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TO WHAT EXTENT IS FAMILY REUNIFICATION FOR ASYLUM SEEKERS GOING TO BE IMPACTED AS A RESULT OF BREXIT?

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Abstract

This paper provides a legislative review of family reunification mechanisms for asylum seekers in the United Kingdom, examining the extent to which Brexit affects these frameworks. It focuses on the loss of the Common European Asylum System (CEAS), particularly the Dublin Regulation, and situates the issue within the broader context of international refugee law, including the 1951 Refugee Convention. The analysis evaluates both the procedural and practical consequences of the UK's withdrawal from EU asylum mechanisms. It demonstrates that, although the Dublin Regulation established a formal legal route for reunification—most notably through “take charge” and “take back” procedures—its quantitative effectiveness was limited, with low transfer success rates and minimal impact on overall reunification outcomes.

The paper further considers legislative and policy developments following Brexit, including the Immigration and Social Security Coordination (EU Withdrawal) Act 2020 and related government proposals. It argues that, while Brexit removes an established legal and procedural framework, this loss does not significantly affect reunification outcomes in numerical terms. However, it introduces greater legal uncertainty and restricts access to safe and structured reunification routes, particularly for vulnerable groups such as unaccompanied minors.

The rejection of the Dubs Amendment and the introduction of temporary protection regimes are critically assessed as missed legislative opportunities to improve reunification pathways. The paper concludes that effective reform requires structured cooperation with the European Union or key Member States, alongside more flexible evidentiary standards and expanded legal routes. While Brexit alters the legal architecture governing reunification, its primary impact lies in the legislative and policy choices that follow rather than in the removal of CEAS mechanisms alone.

Keywords – Brexit; family reunification; Dublin Regulation; CEAS; asylum law.

I. INTRODUCTION

The topic of refugee reunification has become increasingly relevant since the 2011 Syrian refugee crisis. Since the United Kingdom (“UK”) voted to leave the European Union (“EU”) in a 2016 referendum this topic has become tendentious¹. A lot was promised on behalf of campaigners

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¹ EU Referendum Results' (*BBC News*, 2021) <https://www.bbc.co.uk/news/politics/eu_referendum/results> accessed 25 April 2026.

regarding the potential of Brexit to help family reunification for refugees². This begs us to ask what becomes of these refugees who are in the UK, but have families in the EU: or to those refugees who have entered another country within the EU and have migrated to the UK? This becomes a problem as refugees are largely governed by international law like the Refugee Convention 1951³, and the Common European Asylum System (“CEAS”). In addressing this I will be answering the question: to what extent is family reunification for asylum seekers going to be impacted as a result of Brexit? I will be focusing my analysis on the CEAS, and the Dublin Regulation, alongside the Home Secretary’s policy brief and the Dubs Amendment to draw implications from previous and current policy recommendations.

I will begin by explaining the contemporary significance of this topic. I will then briefly analyse the CEAS. In doing so, I shall decipher the relevant parts of the CEAS and highlight that the Dublin Regulation in relation to reunification is the main component. Following this, I will critically analyse the quantifiable relevance of the Dublin Regulation, after which I will examine the Brexit negotiation process alongside the current plans of the government. I will then discuss the Dubs amendment before concluding.

Overall, I argue that Brexit will impact reunification through the loss of the CEAS—more specifically the Dublin Regulation. However, this loss will only be in the legislative and procedural arena rather than quantifiably. The law and procedure will change; however, the quantifiable numbers of reunification will not. Moreover, solving the reunification problem will require addressing key concerns in the current proposals.

Contextualisation:

The UK government’s position on refugees has become increasingly more hardline in response to public anger⁴. The contrast between David Cameron claiming the UK to be a world leader for refugees⁵, and the current policy briefs demonstrate this.

