

Some frequently asked questions on the family immigration rules introduced in July 2012

by S. Green with assistance from many people: January 2017, updated September/October/December 2020, January/March 2021, June 2022

All errors apart from the introduction of these rules are mine and subject to change every time the immigration rules change – read this document critically and follow up with your own research!

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This document was prepared for anyone who might benefit, inspired by the members and administrators of Reunite Families UK and I Love My Foreign Spouse. Please visit and support them!



Reunite Families UK

- <https://www.reunitefamiliesuk.co.uk/>

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If you only have a few minutes and need a quick reference...

Most of the links that you need to navigate the whole process are here :

FINANCE - the rules and guidance for each Category is here :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

This covers the evidential and other requirements for each Category and also exempt.

And a general overview here :

<https://www.gov.uk/uk-family-visa/proof-income>

If you combine Categories, a guide to which Categories can be combined is here :

<https://immigrationbarrister.co.uk/combining-sources-of-income-to-satisfy-the-spouse-visa-financial-requirement/>

If you are using savings, the formula/a useful calculator tool to work it out for you is here (please read in conjunction with the link on combining Categories as there are restrictions here!) :

<https://crossborderlegal.co.uk/spouse-visa-income-threshold-savings-calculator/>

LANGUAGE - the list of approved language tests and centres is here :

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

And there is a more general page including who **doesn't** need to prove knowledge of English here :

<https://www.gov.uk/uk-family-visa/knowledge-of-english>

Note that if you need to take a language test it MUST be on the approved list!

MODEL CHECKLISTS FOR A SUCCESSFUL APPLICATION - including all requirements, including the above plus Accommodation plus Medical plus Proof of Relationship etc etc..

This section covers **most** possibilities including fiancée visas, exemptions, visit visas, and different Category applications, as well as examples of applicant letters etc etc etc.

ILMFS Files Section has many example/sample checklists for all kinds of applications :

<https://www.facebook.com/groups/139807999382936/files/>

Also check Reunite Families UK Files Section :

<https://www.facebook.com/groups/ReunitefamiliesUK/files/>

Flowchart and infographic in *the flowcharts to show stages and elements of a spouse or partners visa application with common pitfalls* in the Files sections :

<https://www.facebook.com/groups/139807999382936/files/>

(<https://www.facebook.com/groups/139807999382936/permalink/4175425929154436/>)

(ILMFS) and <https://www.facebook.com/groups/ReunitefamiliesUK/files/>

(<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/254693788561122/>)

(Reunite)

Reunite Families UK '2 page' guide to the rules :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2417064698598442>

Spouse visa with employment (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216853251678360/> (ILMFS)

Or <https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170416921200/>

(Reunite Families)

Spouse visa with exemption (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216852855011733/> (ILMFS)

Or <https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170353587873/>

(Reunite Families)

FLR(M) with employment (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216852361678449/> (ILMFS) or

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170283587880/> (Reunite

Families)

FLR(M) with exemption or FLR(FP) (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216851705011848/> (ILMFS) or

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170203587888/> (Reunite

Families)

ILR with employment (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216851155011903/> (ILMFS) or

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170170254558/> (Reunite

Families)

ILR with exemption (written by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216847161678969/> (ILMFS)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170100254565/> (Reunite

Families UK)

Visit visa (by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216846691679016/> (ILMFS) or

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767169390254636/> (Reunite

Families)

Also see the answers to this question – 'should I submit bank statements when applying for a UK visa?' (StackExchange : <https://travel.stackexchange.com/questions/66104/should-i-submit-bank-statements-when-applying-for-a-uk-visa-what-do-they-say-ab>

<https://travel.stackexchange.com/questions/66104/should-i-submit-bank-statements-when-applying-for-a-uk-visa-what-do-they-say-ab>

Fiance visa with employment (by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/4040163919347305/> (ILMFS)
<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2517487048556206/> (Reunite Families)

Fiance visa with exemption (by Amanda S) :

<https://www.facebook.com/groups/139807999382936/permalink/5216854155011603/> (ILMFS) or
<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2767170476921194> (Reunite Families)

Unmarried partner (cohabiting for 2 years+) checklist (by Rolien) :

<https://www.facebook.com/groups/139807999382936/permalink/2146229468740769> (ILMFS)

Category D (savings) checklist (by Bouchra) :

<https://www.facebook.com/groups/139807999382936/permalink/2617822621581449> (ILMFS)

Category C (non-employment income) checklist (by Dan W) :

<https://www.facebook.com/groups/139807999382936/permalink/3775647062465660> (ILMFS)

For evidence of proof of cohabitation for FLR(M) which comes up regularly check this post (by Steve G) :

<https://www.facebook.com/groups/139807999382936/permalink/1081102748586785/>

FLR(M) uploading sections by Sierra (very useful):

<https://www.facebook.com/groups/139807999382936/permalink/4119465744750455/> (ILMFS)

Cover letter tips by Biyi:

<https://www.facebook.com/groups/139807999382936/permalink/4061340070563023> (ILMFS)

DEALING WITH PROBLEMS

How to choose a solicitor? A guide for the perplexed (by Steve G) :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2488066778164900> (Reunite Families UK, Facebook)

<https://www.linkedin.com/feed/update/urn:li:activity:6762609895566020608/?actorCompanyId=53079094> (LinkedIn)

What if you've been wrongly refused? A guide on things to do here (by Paige B) :

<https://www.facebook.com/groups/139807999382936/permalink/3393514424012261/>

and

<https://twitter.com/Paiigeylala/status/1295988150595133440>

Common reasons for refusal :

