

# MANDATE REFUGEES

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## Introduction

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This instruction gives details on the procedures to follow if caseworkers receive an application **from abroad** for leave to enter for settlement purposes from a ***mandate refugee***.

A mandate refugee is a person in a third country, who has been recognised as a refugee by, and given the protection of, the UNHCR. Such a person may also be recognised as a refugee and given asylum by a host country without this affecting their mandate refugee status.

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## Applications

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Although there are no provisions in the Immigration Rules for a person who is overseas to be granted entry clearance to come to the UK as a refugee, we do exceptionally look at individual applications made by mandate refugees, to see whether there is a case for admitting such a refugee to the UK outside the Rules.

It should be noted that mandate refugees are normally nominated for resettlement by the UNHCR. The administration of such referrals is undertaken by the British Red Cross (BRC) on behalf of UNHCR. However applications from mandate refugees may also be made at a post abroad.

BRC refer resettlement applications to Refugee Resettlement Programmes Unit (RRPU). This unit includes the specific casework team that deals with all such applications. RRPU also maintain a central record of these cases and **must be informed**, for record purposes, of the outcome of resettlement applications.

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## Priority

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Because these cases normally involve refugees facing some threat to their safety or well-being in their present country of refuge, the general presumption should be that they attract some priority and should not be placed at the back of a queue of applications.

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## Compassionate Circumstances

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Where it is thought that there are compassionate circumstances sufficient enough to warrant consideration of the exercise of the Secretary of State's discretion, such cases should be referred to RRP, in order to maintain consistency of approach.

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## Assessing the Claim of Those Mandate Refugees Referred by the BRC, or Who Claim in Person at a Post Abroad

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Caseworkers should not need to assess the refugee status of a mandate refugee whose application is made abroad via UNHCR/BRC (for in-country applications see below). However, if the case has not been referred via UNHCR/British Red Cross, but has instead been referred by a British Post abroad as a result of an entry clearance application, caseworkers should confirm with UNHCR in London that the applicant has been recognised as a mandate refugee as claimed.

Consideration of the case should usually be limited to an assessment of:

- and**
- the applicant's circumstances in the present country of refuge;
  - whether the UK is the most appropriate country for resettlement.

It may be that there is a case to be made for applicants to remain where they are or, alternatively, that there is a case for resettlement outside the present country of refuge to another safe third country.

The applicant must have close ties with the UK - usually close family, but also possible history (e.g. periods spent here as a student). The family members in the United Kingdom do not need to have been accepted as refugees but must be settled here or have limited leave in a category leading to settlement and this includes family members here **under the Humanitarian Protection or Discretionary Leave provisions**. Those who are here in a temporary capacity (e.g. visitors, students, for medical treatment etc) would not normally provide the mandate refugee with a close tie with the UK.

For the purposes of clarifying what constitutes close family the categories are:

- spouse
- children (minor's)
- parents/grandparents over 65

### Exceptional Circumstances

The following family members will only meet the close ties requirement in exceptional circumstances:

- parent/grandparent (in the singular) under 65
- family members aged 18 or over: son, daughter, sister, brother, uncle, aunt

**No other categories of family relationship will meet the close ties requirement**

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## Accepting an Application Made Via the BRC (Informal)

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An informal application is one that has come via the BRC.

If an application referred **via the British Red Cross** is accepted, caseworkers should

- i) Inform the British Red Cross in writing of our decision. The address of the British Red Cross is as follows:

British Red Cross National Headquarters  
9 Grosvenor Crescent  
London  
SW1 7EJ  
Telephone: 0207-235-5455  
Fax: 0207-245-6315  
Telex: 918657

***And***

- ii) simultaneously telex the nearest British diplomatic post to inform them that an entry clearance to allow the applicant to travel to the UK should be issued when the applicant applies, endorsed:  
HO/HO ref/settlement

Applicants accepted for resettlement qualify for refugee status on their arrival in the UK. Requests to UK Border Agency for status letters will be made by BRC following the applicant's arrival in the UK.

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## Refusing an Application Made Via the BRC

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If it is decided to refuse the application, the British Red Cross should be advised in writing of our decision and the reasons for it.

A refusal notice is not necessary in these cases because an application for entry clearance has not been made. There is no right of appeal where a formal application for EC has not been made.

Any decision to refuse should be approved by an HEO or above.

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## Accepting a Formal Application (Made at a Post Abroad)

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A formal application is made when a mandate refugee has applied at a post abroad in person and not through the UNHCR/BRC.

If a formal application is accepted, the caseworker should follow the guidance in [IDI, Chapter1, Section 4 'Entry Clearance'](#).

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## Refusing A Formal Application (Made At A Post Abroad)

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If a formal application is refused, there is a right of appeal to an adjudicator. (as for refusal of leave to enter, Immigration and Asylum Act 1999 Part IV para.59 (2).

If an application is refused, the caseworker should follow the guidance in [IDI, Chapter1, Section 4 'Entry Clearance'](#).

Any decision to refuse should be approved by an HEO or above.

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## Assessing the Claim of a Mandate Refugee Who Applies in-Country

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If a mandate refugee makes an application for resettlement, after arriving in the UK, then they must be considered under the 1951 Convention, as opposed to the criteria above which relate solely to applications from abroad. However caseworkers should confirm with UNHCR in London that the applicant has been recognised as a mandate refugee as claimed.

In all cases, any opinion/information that UNHCR provides with an application/in support of an application, can be taken into consideration when assessing the claim, however UNHCR opinion is not binding upon UK Border Agency.

**Enquiries:** Further enquiries should normally be made in writing to RRPU.

**Further advice:** see also the instructions on [IDI, Chapter1, Section 4 'Entry Clearance'](#) and [Applications from Abroad](#).

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# Document Control

## Change Record

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