In this essay, I chose to focus on reunification as it is an apparent problem in the refugee and asylum system. This is primarily due to the urgency of the issue. One perceived implication of leaving the CEAS would be the loss of a safe, legal route for the reunification of separated refugee families. I will be exploring this issue further in the remaining portions of this essay. Following this, I will be discussing the CEAS and the relevant portions of the CEAS that the UK had adopted into domestic law.

II. The Common European Asylum System (CEAS):

In this section, I will briefly describe the CEAS, then I will go into analysing the CEAS to show how the Dublin Regulation—and to a small extent—Eurodac are the primary directives that apply to the refugee family reunification process in the UK.

² United Nations High Commission for Refugees, 'Press Coverage Of The Refugee And Migrant Crisis In The EU: A Content Analysis Of Five European Countries' (United Nations High Commission for Refugees 2014) 62.

³ 1951 Convention Relating to the Status of Refugees 1951.

⁴ The Centre for Social Justice (CSJ), 'The Syrian Refugee Crisis: A Resettlement Programme That Meets The Needs Of The Most Vulnerable' (The Centre for Social Justice (CSJ) 2017), 28.

⁵ Simon Bulmer and Lucia Quaglia, 'The Politics And Economics Of Brexit' (2018) 25 Journal of European Public Policy, 1091.

The EU has a set of regulations and directives which combine into the CEAS. The primary goal of these directives is to synergise asylum law into the EU. A caveat to this is that there are dramatically different standards within each Member State (MS)⁶. Within the CEAS there are six directives that apply: The 2013 Dublin Regulation⁷, The 2000 Eurodac Regulation⁸, The 2001 Temporary Protection Directive⁹, The 2003 Reception Conditions Directive¹⁰, The 2004 Qualification Directive¹¹, and The 2005 Asylum Procedures Directive¹². I believe in terms of the CEAS the Dublin Regulation holds the most relevance with regards to reunification and Safe Third Country (STC) asylum seekers and the family reunification process. The 2000 Eurodac regulation is the second most relevant policy element¹³. However, for the purposes of context, I will briefly describe the remaining four components of the CEAS to show the relevance of the two main components in this essay.

The Dublin Regulation laid the foundation to determine which MS would be holding the responsibility for examining an asylum application in relation to reunification. Within this, the Dublin Regulation has criteria laid out in hierarchical order to examine any given asylum seeker's application. These were in order of importance from family reunification possibilities to recent possession of a visa or residence permit in an EU MS, to whether the applicant entered the EU regularly or irregularly¹⁴. However, if none of these criteria was met the first MS the refugee entered would be responsible for examining the asylum application when a refugee enters. This is what results in an asylum seeker having entered STC. Moreover, under the Dublin Regulation, a MS may submit a request to another MS to 'take charge' of asylum applications lodged in their territory, which they think the other MS is responsible for according to the Dublin criteria. If a request is accepted, the applicant is transferred to that country for their case to be processed. However, to identify applicants that have entered a STC before a MS, The 2000 Eurodac Regulation becomes relevant¹⁵. This is because the regulation established an EU database of the fingerprints of asylum seekers. Without the database for fingerprints, the transferral of refugees would be logistically laborious. Therefore, Eurodac facilitates the Dublin Regulation.

⁶ European Commission, 'The Common European Asylum System (CEAS)' (Europa 2016), 2.

⁷ Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)[2013] OJ L180/31.

⁸ Council Regulation (EC)No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention [2000] OJ L316/01.

⁹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L212/1.

¹⁰ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers [2003] OJ L31/18.

¹¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted [2004] OJ L304/12.

¹² Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status [2005] OJ L326/13.

¹³ (n 8).

¹⁴ (n 7), Art 7.

¹⁵ (n 8).