<https://awhsolicitors.co.uk/articles/immigration/visa-refusal-uk/>

and

<https://www.migrate.org.uk/marriage-visa-uk-2018/>

Sample escalation letter to your MP if it's taking too long :

<https://www.facebook.com/groups/139807999382936/permalink/3686968251333542> (ILMFS)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2428909210747324> (Reunite)

Migrants Rights Network's 'Know your rights' guide 2020 is extremely useful :
<https://migrantsrights.org.uk/blog/2020/12/02/new-resource-know-your-rights-guide-2020/>
<https://drive.google.com/file/d/1ZXcQ8uZUgD0kpzbnkHJF2dvU-RGUID7qO/view>

CAMPAIGN AND SUPPORT GROUPS

I Love My Foreign Spouse :
<https://www.facebook.com/groups/139807999382936/permalink/3101956939834679/>

Reunite Families UK :
<https://www.reunitefamiliesuk.co.uk/>
Facebook: <https://www.facebook.com/groups/ReunitefamiliesUK/2378086322496280>
Twitter: <https://twitter.com/reunitedivfamil>
LinkedIn: <https://www.linkedin.com/company/53079094>
Blog : <https://www.reunitefamiliesuk.co.uk/blog>
Research : <https://www.reunitefamiliesuk.co.uk/research>

BritCits :
<http://britcits.blogspot.com/>

Family Immigration Alliance :
<https://familyimmigrationalliance.wordpress.com/>

EEA Visa... EU Free Movement (primarily for Surinder Singh route) :
<https://www.facebook.com/groups/650212281695959/>

Right to Remain Toolkit :
<https://righttoremain.org.uk/toolkit/>

JCWI : <https://www.jcwi.org.uk/>
JCWI has also produced a useful piece on fee waivers based on human rights :
<https://www.jcwi.org.uk/home-office-application-fees-a-guide-to-fee-waivers>

Greater Manchester Immigration Aid Unit : <https://gmiau.org/>

Hackney Migrant Centre : <https://hackneymigrantcentre.org.uk/volunteer/>

Coventry Refugee and Migrant Centre : <https://www.covrefugee.org/>

List of useful agencies/groups for different situations (general support, legal, health, domestic abuse, local/specific migrant communities, lots of resources etc) :

<https://www.facebook.com/groups/139807999382936/permalink/3771913662839000> (ILMFS)
<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2453139531657625> (Reunite Families UK)

POLITICAL AND RESEARCH

If you want to make a Freedom of Information request for research, you can do it via this tool :
<https://www.whatdotheyknow.com/>

If you want to write to your MP, you can do it via this tool :

<https://www.theyworkforyou.com/>

You can use the same tools to track individual parliamentarians and topics (e.g. 'spousal visa') via email alerts.

International comparisons of family reunification worldwide showing where the UK fits in :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2468689426769302> (Reunite Families UK)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/1892662644371986> (Reunite Families UK)

<https://www.mipex.eu/family-reunion> (MIPEX)

'Statement of intent' from 2012 outlining the principles of the rule changes :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257359/soi-fam-mig.pdf

A guide to Surinder Singh for Newbies (by David B) (pre-Brexit) (mostly of historical value now) :

<http://britcits.blogspot.com/2015/05/surinder-singh-for-newbies-2015.html>

How will Surinder Singh/Brits in Europe returning to UK - work in the post Brexit world? - See paragraph on 'Returning to the UK' (with dates!) :

<https://www.gov.uk/guidance/living-in-europe>

<https://www.whsolicitors.co.uk/brexit-immigration-rules-for-brits-returning-from-the-eu/>

Solvit – for reporting and resolving breaches of free movement rules : <http://ec.europa.eu/solvit/>

Are my children UK citizens already? How to find out using this handy tool :

<https://www.gov.uk/check-british-citizenship>

MISCELLANEOUS

Life in UK practice tests (for ILR) (by Amanda S) : <https://www.facebook.com/notes/i-love-my-foreign-spouse-defend-the-rights-of-cross-border-couples/life-in-the-uk-practice-tests/1203152843048441/>

Which nationalities need to do a TB test? : <https://www.gov.uk/tb-test-visa/countries-where-you-need-a-tb-test-to-enter-the-uk>

Useful general link on how to make an application : <https://www.gov.uk/uk-family-visa/partner-spouse>

Requirements for British citizens moving to Ireland with families using Common Travel Area (given the Irish minimum income requirement, may be useful most to those with adult dependent relatives): <http://www.inis.gov.ie/en/INIS/Pages/joining-your-uk-national-family-member-in-ireland>

'THE IMMIGRATION RULES'

Long and not an easy read but here for reference...

Appendix FM (the section of the Immigration Rules setting out rules for Family Members) :

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-family-members>

Appendix FM-SE ('specified evidence' for applicants under Appendix FM) :

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-se-family-members-specified-evidence>

If you want to really understand what is going on here...

1. Why was this written?

This document was originally intended as a FAQ for the I Love My Foreign Spouse Group (hereafter known as 'ILMFS'). The scope has since widened to include the whole divided families issue and I hope that other campaigners and people impacted will find it interesting and useful. An explanation of the rationale of why ILMFS needed a FAQ and what it was all about here :

First and foremost, to celebrate and support international families, who bind the world together in many ways, and to help and encourage those going through the myriad bureaucratic difficulties; to dispel misconceptions; and to campaign against injustice.

I Love My Foreign Spouse, one of the longest running support groups, was created several years ago in response to injustices that were already being committed against non-EU families of British citizens. Even before the 2012 rule changes, there were many examples of people being denied visas unfairly – whether through simple prejudice, through unfair allegations of sham marriages, through tough language requirements, through harsh bureaucracy etc.

