world having relocated to the UK in the last decade, able to rebuild their lives in dignity via this crucial safe pathway.

59. Complementary pathways, including labour, education and named sponsorship programmes, present important opportunities to increase refugees' access to third-country solutions by leveraging engagement among communities, institutions and the wider public. Complementary pathways should follow a number of key protection principles including, but not limited to the following:[31]

    a. Additionality principle: Complementary pathways are not intended to replace a core resettlement quota and should remain additional to protection-driven resettlement.
    b. Access to protection: Complementary pathways should ensure that refugees' international protection needs are safeguarded.

[30] UNHCR and Inter-Parliamentary Union, "A Guide to International Refugee Protection and Building State Asylum Systems," Handbook for Parliamentarians No. 27, 2017. Available at: https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/3d4aba564.pdf
[31] UNHCR, *Operational Guidance on Complementary Pathways for Admission: 3. Protection considerations, key principles and eligibility:* https://www.unhcr.org/complementary-pathways-guidance/5-key-protection-principles/

c. Ensuring family unity: Family unity should be maintained as a key human rights principle.
d. Equality of access/non-discrimination: Complementary pathways should aim to establish refugees' equal access to work and study relocation opportunities through their inclusion in existing migration frameworks.

60. UNHCR also wishes to highlight that, while resettlement and complementary pathways can provide an alternative to irregular journeys when operated at scale, there is no "right way" for an individual to gain access to territory to seek international protection. Access to territory and fair, efficient asylum procedures for people fleeing war and persecution is one of the essential rights laid down in the Refugee Convention.

UNHCR, 31 December 2025