Additionally, The 2001 Temporary Protection Directive established minimum standards for granting temporary protection¹⁶. This results in an exceptional measure to grant immediate, temporary protection to displaced persons when standard asylum systems struggle to cope with demand due to a mass influx, risking a negative impact on the processing of asylum claims. Nevertheless, these provisions have not been triggered and are also irrelevant for reunification as it only covers refugee protection. Secondly, The 2003 Reception Conditions Directive¹⁷ established the minimum standards of living conditions for asylum applicants. However, this essay will only look into the context of refugees in light of reunification; this directive is not relevant for our analysis. Thirdly, The 2005 Asylum Procedures Directive¹⁸. This established minimum standards on procedures for granting and withdrawing refugee status. Nonetheless, this directive is not relevant to the topic as it is focused on individual refugee status and not family reunification.

Next the 2004 Qualification Directive¹⁹—replaced by the 2011 Qualification Directive, which the UK opted out of—established common grounds for the qualification and status of third-country nationals or stateless persons as refugees or people who otherwise need international protection. While this directive did establish the common ground for STC nationals, beyond the definitional aspects of a STC it is not relevant to the topic at hand. However, the relevant articles under this directive that apply include Article 23²⁰, for family unity, 24²¹ for residence permits and 34 for reparation²². Furthermore, academic analysis by HÉLÈNE Lambert around the Qualification Directive shows its flaws. Lambert argues that the Qualification Directive guarantees a minimum level of rights and benefits to beneficiaries of subsidiary protection that is considerably lower than the level of rights guaranteed to refugees²³. I agree with this as this directive only provides for adequate minimum standards of reception to persons applying for asylum under the Refugee Convention. Nevertheless, the Directive only has minimal effect as it does not procedurally mention family reunification.

In this section, I considered why Dublin will be the primary piece of legislation applied to family reunification and the impact that Brexit will have on that process. This is because it is the only component in the CEAS that procedurally discusses reunification for STC asylum seekers. However, it is worth noting that Eurodac merely facilitates Dublin. Whilst the argument could be made that the 2004 Qualification directive also applies, I argue that, beyond defining what a STC is, it does not bear much on our analysis of family reunification. Therefore, in the next section, I will discuss how the Brexit referendum's effect on the Dublin Regulation is not quantifiably impactful for refugees.

¹⁶ (n 9).

¹⁷ (n10).

¹⁸ (n 12).

¹⁹ (n 11).

²⁰ (n 11), Art 23.

²¹ *ibid*, Art 24.

²² *ibid*, Art 34.

²³ HÉLÈNE Lambert, 'The Eu Asylum Qualification Directive, Its Impact On The Jurisprudence Of The United Kingdom And International Law' (2006) 55 *International and Comparative Law Quarterly*, 171.

III. THE DUBLIN REGULATION

In this section, I will give a brief introduction to the contents of the Dublin Regulation. I will then analyse the quantifiable impact of the Dublin Regulation, its use, and its effectiveness in facilitating family reunification.

Part of EU legislation, the Dublin Regulation establishes the criteria and mechanisms in order to determine which MS is responsible for examining an asylum claim made in the EU. The regulation allows for requests for “take charge of” and “take back” asylum applications within other MS(s). The primary objective of this regulation was to ensure quick access to asylum procedures and to reduce the double handling of asylum claims by different states. We are currently in the third iteration of this regulation since it was originally formed in 1990. It was adopted in June 2013 in the UK, implemented from 1 January 2014 and stopped being in force after 31 December 2020 following Brexit.