Emily Churchill, who created ILMFS, wrote this piece for the Guardian regarding her own situation as far back as 2010:

<https://www.theguardian.com/commentisfree/2010/jun/14/foreign-spouse-language-tests-immigration-system>

'Being with your foreign spouse is a right, not a privilege...'

However, in 2012, things got a lot worse for many people...

Grassroots activist groups against the rules include the Family Immigration Alliance, BritCits and Reunite Families UK (links above and below).

2. So what are the 2012 rule changes and why are they so unfair?

Before 9th July 2012, the financial requirement to support a non-EU partner dramatically increased. We'll discuss the individual requirements a little further down the document, but the rule changes in short:

- Introduced an income requirement of £18,600 per year (or a much stricter savings equivalent) to sponsor a partner. £22,400 if the application includes a non-EEA child (typically a step-child, though can also include the child of a British citizen from a country which strictly forbids dual citizenship), and a further £2,400 for each subsequent non-EEA child.

According to research done at the time, 47% of the working population of the UK (including 60% of women, and more than 50% in regions such as Wales and parts of the north of England) fell foul of this.

- Abolished third party sponsorship (*note – this was later softened, but is still extremely difficult; see later notes*).

- Made the evidential requirements much more difficult.

- Made the language requirement for indefinite leave to remain more difficult.

- Lengthened the time to ILR from 2 years to 5 years.

- Made it virtually impossible to sponsor elderly dependants from outside the UK.

- Stopped most forms of income of the foreign partner outside the UK being able to be used (there are some exceptions which we'll discuss later).

- Abolished the 4 year rule that allowed spouses of British Citizens to apply directly for ILR without restrictions if they had already been married for 4 years. This effectively exiled many couples who had previously had the right to return to the UK.

And since then, costs have spiralled. Families have been broken up, people have had nervous breakdowns, people have been driven to the wall financially, women have had abortions. I can't count the number of times people have broken down in front of me telling their stories.

The rules are genuinely sadistic, but also absolutely bonkers on their own terms – the supposed reason of saving the public purse does anything but as it forces people into single parenthood and denies the tax revenue of working spouses (remember, non-EU spouses are 'not entitled to public funds'). The reason for the rules, one suspects, is the then Home Secretary's unsustainable promise of reducing net immigration below 100k – a promise that was made without much thought for the human suffering that would come with it.

You can read a bit about some of the protests against the rules here:

<http://britcits.blogspot.co.uk/search/label/a%20very%20good%20day>

And you can read some 'love letters to the Home Office' – here:

<http://lovelettershome.org/>

And here:

<https://britcits.blogspot.co.uk/search/label/stories>

And here:

<https://familyimmigrationalliance.wordpress.com/>

And here:

<https://www.reunitefamiliesuk.co.uk/>

<https://www.reunitefamiliesuk.co.uk/kept-apart-project>

MIPEX on the income requirement :

<http://www.mipex.eu/minimum-income-requirement-non-eea-family-members-uk>

'Sons and lovers' :

<http://www.economist.com/node/21556926>

'The changes will take Britain from ranking near the middle of European and Northern American countries in 2007 on friendliness to family unification to perhaps 27th of 31 countries, says Thomas Huddleston of Migration Policy Group, a think-tank in Brussels. The income requirement alone is off the scale.'

(For more studies on how UK rules compare internationally, check these links :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2468689426769302> (Reunite Families UK)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/1892662644371986> (Reunite Families UK)

<https://www.mipex.eu/family-reunion> (MIPEX)

)

'Statement of intent' :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257359/soi-fam-mig.pdf

3. Did people at the time (2012) know how bad the rules were going to be?

Yes. Some knew straight away. But getting the message out was hard – the rules came in suddenly, with one month's notice; it was done just as the Commons went into recess (so there was a rather perfunctory debate in the Lords where I doubt they even knew what they were discussing; more on this later in this doc); it was summer; it was Olympic year. Some of us even thought of leafletting the Olympics, but we were persuaded it would be counterproductive and anyway there weren't enough

of us to do much about it.

Aaron, one of those affected in those early days, wrote this :

<http://web.archive.org/web/20130424064509/http://these-are-our-numbers.posterous.com/>
'I first read about the proposed changes in bit more detail one morning in guardian article titled 'Stark choice under new immigration rules: exile or family breakup. I felt sick. I wrote to two PMs and scrolled around some websites trying to see what to do. I don't know much about how it all played out from there in the British press and parliament. On a strange whim I looked for the reporting on the story in the daily mail, not to read the article but to make myself angry reading the comments, when I looked at that part of the bottom half of the internet though, it was mostly people saying that this would have really messed them up if it had happened when they were younger. I found a facebook page about it and I 'liked' that. I wrote to lots of lawyers and didn't hear back...'

Campaigning against the rules began immediately, once some of those affected made contact with each other and with supportive organisations.

'Stark choice under new immigration rules: exile or family breakup' (Guardian, 8 June 2012 - one month before the rules came in).

<https://www.theguardian.com/uk/2012/jun/08/immigration-rules-couples-stark-choice>

'British citizens with foreign-born partners are to be given the choice of indefinite "exile" in countries including Yemen and Syria or face the breakup of their families if they want to remain in the UK, under radical immigration changes to be announced next week, MPs have been told...'

(There are a few errors in the article; even at this point it wasn't totally clear what the rules really meant and even Government guidance was not produced until more than a year later in the MM case; confusion and stress was a distressing aspect of the way the rules were introduced, though it also galvanised the first social media responses).

This tweet sums up how this affected those families...

<https://twitter.com/Vanya4Canzuk/status/1316039913993695233>

'Is EU love really worth more than Asian love?' (Daily Mail, 11 June 2012).

