

MIGRATION ROUTES TO THE UK FOR UK RESIDENTS WITH FAMILY MEMBERS AT RISK DUE TO THE ISRAEL/GAZA CONFLICT

Up to date as of 13 October 2023

At the present time there are unfortunately very limited visa options for people affected by the conflict in Israel and Gaza to join their family in the UK. It would be open to the UK government to rename the Ukraine Family Scheme visa as the 'Conflict Zone Family Visa'.

One main problem with travel from Gaza is that it is dependent on the availability of a travel corridor/international flights being available. Without a practical travel route, a UK visa will not make a difference.

Visit visas

Visit visas can still be applied for by people normally resident in Israel or Gaza, but the UK will check whether the person is a 'genuine' visitor (ie do they believe the person will leave the UK again before their visit visa expires). This can be difficult to show if there is active conflict in your home area.

Information is online here: <https://www.gov.uk/standard-visitor> and here for visit visas for medical reasons: <https://www.gov.uk/standard-visitor/visit-for-medical-reasons>

Work visas

The most common work visa route to the UK is the 'Skilled Worker' route. There is a specific type of this visa for Health and Social Care Workers (which is cheaper to apply for and you usually get a decision more quickly). You need to satisfy an English language requirement and have a job offer from a sponsor registered with the Home Office. Both types of Skilled Worker visas are on a five year route to settlement and can sponsor partners and dependent children.

There is also a short-term six month 'seasonal worker' visa option, which does not have the same English language requirement, but you still need a sponsor. This route and cannot sponsor family members. There are other work and business visas too.

All work visa routes involve payment of significant application fees and most also require payment of the 'Immigration Health Surcharge' which is very expensive also. Sometimes an employer will agree to assist with these fees.

Skilled worker visa information: <https://www.gov.uk/skilled-worker-visa>

Health and social care visa information: <https://www.gov.uk/health-care-worker-visa>

Seasonal worker visa information: <https://www.gov.uk/seasonal-worker-visa>

Fuller list of different economic visas: <https://www.gov.uk/browse/visas-immigration/work-visas>

Study visas

Study visas are short term visas to allow people with an offer to study in the UK to take up their place. University student visas usually require that the applicant meets an English language requirement and has an offer to study from a university that agrees to sponsor the visa. Study visas involve an application fee and the expensive 'Immigration Health Surcharge' fees. Depending on the course, a partner and children may be able to be included in a student visa application.

Student visa information: <https://www.gov.uk/browse/visas-immigration/student-visas>

Family visas

The Immigration Rules have fairly complicated rules to allow British nationals or people who have settlement in the UK to bring family to the UK, if the family member is a:

- Fiancé, spouse, civil partner or unmarried partner (for unmarried partners this usually requires two years cohabitation or evidence of a similar level of commitment)
- Child under the age of 18 (or if the child is the British/settled person then their parent)
- Adult dependent relative but only to organise long-term care for someone with care needs (so more than just financial dependency is needed).

Other family applications can be made outside the rules on human rights grounds, but they are difficult to obtain. Even family applications for relationships covered by the rules have complex requirements about showing financial self-sufficiency or meeting other tests.

Family applications have high fees and the Immigration Health Surcharge, but it is possible to obtain a full or partial fee waiver if it is not possible to pay these fees.

For family immigration cases a process called 'Exceptional Case Funding' is in place, which can fund legal advice in cases where there would otherwise be a breach of human rights. If a person is financially eligible for legal aid (even a person outside the UK, seeking to join family), it is possible to apply for legal aid (free legal assistance). It is necessary to show that the person cannot be expected to make the application without legal assistance. If legal aid is agreed then a lawyer with an immigration and asylum legal aid contract can invoice the Legal Aid Agency for the work, which will be free for the applicant.

