



Post Brexit Migration Policy Evidence

What are the implications of the net migration target?

Migrants come to the UK for:

1. Work
2. Study
3. Family

The net migration target is aimed at reducing the number of immigrants in all three categories. Family migrants largely comprise spouses and children of British citizens, the very core of a family unit. The policy of targeting them to reduce the numbers of migrants coming to the UK leads to breaches of human rights. Its intent implies denying some British citizens the right to a family life in their own country.

Setting a net migration target for the family members of British citizens inevitably violates the UK's international obligations towards children and families.

- The right to a family life for a British citizen is reflected in Article 8 of the European Convention on Human Rights (ECHR).
- “The best interests of a child principle” is reflected in the UN Convention on the rights of a child which must also form part of any decision made under Article 8 ECHR by which the government, decision makers and courts are lawfully bound. ^[3]

With the right to a family life being a qualified right, it must be balanced with “the interests of national security, public safety and the economic well-being of the country.” However, there has been no clause that clearly shows that this human right has been justly aligned with the self-imposed net migration targets.

The Government's iterated excuse claims that the right to a family life is not an absolute right. This argument is used to impose the extremely evidentially restrictive and economically discriminatory minimum income requirement (MIR) on British citizens wishing to live with their spouse and children in the UK. The MIR stands at 18600 pound to sponsor a spouse which is higher than the full time minimum wage. It disproportionately affects women, ethnic minorities, and residents of disadvantaged regions in the UK.

The Government claims that the MIR is designed to ensure that family migrants do not become a burden on the state, but at the same time foreign spouses who receive an initial settlement visa have no recourse to public funds. The latter fact makes the MIR-moot, designed to deter spouses and children of British citizens from applying and thus reducing





the number of family migrants. In fact, the MIR often forces female British spouses of foreign men to rely on benefits as they effectively become single mothers in the UK, unable to reunite with their spouse abroad. If their partner was allowed to come to the UK, the foreign partner or British mother would be able to work thus the household being ineligible for benefits. In this way the net migration target becomes a primer which increases dependence on public funds for a British spouse with a foreign partner and young children.

Other than having an incentive to drive the families of British citizens out by imposing the net migration targets on them, the government also has a perverse incentive to drive out British citizens themselves as British citizens are also included in the net migration statistics. The government openly encourages British families to explore other options of exercising the right to a family life, including moving abroad. During the parliamentary debate regarding the new rules initiated by Theresa May on June 19th, 2012, she, as a Home Secretary clearly demonstrated this position when given an example of a couple who did not meet the MIR “if there is no evidence of any insurmountable obstacles to their continuing their family life together overseas, we would expect them to do so.”^[1]

This statement intends that the British partner, when entering a familial relationship with a foreign partner, should not assume to be able to continue their family life in the country of their citizenship. It intends that if they do not meet the requirements then they should either leave the country of their citizenship or continue their life in UK but separated from their family. This forces upon them a choice of residency in the country of their birth or life with their family. In this way the Government is acting not in the best interests of its citizen, but its opposite, effectively stating that British citizens should not expect to continue or further establish their lives in Britain, that their rights as British citizens will not be upheld and their citizenship determined by whom they have a family with.

To expect British citizens to move to a foreign country to satisfy a migration target set by the UK Government places an expectation on the foreign state which is not reciprocated by the UK.

This should be made a reciprocal arrangement with options to settle in either partners country with a minimum of disruption to family life.

The British partner may have lived or continues to live in their partner’s country, or a third party country, but may need to return to Britain to continue life in the country of their birth and citizenship for many reasons. They are likely to have deep multi-generational familial connections to UK, their 'extended family' of parents, siblings, grandparents, nieces, nephews, uncles, aunts, cousins etc. They have well established knowledge of life in UK, its processes, its law, its culture and practices and due to their long established familial ties to their country, their 'Britishness' will also provide work and business opportunities in the UK that will not be available overseas. Britain may provide a safer, more secure and stable environment compared to the partner’s country, or better options for healthcare, education, and women’s rights, children’s rights, and human rights in general. The British partner might





be required to live in Britain to provide long term care for elderly, infirm, vulnerable or sick relatives.

Aside from the MIR another means to preclude foreign spouses and children of British citizens from establishing family life in the UK with their non-EU spouses and children are the excessive fees from which the Home Office currently profits 377% from the initial spouse visa application and 945% from the application for indefinite leave to remain.^[2]

Since 2012 the Conservative government has failed to reduce the overall number of migrants coming to the UK but it has succeeded with reducing family migrant numbers. In comparison to other groups of migrants family members of British citizens are the most vulnerable with no powerful lobby groups campaigning to protect their rights. EU citizens have EU negotiators behind them, skilled workers have big businesses, students have red-brick universities and refugees, although not classified as migrants, are protected by international charities with their rights enforced by the UK international treaties.

As a result of the net migration target, the UK has the least family friendly policy in the developed world and tens of thousands of families^[3] with a British family member have been indefinitely exiled abroad or separated.

^[1] <https://publications.parliament.uk/pa/cm201213/cmhansrd/cm120619/debtext/120619-0002.htm>

^[2] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691200/Fees_Unit_Cost_Table_-_April_2018.pdf

^[3] <https://www.childrenscommissioner.gov.uk/publication/family-friendly/>