<http://www.dailymail.co.uk/debate/article-2157740/Is-EU-love-really-worth-Asian-love.html>

'Setting aside for the moment those millions of EU nationals who will remain perfectly free to come and go and marry as they please, what of the British nationals who fall in love with a Russian bear or Thai belle but are unable to establish that they earn above the necessary threshold? Is the Home Secretary really proposing that the love of a wealthy stockbroker in Gerrards Cross is of greater worth than to that of a shelf-stacker in Hull?'

(Yes the Home Secretary – who later became Prime Minister – really did propose that, although even the broker in Gerrards Cross is a victim in a different way).

'Out of sight, out of mind; the heartlessness of the Home Secretary' (Michael Allen in the HuffPo, 3 December 2012)

https://www.huffingtonpost.co.uk/michael-allen/out-of-sight-out-of-mind-2_b_2228818.html

'Deport my heart' (Max Dunbar)

<https://maxdunbar.wordpress.com/2012/06/10/deport-my-heart/>

'The upshot of the above is that Anna, an indigenous British citizen who has lived in the UK for the entirety of her life, may be forced to travel to another country in order to continue to reside with her husband. So far as Palestine goes, Khalid is a third generation refugee who was born and brought up in Syria and is technically stateless, and therefore has no entitlements to reside in the West Bank or Gaza. Whilst Khalid has residency in Syria, certainly the advice currently appearing on the Foreign Office website is that British citizens should not only abstain from travelling to the country, but

should simply not travel there at all because of the current conflict.'

The first demonstration against the rules came on 9 July 2012, outside the Home Office. About 50 people were there. There's a picture of part of it here :

<https://asadakhan.wordpress.com/2016/02/28/article-8-and-mir-appendix-fm-in-supreme-court/>

(You can see me in there, holding a placard. There were more people there than it looks).

There was a meeting in Parliament later, which several hundred people attended.

... Even later in the year, we tried to keep the pressure up :

New immigration rules accused of splitting up families (Independent, 17 November 2012).

<http://www.independent.co.uk/news/uk/home-news/new-immigration-rules-accused-of-splitting-up-families-8324254.html>

'I met my wife, who is from Georgia, while training to become a minister in the Salvation Army. We got married in June, weeks before the visa changes. Teya is here on a religious workers visa, helping me run a community church in Addlestone. When that expires she'll have to leave the country unless we meet the new requirements. I get about £7,000, along with accommodation, as part of my commitment to the church, but the new guidelines don't take that into account. It may not seem like much, but it's enough to live on... '

'... We have about £1,200 a month between us and it's enough. I dread to think about if the law doesn't change...'

'... But I think we'll have to move to America when Becky's visa runs out in November. I have a daughter – if I'm forced to leave the UK the chances of keeping that relationship is slim. I feel I would have to either abandon my daughter, or abandon my wife. '

And then members of the House of Lords spoke out. There was a motion of regret. You can read what Lord Judd, Lord Avebury and Baroness Smith said here :

<http://britcits.blogspot.co.uk/2013/03/more-docs-two-excerpts-from-house-of.html>

Judd: *'I do not understand the new legislation on families. We hear from the Government on every possible occasion about the importance of family, yet for some people for whom family will be absolutely indispensable in terms of their stability and ability to contribute to society, we introduce these arbitrary rules. '*

Lord Avebury gave examples given by members of this group. You can read those in the link too.

Time has moved on. Lord Avebury passed away in 2016, Lord Judd passed away in 2021

(<https://www.theguardian.com/politics/2016/feb/14/lord-avebury-eric-lubbock-obituary>

<https://www.theguardian.com/politics/2021/apr/26/lord-judd-obituary>). Time is still moving on.

The number of families affected is only growing. It will continue to grow until the rules change.

'I have long thought that the answer to all this will be found only when a son or daughter of a Cabinet Minister finds himself or herself in this situation.' – Baroness Hamwee

(<https://www.theyworkforyou.com/lords/?id=2020-09-09b.823.1>)

<https://web.archive.org/web/20140726092037/http://www.migrantsrights.org.uk/blog/2014/06/18/600-income-requirement-pricing-uk-workers-out-family-life>

'A few weeks ago, we were contacted by a lady called Margaret, who lives in South Wales. Margaret has worked for the past decade as a legal secretary for a private solicitors firm, earning £13,500 a year. However, her salary is not considered adequate in order to sponsor her Tunisian husband to enter the UK, and so they are living apart for the foreseeable future.' - Migrants Rights Network : £18,600 income requirement: pricing UK workers out of a family life.

<https://www.theguardian.com/commentisfree/2013/dec/15/uk-immigration-policy-britons-spouses-trauma>

'Recently I met a group of people who were so traumatised that at times they found it difficult to speak. It was a harrowing meeting, although a necessary one. Those who are so distressed find great help in being listened to. But I was left feeling helpless, such is their plight.' - Cardinal Vincent Nichols : UK immigration policy is punishing Britons with non-EU spouses. Some of those affected met him at a meeting facilitated by Migrants Rights Network in autumn 2013.

'Most of the people who lives are going to be affected by this wont know about it until its too late. They'll meet someone somewhere and fall in love and they'll be having their first child and right when they don't need this kind of obstacle they'll find the rules aren't what you thought they were they are this now.' – Aaron, 2012 <http://web.archive.org/web/20130424064509/http://these-are-our-numbers.posterous.com/>

... And still it goes on.

As of 2020, the stories have been most recently documented by the Reunite Families Kept Apart project (with University of Bristol and University of West of England) – read it :

<https://www.reunitefamiliesuk.co.uk/kept-apart-project>

3a. What are the '3 S's'?