The Dublin Regulation had an insignificant impact on refugees in the UK for the purposes of reunification. For example, in the past, the number of people transferred out of the UK under the regulation was greater than the number of people sent to the UK. Contrarily, if we look at recent numbers from 2016, the UK received 2,236 requests from EU MS(s) to accept transfers of individuals to the UK, and 714 transfers took place. The majority of which (496) were from Greece, yielding a 32% success rate²⁴. Quantifiably, the effectiveness of transfers as a result of the Dublin Regulation was not significant when it came to the reuniting “take back” family requests for refugees in the UK. Additionally, the UK made 3,259 transfer requests to EU MS(s), and 263 transfers took place²⁵. Within those transfer requests, 40% (104) went to Germany and 20% (53) went to France²⁶. When looking at these numbers, I believe the Dublin Regulation did not make much of an impact on reunification when it came to “take charge” requests. This is because that number in context means the UK was successful in eight percent of their applications for sending refugees back to the first country they entered. Overall if we tie this back into the original topic of reunification this means that through the Dublin process a mere eight percent of refugees were able to get reunited with their families that resided outside the UK. As I have just demonstrated the Dublin Regulation clearly was not effective in the reunification process as the success rates are low. Therefore, I argue that despite the Dublin Regulation no longer being in effect following Brexit, the reunification of asylum seekers will not be severely impacted.

The political view of the Dublin Regulation has changed in recent years. Recently, ministers have highlighted certain perceived bureaucratic “inflexibilities” within the system, such as the deadlines for processing transfer requests, and the legal challenges that attempted Dublin removals can generate²⁷. This inflexibility is particularly highlighted in the quantifiable success rate that the Dublin Regulation results in. To understand this we do not need to look at the Dublin

²⁴ 'Dublin - Asylum Information Database | European Council On Refugees And Exiles' (*Asylum Information Database | European Council on Refugees and Exiles*, 2021) <https://asylumineurope.org/reports/country/united-kingdom/asylum-procedure/procedures/dublin/#_ftn8> accessed 26 April 2021.

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ House of Commons, 'The UK'S Refugee Family Reunion Rules: A “Comprehensive Framework”?' Number 07511' (Commons Library 2021), 15.

Regulation from what specific clauses exist in those articles but from a generalist perspective. As I demonstrated above, it is rather ineffective from a quantitative standpoint.

While ministers have highlighted these problems with the Dublin Regulation, there are also many benefits. According to a House of Lords briefing paper, the Brexit-induced institutional change that will have the most significant effect on reunification asylum seekers will be the UK leaving the CEAS²⁸. This will entail the loss of a safe, legal route for the reunification of separated refugee families. In particular, the committee was concerned about a potential reduction in the rights of vulnerable unaccompanied children, who would have more limited reunification rights under UK Immigration Rules²⁹ than under the Dublin system. Accordingly, I believe that although there are drawbacks to the Dublin Regulation, one of the benefits of Dublin was the safe, legal route for the reunification of separated refugee families. Ultimately, there is something rather than nothing. Nevertheless, I argue that the Dublin Regulation was, ultimately, unable to live up to the expectations many had of it.

In the next section, I will analyse the current proposal of the Home Secretary. Following that, I will derive conclusions as to how the UK should move forward in addressing Dublin and the family reunification of asylum seekers.

IV. CURRENT STEPS

In this section, I will first summarise recent accounts of the Brexit negotiations. Following that, I will discuss the implications of the Home Secretary's Immigration Bill.

Firstly, during the Brexit negotiations, there were many efforts by campaigners to force the government to negotiate 'replacements' for the family unity clauses of Dublin. The UK government published draft agreements, which were not reciprocated by the EU³⁰. The two proposals related to general returns agreement and a specific measure to allow unaccompanied children to unite with family members³¹. I argue that seeing this effort from parliamentary campaigners, the UK was keen—during the Brexit negotiations—on working towards solutions to establish agreements that tackle the issues of reunification towards STC refugees during the negotiations.

Additionally, from briefing papers published by the House of Commons, I believe that the UK has indicated attempts to negotiate returns agreements with individual EU MS(s)³². This means bilateral agreements that are suited to individual MS(s). However, Colin Yeo raises a concern of practicality³³. Yeo argues that it becomes a laborious task to do with each country: rather the UK should have looked to enter into some sort of arrangement with the EU through the CEAS³⁴. Previously, I determined how only the Dublin Regulation was imperative for reunification. As we saw, the quantifiable results of the Dublin Regulation—although an attempt in the right

²⁸ House of Lords, 'Brexit: Refugee Protection And Asylum Policy' (Authority of the House of Lords 2019), 39.