Information of family visas: <https://www.gov.uk/uk-family-visa>

Caseworker guidance on most family visas:

<https://www.gov.uk/government/publications/family-life-as-a-partner-or-parent-private-life-and-exceptional-circumstance>

Caseworker guidance on adult dependent relative visas:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176461/Adult_dependent_relatives.pdf

Fee waiver information: <https://visas-immigration.service.gov.uk/product/fee-waiver>

Information on help with legal advice costs (a legal aid lawyer can complete this process on your behalf): <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

Information on finding a legal advisor: <https://www.gov.uk/find-legal-advice/find-legal-adviser>

Refugee Family Reunion visas

If an adult is already living in the UK with refugee or humanitarian protection status then they can apply to bring their partner, children and exceptionally other family members to join them. This applies to family that the person had before they fled their country, not new family members (ie a new partner or children) from the time since they came to the UK as a refugee. This application process is free, but there are quite strict rules about who can apply within the rules. It is possible to apply outside the rules, but this kind of case would usually need careful legal casework to stand a chance of succeeding. As with family visas (above) it is possible to apply for legal aid to get help with refugee family reunion. The British Red Cross can also sometimes offer advice.

Information on refugee family reunion: <https://www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion>

Home Office caseworker guidance on refugee family reunion:

<https://www.gov.uk/government/publications/family-reunion-instruction>

Information about the British Red Cross: <https://www.redcross.org.uk/get-help/family-reunion>

Refugee resettlement

It is not possible to apply for resettlement to the UK. The UNHCR selects some people who it recommends for resettlement to the UK. Those will be people who have crossed their national border and so are already displaced in a third country. Palestinian refugees are not usually eligible for resettlement to the UK at all, because they are usually not processed by the UNHCR, since the UNRWA has jurisdiction for supporting Palestinian refugees and the UNRWA is not part of a similar resettlement process to the UK.

Information on refugee resettlement from the Refugee Council:

<https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/refugee-resettlement-facts/>

Information about the role of the UNRWA: <https://www.unrwa.org/who-we-are/frequently-asked-questions>

Refugee visa to the UK

There is no refugee visa to the UK. The only way to claim asylum in the UK is to be physically present here, but there is no visa route to allow safe travel to the UK in order to claim asylum.

There is a safe visa route to the UK for Ukrainians and there was a recent legal challenge about whether it was discriminatory to provide such a more accessible visa process for Ukrainians, compared with people fleeing Afghanistan. This legal challenge was unsuccessful, although there has been a case where an Afghan national who was resident in Ukraine has been granted leave in line with the Ukraine Scheme. It does appear that residence in Ukraine would still be necessary to apply for a Ukraine Scheme visa. The unsuccessful legal case about discrimination under the Ukraine Scheme process was in *R (AB) v SSHD* [2023] EWHC 287 (Admin):

<https://www.bailii.org/ew/cases/EWHC/Admin/2023/287.html>, the Home Office has since granted leave to an Afghan national fleeing Ukraine:

<https://www.doughtystreet.co.uk/news/home-office-grants-3-years-leave-afghan-national-who-challenged-refusal-under-ukraine-family>.

Biometrics

Almost all visa applications include a requirement to register biometrics (photograph and fingerprints) at a Visa Application Centre (VAC). It is unclear whether VACs in Israel and Gaza are operating at present. There is usually a VAC in Tel Aviv in Israel and in Gaza City in Gaza, but the UK website as of 13 October 2023 states that visa applicants from Israel and the Occupied Palestinian Territories should 'apply at your nearest accessible' VAC, which indicates that there may be flexibility about which VAC is used (<https://www.gov.uk/find-a-visa-application-centre>).

If there is no way to safely reach a VAC, it is possible to ask for a positive indication on a visa application before travelling to a VAC or for permission to be given to allow biometrics to be provided on arrival. However, it is necessary to show that it will be possible to travel to the UK if the visa is granted. The Home Office policy on this is here:

<https://www.gov.uk/government/publications/biometric-information/unable-to-travel-to-a-visa-application-centre-to-enrol-biometrics-overseas-applications-accessible#bookmark46>.