In early 2021, Reunite Families UK conducted a survey among its members to identify what was most important to them. The results are here :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2479375999033978>

One key finding is that high costs and the rules complexity ranked up there with the income requirement itself as a major obstacle to members.

Hence the aims of the campaign were finessed to :

SCRAP the MIR

SLASH the costs

SIMPLIFY the rules

You will see how high costs are an issue later in the document, as well as the complexity of the rules being itself an issue.

4. Before we get into the spouse visas, tell me a bit about the elderly dependants you mentioned.

While the main focus of the group is on spouses and partners (the clue being in the 'I Love My Foreign Spouse' name), of course we support all family members. The restriction of elderly dependants – which the former MP Sarah Teather described as a 'ban masquerading as a rule' – itself damages family life by weakening family bonds, denying children the right to be with grandparents, and so on.

You can read some of these stories here:

<http://britcits.blogspot.co.uk/search/label/elderly%20dependants>

"I'm afraid that by the time any positive decision will be reached on my 85 year old blind mum, there will be no one left to bring home ... Moreover the family believes it is a human right to stay with family who will look after you. Svetlana is adamant. Her mum will be safe at home in Bloxwich. " – Svetlana's story <http://britcits.blogspot.co.uk/search/label/svetlana>

“To Anastasia, the situation in Britain today is terribly reminiscent of the forced exiles associated with her home country.” – Anastasia and James :

<http://britcits.blogspot.com/2013/01/anastasia-james-as-british-citizens-we.html>

Clara’s story: <http://britcits.blogspot.com/2013/01/clara-its-about-love.html>

Family is family, whether spouses, children, parents or grandparents.

One option that those with elderly dependents were able to use was the Surinder Singh route (EEA free movement). Unfortunately, with hard Brexit, this route is now closed.

However British citizens are still able to move to Ireland with their families (including parents) under the provisions of the Common Travel Area. There is a minimum income requirement of 20,000 EUR per year for 3 years (which at the time of writing is quite close to the UK MIR, making it probably not practical for those seeking to sponsor spouses, unless they wish to move to Ireland anyway). *But* it may be useful for British citizens on medium or above incomes who wish to sponsor their elderly dependents/parents and for whom Ireland is an option. The link is here :

<http://www.inis.gov.ie/en/INIS/Pages/joining-your-uk-national-family-member-in-ireland>

5. I want to sponsor my fiance/spouse/civil partner to live with me. What do I need to do?

So, it sounds like you are looking to apply for a spouse (or fiancé) visa. You can read this link:

<https://www.gov.uk/join-family-in-uk/overview>

... the evidence you’ll need to provide will fall into several categories. You need to address and plan each one carefully :

- Meeting the financial requirement (£18,600 income – more to sponsor children- unless exempt, or substantial savings; we’ll discuss this more later)

- Proving your relationship is genuine

- Meeting the language requirement (for a spouse visa, this is CEFR A1 or above – basic English; you can read about what this means in terms of proficiency here :

https://en.wikipedia.org/wiki/Common_European_Framework_of_Reference_for_Languages#Common_reference_levels ... and what the government asks for here : <https://www.gov.uk/english-language>)

- Meeting the accommodation requirement

- Some nationalities may also need to pass a TB test

Evidencing each of the above will form the pillars of a successful application.

We will deal with each of these in this document and you need to be familiar with each.

The financial requirement is very strict and has zero flexibility.

This handy YouTube video has been posted by one family relating their experience of getting a spouse visa : https://www.youtube.com/watch?v=eR_0I34F00I

6. What about my child(ren)? Is there an additional financial requirement for them?

It depends on if they are British or not. If for example they are your stepchild, and do not have British nationality, then there is an additional requirement. Some countries also strictly forbid dual

citizenship.

So the income requirement for the first, non-British/non-EEA child is £22,400 per annum. For each child additional, it's an extra £2,400 per annum.

(EEA = European Economic Area. The European Union plus some key partners - Norway, Iceland and Liechtenstein).

7. Can my spouse apply for a visa while in the UK as a visitor? What about if they are in the UK on another kind of visa?

You cannot switch from being a visitor (whether a general visitor i.e. tourist, student visitor or business visitor) while inside the UK, to any other visa.

Note: There was an exemption granted for visitors for several months during the Covid19 period, but this has ended now

People have applied on various grounds, including human rights, and sometimes have succeeded (you can scroll past posts on the group if you wish) but it's likely to be a long, hard and expensive process, and you want to think very carefully about whether you want to put you and your family through this. Support for Legal Aid has been slashed under the present and previous (coalition) governments.

You can, however, start preparing when the foreign partner is in the UK. You can meet with solicitors; you can start to collect evidence, e.g. photographs of you together, with and without friends and families, at home or on day trips or holidays; you can ask friends or family to start to write letters supporting you.

Some other categories of visa can switch to a spouse visa, using the form FLR(M) (you'll find it linked here : <https://www.gov.uk/remain-in-uk-family/apply>). These are typically visas that allow the non-UK citizen to work; student visas (note – not student –*visitor*- visas!); youth mobility visas. In other words, visas that fall under the so-called points based Tier system. You can read a bit about these visas here :

<http://www.workpermit.com/immigration/united-kingdom/uk-five-tier-points-based-immigration-system>

If your foreign partner is lucky enough to have one of these visas, their income can also be counted toward the requirement. We'll discuss this more later.

8. What are the pros and cons of a spouse visa vs fiancé visa? And tell me about unmarried partners.

The requirements for the two visas are exactly the same.