²⁹ (n 27), 12.

³⁰ (n 24).

³¹ *ibid.*

³² House of Commons, 'What Is The Dublin III Regulation? Will It Be Affected By Brexit?' (House of Commons Library 2019), 1.

³³ Colin Yeo, 'The Impact Of Brexit On UK Asylum Law: Part One | Free Movement' (*Free Movement*, 2021) <<https://www.freemovement.org.uk/impact-brexit-uk-asylum-law-part-one/>> accessed 26 April 2021.

³⁴ *ibid.*

direction—were inefficient. Moreover, I believe that it is also legally questionable to set bilateral agreements with all MS(s) as experts argue that bilateral arrangements could be restricted by the EU's areas of exclusive competence³⁵. Therefore, making bilateral agreements not only a laborious task for the UK but also—arguably—illegal. I argue that the UK should look to make effective agreements with the EU on the topic of reunification for STC refugees and address the inefficiencies of the previous regulation.

If we look at why this topic is of legal importance, I believe we need not look further than section 3 of the Immigration and Social Security Coordination (EU Withdrawal) Act 2020³⁶. In this act we see the government committing to publish the existing routes for family reunification in the UK. Along the process, on 31st December 2020, this condition was fulfilled by a document outlining existing routes (most not specific to refugees or people seeking asylum)³⁷. Alongside this, the government also committed to a review of safe and legal routes to the UK. In February 2021 the government fulfilled its legal obligation to update parliament with routes available to reunite families, which was a reiteration of the December 2020 document³⁸. Legally, the government did fulfil its obligations when the Home Secretary announced she planned to “overhaul” the immigration system³⁹. However, it leaves us wondering about the implications of her plans.

On March 24th 2021, the Home Secretary announced that she had a new policy briefing to tackle the issue of refugees and immigration⁴⁰. The Home Secretary's plan outlines how the UK has reunited 29,000 refugee families through the Refugee Reunification Scheme⁴¹. However, I argue this number is taken out of context. After careful analysis of the Data Set provided by the Home Office⁴², I argue that the number includes all asylum applicants, not exclusively family reunification under the Dublin Regulation: which amounts to a much smaller number per year as shown previously⁴³. Additionally, the Home Secretary's policy brief states the current status of those who are applying for reunification—prior to December 31 2020—are going to be given temporary protection⁴⁴. I believe this means that an asylum seeker ought to have applied for reunification prior to December 31 2020 in order for Dublin to apply to them. I agree with this rationale as the law is not “ex post facto”—however—it is not a long-term solution. Also, the Home Secretary's plan states that “those who prevail with claims having entered illegally will receive a new temporary protection status rather than an automatic right to settle.”⁴⁵ This leads to uncertainty for a group of individuals who already are one of the most vulnerable in society.

³⁵ *ibid.*

³⁶ Immigration and Social Security Coordination (EU Withdrawal) Act 2020 2020, s 3.

³⁷ (n 24).

³⁸ *ibid.*

³⁹ Enver Soloman, 'Priti Patel's Two-Tier Asylum Plan Treats Refugees With Cold Indifference | Enver Solomon' (*the Guardian*, 2021)

⁴⁰ *ibid.*

⁴¹ HM Government, 'New Plan For Immigration Policy Statement' (Controller of Her Majesty's Stationery Office 2021), 15.

⁴² Home Office, 'Asylum And Resettlement Datasets' (govcouk 2021).

⁴³ (n 24).

⁴⁴ (n 41), 29.

⁴⁵ *ibid.*, 20.