On a fiancé visa :

- The foreign partner cannot work
- They need to switch to the 5 year spouse visa route (via FLR(M)) after 6 months
- There is the additional cost of the fiancé visa itself, on top of the other visas to come
- A fiancé visa must be applied for outside the UK; whereas a spouse visa can be applied for even if the partner is already in the country with permission to work (for example) – although NOT as a visitor!

So undoubtedly applying for a fiancé visa first will cost more. However, it may suit those who wish to get married in the UK, or for example may have only come as visitors before and wish to spend a little more time in the UK before 'settling down'. This is a personal choice as much as a financial one.

An **unmarried partner** can also apply as a spouse, if you can demonstrate that you have lived

together as husband and wife for 2 years.

There is a sample checklist for unmarried partners here :

<https://www.facebook.com/groups/139807999382936/permalink/2146229468740769>

9. Tell me more about the financial requirements for a spouse/fiance/civil partner visa.

£18,600 income to sponsor a partner.

£22,400 income to sponsor a partner + one non-British/non-EEA child (note – does not apply to British children!).

An extra £2,400 for each additional non-British/non-EEA.

If you don't meet the income requirement, you can make it up with savings (though for most people this is harder than the income requirement); for savings, you need to use the following formula :

Savings Required = £16,000 + (2.5 * (Threshold – Annual Income))

... where Threshold = £18,600 to sponsor a partner, £22,400 to sponsor a partner + one non-British/non-EEA child etc. etc.

This calculator may be useful (remember that not all Categories can be combined!) :

<http://crossborderlegal.co.uk/content/spouse-visa-income-threshold-savings-calculator/>

... unless you are exempt from the financial requirement! You can read a bit about exemptions in section 3.6 of this guide :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

We'll discuss exemptions in a little while.

In general, you may want to bookmark this link which discusses the financial requirement :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

... and especially read the parts that apply to you. The nuts and bolts of the financial rules are quite complicated, and you want to make sure you have a good understanding of how it affects you.

You'll notice a lot in the rules about different 'categories'. These are different ways of meeting the requirement which we'll discuss more later. Some of them can be combined, and some can't.

You need to get your head around this business of 'categories' and figure out which one best fits you. We'll discuss this at length over the next few sections.

You need to get your head around Categories. There are 7 of them for employment, self-employment, savings, pensions, other types of non-employment income etc.

10. Is the income requirement pre- or post- tax?

Pre-tax.

11. How do I know if I'm exempt from the requirements?

To quote directly from section 3.6 of the rules as set out :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

Where the applicant's partner is in receipt of any of the following benefits or allowances in the UK, the applicant will be able to meet the financial requirement at that application stage by providing evidence of "adequate maintenance" rather than meeting an income threshold:

- Carer's Allowance.
- Disability Living Allowance.
- Severe Disablement Allowance.

- *Industrial Injuries Disablement Benefit.*
- *Attendance Allowance.*
- *Personal Independence Payment.*
- *Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme.*
- *Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme.*
- *Police Injury Pension*

... and furthermore, this also applies to those whose children are in receipt of one of these benefits... :

If the applicant's partner is in receipt of one of the above benefits or allowances on behalf of their child, the applicant will be able to qualify by meeting the financial requirement through "adequate maintenance".

In other words, people who receive these are exempt from the financial requirement. They still have to meet the adequate maintenance requirement (more on this soon).

If you do receive one of these, you'll still need to show evidence of this when making the application.

12. I'm exempt from the financial requirement but the rules say I still have to meet the adequate maintenance requirement... what's this?

Read this... Annex F :

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/452964/IDI_Adequate_Maintenance_and_Accommodation_Part_8_Annex_F.pdf

Section 3 has a formula which is used to calculate this, as well as a worked example. Savings can also be used for adequate maintenance; this is also dealt with in the link.

This link is also very useful :

<https://immigrationbarrister.co.uk/meeting-the-financial-requirement-within-appendix-fm-by-reference-to-adequate-maintenance/>

'... the Upper Tribunal identified the following formula to be used when calculating whether there will be adequate resources available:

$$A - B \geq C$$

where: A is the projected income; B what needs to be spent on accommodation and; C the income support (or equivalent) figure.'

If Income - Accommodation is greater than or equal to Income Support, the adequate maintenance requirement is met.

Every April the amounts of benefits stated change. Ensure you check appropriate rates at time of application.

Adequate maintenance rates are updated every April. From April 2022 until April 2023 adequate maintenance will £121.05 per week per couple, £70.80 per week per child, and £17.85 family premium.

(To calculate the adequate maintenance for you, add the number per couple and family premium, and for any children.

So for example, for a couple with one child, weekly **adequate maintenance after weekly rent and council tax payments should be at least £121.05 + £70.80 + £17.85 = £209.70 per week.**

For a couple with two children, weekly adequate maintenance after weekly rent and council tax payments should be £280.50. For a couple with no children, weekly adequate maintenance after weekly rent and council tax payments should be £138.90. Etc.

If you are exempt, you should provide ALL recent benefit award letters (Carer's Allowance, Income

Support, Child Benefit, DLA/PIP, Income Support, ESA, Child Tax Credits etc).

Please look over the checklists at the start of this document, and in the Files sections of ILMFS (<https://www.facebook.com/groups/139807999382936/files>) and Reunite Families UK (<https://www.facebook.com/groups/ReunitefamiliesUK/files>). There is some excellent guidance there based on lived experience.

13. I will never meet these requirements. Tell me about the Surinder Singh route?

***** UNFORTUNATELY WITH THE RELATIVE *HARD* BREXIT SURINDER SINGH IS NO LONGER AN OPTION FOR MOST BRITISH PEOPLE, ALTHOUGH IT STILL MAY BE IF YOU HOLD AN EEA CITIZENSHIP. THIS SECTION IS THEREFORE STRIKETHROUGH AND KEPT FOR HISTORICAL INTEREST AND IN CASE ANY WITH AN EEA CITIZENSHIP FOR WHOM IT MAY BE AN OPTION COME ACROSS IT.**

The Surinder Singh route is a way of exercising European free movement rules. The principles are rather different from national immigration rules (e.g. the British spouse visa route). Historically, the European project (in the form of the European Union, and its free trade block the European Economic Area — which basically is the EU plus Iceland, Norway and Liechtenstein) — encouraged free movement of workers, free movement being one of the fundamental ‘four freedoms’ of the European ideal. National governments can restrict their own nationals; but once a European citizen travels for work, they exercise their free movement rights which allows them to reunite with their families (as well as work and study in Europe). Surinder Singh is named after a court case, many years ago, which established the right of European citizens to eventually move back to their home countries with their partners. Hundreds of people have used this route.

Don't think this route is easy — the rules state that free movement needs to be exercised in an economic way (so the British partner, at least, needs to be employed or self-employed while overseas; the foreign partner can work too) and relocation always comes with costs. Ireland and Malta are popular destinations, but people have exercised their free movement rights with their families all over the continent. And their families can also join the citizen immediately (or at least after receiving the short stay visa, if applicable) — which helps a lot of people. The requirements for Surinder Singh are discussed at some length here — this piece is highly recommended:

<https://eumovement.wordpress.com/2007/04/15/requirements-for-a-short-stay-visa-family-of-eu-citizen/>

The BBC also did a good piece on the route a few years ago:

<http://www.bbc.co.uk/news/uk-23029195>

Here's another good piece by Free Movement blog:

<https://www.freemovement.org.uk/surinder-singh-immigration-route/>

‘The “Surinder Singh route” has become well known to British citizens seeking to be reunited with their family members. The toughening up of UK immigration rules in July 2012 — particularly the introduction of the minimum income rule with its labyrinthine documentary requirements, and the awful elderly dependent relative rules — has resulted in an ever increasing number of split families. The Children’s Commissioner has described affected families with children as “Skype Families”.’

Surinder Singh for newbies : <http://britcits.blogspot.co.uk/2015/05/surinder-singh-for-newbies-2015.html>

‘An Undivided Family in Malta’ is David/Dee’s account of their own successful Surinder Singh journey — well worth reading :

<https://anundividedfamilyinmalta.wordpress.com/>

***** IMPORTANT** – Now, Brexit has made this a great deal more uncertain. On Surinder Singh in the post-Brexit world – see paragraph on ‘returning to the UK’:

<https://www.gov.uk/guidance/living-in-europe>

and also:

<https://www.who Solicitors.co.uk/brexit-immigration-rules-for-brits-returning-from-the-eu/>

Quote: *‘British nationals who formed a relationship with their family member (spouse, durable partner, child, dependent parent) before 31st January 2020 must return to the UK before 29th March 2022.*

British nationals who started their relationship their family member (spouse, durable partner, child, dependant parent) after 31st January 2020 must have returned to the UK and apply before 31st December 2020.

British nationals who wish to bring extended family members or dependant (a relative of your spouse/civil/durable partner) back to the UK must do so by 31st December 2020, and the relationship must have existed prior to returning.’

Remember though that in September 2020, the UK government actually committed to an international law breach around Brexit (<https://www.dw.com/en/brexit-uk-tories-agree-deal-on-international-law-breach/a-54955247>). Even in the ‘good old days’, errors happened (which is where Solvit was able to step in and resolve). Without even that restraining influence, the trustworthiness of the government must be considered a risk factor here. Don’t let that put you off – just consider all the angles!

14. What do you suggest – spouse visa route or Surinder Singh?

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This is an entirely personal choice and depends totally on people’s circumstances – how easy it is for them to relocate, to meet the financial/language requirement for spouse visa, the costs of relocation versus potential loss of earnings versus opportunities abroad versus costs of the spouse visa route... in general, Surinder Singh may suit younger and more mobile people with less ‘baggage’, but it really is up to you. You will need to weigh this up in your own mind.

However, given the uncertainty around Brexit think long and hard before embarking on this route.

15. Are there any Surinder Singh support groups?

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Yes. EEA visa... EU free movement is a good one :

<https://www.facebook.com/groups/650212281695959/>

The European Commission also runs 'Solvit', which helps European citizens with their rights as European citizens if they feel they have been breached (this has been very useful to many in the past) :

<http://ec.europa.eu/solvit/>

EU Movement blog is excellent and recommended reading :

<https://eumovement.wordpress.com/>

16. Tell me about Surinder Singh - for newbies.

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David Bloor created a wonderful walkthrough of the Surinder Singh route. You can read it linked from here :

<http://britcits.blogspot.co.uk/2015/05/surinder-singh-for-newbies-2015.html>

Along with country-specific guides, videos people have made about their own experiences, etc. For those considering Surinder Singh, this document is pretty much invaluable.

17. Is Surinder Singh just for Brits and their families?

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Not at all. Denmark also has some strict requirements and we sometimes see Danish people and their non-EU families using the same route in Sweden; or Dutch people and their families in Belgium or Germany. In practice, the UK is much stricter than other countries so more people are affected by UK rules, but other nationalities also have the option.

This might be interesting :

<http://www.pri.org/stories/2012-10-24/love-bridge-immigrants-between-sweden-and-denmark>

18. Surinder Singh implies returning to the UK. Would it be possible just to stay in the other European country?

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Yes of course. Sometimes people move abroad and people find they prefer it. Though of course, Brexit makes things somewhat more uncertain.