Whilst I concede that there is the time needed to adequately address these reunification claims, I argue that such temporary measures are not long-term solutions. This is because the government had four years to decide how to handle the transition period in December. I believe this portion of the negotiation is overdue. However, I do believe the counter-arguments in place—namely—the expectation that there would be a deal in place with the EU to address these concerns are ones to consider. To that point, I argue alongside many academics that the result of not negotiating these agreements is of direct harm to refugees⁴⁶. NGOs claim that one implication of this temporary measure is that refugees will face smugglers and trafficking gangs will have a “field day”⁴⁷. I believe this directly counters the Home Secretary’s point that the new practices are attempts to stop refugee smugglers and gangs⁴⁸. Additionally, justifications for the Home Secretary’s policies include first, to avoid creating dangerous routes for trafficking; second, to avoid creating ‘anchor children’, who arrive with the intention of claiming asylum for their family through family reunification. I believe by setting formal resettlement schemes from the MENA region and in Europe, these justifications will be addressed⁴⁹. The effects of these have been rightly cited by Dr Barney Gilbert who cites examples of Scandinavian refugee systems⁵⁰ that are both liberal in reunification criteria alongside addressing the two counterpoints the Home Secretary states.

Moreover, the Home Secretary’s most notable contribution was to introduce “a new temporary protection status with less generous entitlements and limited family reunion rights for people who are inadmissible but cannot be returned to their country of origin (as it would breach international obligations) or to another safe country.”⁵¹ I believe that with Dublin’s already low success rate, a less generous means of reunification is the anti-solution of the problems Dublin had. The effective rate of transfer—both “in” and “out”—is already low and the data sets show low percentages of families resulting in reunification. Moreover, this temporary measure has been claimed by experts in the field as “cruel”⁵² due to the effect of leaving traumatised people in a prolonged state of uncertainty, when the system in place was notoriously broken to begin with.

To conclude, I believe the UK is keen to develop solutions towards the family reunification of STC refugees. However, as shown, bilateral agreements are a double-edged sword in solving reunification for refugees. This remains a contentious solution and requires further analysis. I also analysed the implications of the Home Secretary’s proposal and determined how the current plan to ‘overhaul’ the refugee system for reunification is outlandish. I deciphered her points relating to reunification and introduced the opinions of experts in the field alongside data to

⁴⁶ May Bulman, 'Refugees To Face Deportation From UK Under ‘Cruel’ Home Office Plans' (*The Independent*, 2021)

⁴⁷ Rachel Taylor, 'Post-Brexit: Asylum Seekers Left In Limbo' (*Chathamhouse.org*, 2021) <<https://www.chathamhouse.org/publications/the-world-today/2021-02/post-brexit-asylum-seekers-left-limbo>> accessed 26 April 2021.

⁴⁸ (n 41), 31.

⁴⁹ (n 4), 31.

⁵⁰ (n 4), 32.

⁵¹ (n 41), 18.

⁵² (n 47).

determine that new solutions have to be put in place. In the next section, I will analyse a pivotal past solution: the Dubs Amendment.

V. DUBS AMENDMENT

The Dubs Amendment was an amendment proposed by Lord Dubs in January 2020⁵³. This required the UK government to work with the EU to ensure unaccompanied children in the EU could continue to reunite with close relatives in the UK—specifically those who were in the process of seeking refugee status. The amendment would have been implemented in the Withdrawal Agreement⁵⁴. However, after a passing vote in the House of Lords, the House of Commons rejected the amendment and failed to pass into the Withdrawal Agreement.

Essentially, this was a liberal outlook in the documentation system, which would also be in line with the latest EU practices. Additionally, there could have been an expansion of the schemes mentioned by the Home Secretary in her policy brief: resulting in an expansion of vulnerable person reunification and vulnerable children reunification schemes.

I believe the UK government should have looked to expand negotiations with the EU to replace Dublin and look at finding ways to increase the effective success rate of the programs that would be in place. With many Dublin requests being cited as lack of documentation, I believe the liberalisation of document requirements would have been an effective solution. This is because refugees who enter the UK, as has been claimed by leaders in NGOs tackling reunification, have difficulties in producing proper documentation to support their cases⁵⁵. Many academics claim that the Home Secretary's 'one-stop' process to require all rights-based claims to be brought and considered together in a single assessment upfront, may result in situations where a refugee's rights are fully considered⁵⁶. I make the argument that this particularly impacts children. This is because children are unlikely to have documentation and without family, they are stranded alone and unaccompanied. I argue that the UK should then look into liberalising document requirements—especially for unaccompanied children.

Furthermore, a minor point on case law has to be mentioned. In *Secretary of State for the Home Department v R (FTH)*⁵⁷ in April 2020, the Dublin Regulation was used to make the case for a "take charge" request. Lord Justice Singh cited the Dublin Regulation in his judgement for the request to France⁵⁸. While the case is rather trifling, it does demonstrate how Dublin was used in the courts when assessing asylum claims. However, I believe since the Home Secretary's perceived position of moving away from the European Courts—the CJEU—this is another point of contention that needs to be addressed. The government will have to determine what happens to past precedence set by the court. I believe that the government will pass legislation where these decisions will not be current law; however, that is yet to be seen. Additionally, since this is

⁵³ 'What Is The Dubs Amendment?' (International Rescue Committee (IRC), 2020) <<https://www.rescue-uk.org/article/what-dubs-amendment>> accessed 26 April 2021.

⁵⁴ European Union (Withdrawal Agreement) Act 2020).

⁵⁵ (n 53).

⁵⁶ Ali Bilgic, 'Why The UK Should Stay Within The EU's Asylum System After Brexit' (*The Conversation*, 2021)<<https://theconversation.com/why-the-uk-should-stay-within-the-eus-asylum-system-after-brexit-109376>> accessed 26 April 2021.

⁵⁷ *Secretary of State for the Home Department v R (FTH)* [2020] 1 CA, 46, 72.

⁵⁸ *ibid*.

a contentious topic, I will not be analysing this but merely mentioning that the government needs to address this point.

I concede the argument that during the transition period it is imperative that those who have effectively applied under Dublin prior to December 31st 2020 and are in transition, be considered under the previous guidelines. However, I believe that since Dublin did not quantifiably work well, the UK needs more liberal means to assess a reunification claim. Simultaneously, there needs to be cooperation from the EU in assessing “take charge” requests. I have shown low rates of success in transferring asylum seekers out of the UK for reunification purposes. Therefore, it follows that the government may be hesitant to enter into agreements with the EU only to know that the UK has to take the uneven responsibility for taking in refugees. However, I believe that cooperation with the EU, or even MS can be achieved. Whilst it is hard to negotiate bilateral agreements with individual MS, I agree with the House of Commons report⁵⁹, that starting with key players like France and Germany will start a motion for bilateral agreements with other MS(s).

VI. CONCLUSION

In conclusion, I argue that Brexit will impact reunification through the loss of the CEAS— more specifically, through the loss of the CEAS, of which the Dublin Regulation is a key component. However, this loss will only be in the legal and procedural sense rather than the quantifiable sense, and solving the reunification problem will require addressing key concerns in the current proposals. To do this, I first demonstrate how, though the Dublin Regulation is relevant for our analysis, it has not been of appreciable consequence. Despite the hope of potential alterations with the EU, this did not transpire during Brexit negotiations. Additionally, the current proposals of the government are unreasonable. I then show the Dubs amendment was a step in the right direction; however, as it did not pass in the House of Commons, the UK should look at a solution similar to it namely, attempting to negotiate bilateral agreements with major political influencers in the EU. The topic of refugees remains a politically divisive one and one that clearly impacts a large proportion of asylum seekers. While refugees are currently struggling through uncertainty, we are at a decisive moment in history to change the course of how reunification is treated.

⁵⁹ (n 28), 42.