19. The UK has left the EU. How will this affect Surinder Singh?

***** UNFORTUNATELY WITH THE RELATIVE *HARD* BREXIT SURINDER SINGH IS NO LONGER AN**

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~~Nobody quite knows yet (like with so many other things to do with Brexit) and this open question casts a pall of uncertainty over the route. (although the route was to facilitate the return to the UK of British Citizens and their families after exercising free movement rights) Probably your best course would be to join a Surinder Singh focused group — such as — <https://www.facebook.com/groups/650212281695959/> — as this group typically includes people going through the route currently, who are up to speed with everything. Surinder Singh is a complex and fast-moving subject which it pays dividends to be up to speed with.~~

~~And re-iterate : September 2020, the UK government actually committed to an international law-breach. Solvit was able to help before — how far can one trust the government now, though?~~

20. Any other issues with Surinder Singh?

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~~You may also need to consider the potential issues around Surinder Singh caused by both Brexit (thanks, Brexit voters; thanks a lot; see notes above) and the so-called ‘centre of life’ test. You can read about the ‘centre of life’ test here :~~

~~<https://www.freemovement.org.uk/surinder-singh-immigration-route/#Centre-of-life-test>
<http://britcits.blogspot.co.uk/2013/12/uk-tightens-surinder-singh-route.html>
<https://britcits.blogspot.co.uk/2016/11/surinder-singh-changes-guidance.html?m=0>
... as well of course as the costs of disruption, moving etc — things that are personal to you.~~

21. Back to the spouse/fiancé visa financial requirement. Can I use a pension?

Pensions have their own category – Category E. Read page 55 of the financial requirements : https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

For a pension, as it says –

*The gross annual income from any State (UK Basic State Pension and Additional or Second State Pension, HM Forces Pension or foreign) or private pension received by the applicant’s partner **or the applicant** can be counted towards the financial requirement.*

Unlike most forms of income, the non-EU partner’s pension income can be counted. (The foreign partner’s e.g. salaried income, outside the UK, cannot be counted, which is an injustice; however being able to use pension income may be useful for some).

22. Can I use an academic bursary? Or rental income? Insurance income? Investment income? Royalties...?

These fall under Category C – non-employment income. Check p. 38 of the financial requirements doc here for a full explanation of how these can be used:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

There is a Category C checklist income on I Love My Foreign Spouse, prepared by someone who has been through it :

<https://www.facebook.com/groups/139807999382936/permalink/3775647062465660>

The most common forms of Category C involve rental income, academic grants and/or bursaries, insurance income, and (in a few lucky cases) investment income. It is also possible to use royalties!

This is a more unusual route but totally viable if you meet the requirement.

One thing to know regarding Category C is that income from lodgers cannot be counted – see <https://immigrationbarrister.co.uk/property-rental-income-and-the-partner-visa-financial-requirement/> . This is because you cannot rely on income from the property that will be your ordinary residence, so income from a lodger renting a room in your home are unfortunately out.

23. Like most people, I earn a salary/wage or will be depending on one when applying. What do I need to show as proof of income?

This is a long section, as the answer depends on whether the UK partner is inside or outside the UK, is depending on Category A or B etc. It is also the core of what most people depend on.

First of all, please note that *unless the non-EEA partner is in the UK with permission to work*, the UK partner's income *only* is counted (with some exceptions mentioned in the document such as pensions; however we're talking about 'regular' income from a job here, i.e. Category A + B).

Where the non-EEA partner *is already in the UK with permission to work*, their income *can* be counted and combined with the UK partner's. People in the UK with permission to work can be on work visas, student visas, youth mobility visas.... In other words, those visas counted in the points-based/Tier system : <http://www.workpermit.com/immigration/united-kingdom/uk-five-tier-points-based-immigration-system> . It does *not* include people in the UK as visitors (general visitors, student visitors, flr(iness visitors...) who cannot switch to another kind of visa while in the UK.

Now, onto what the rules say :

Check p. 34-35 of the financial requirement doc -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

... bookmark and read it carefully!

23.1 For salaried employment in the UK, the following :

- Payslips covering the period you are depending on:

at least 6 months for Category A (where you depend on employment of 6 months or greater), or any period of employment in the last 12 months for Category B (employed in current job for under 6 months or variable income).

(Cat A/B will be explained later in the doc).

- A letter from the employer confirming :

(i) the person's employment and gross annual salary; (ii) the length of their employment; (iii) the period over which they have been or were paid the level of salary relied upon in the application; and (iv) the type of employment (permanent, fixed-term contract or agency).

- Personal bank statements corresponding to the same period(s) as the payslips at paragraph 2(a), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

- Where director of a ltd company in the UK, *'evidence that the company is not a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies House.'*

- A P60 and/or a signed contract of employment can also be submitted. *'If they are not submitted, the decision-maker may grant the application if otherwise satisfied that the requirements of*

Appendix FM-SE relating to that employment are met, or they may ask for the documents to be submitted in accordance with paragraph D of the Appendix.'

23.2 For **salaried employment outside the UK**, local equivalents of the above.

Where the UK partner is overseas and depending on a job offer in the UK, a letter from the employer :

(a) confirming the job offer, the gross annual salary and the starting date of the employment which must be within 3 months of the applicant's partner's return to the UK;

(b) or (b) enclosing a signed contract of employment, which must have a starting date within 3 1 See sections 5.5.13. to 5.5.15. of this guidance. Appendix FM 1.7: Financial Requirement May 2016 36 months of the applicant's partner's return to the UK

23.3 Where **depending on paternity, maternity or adoption pay** – all of the above that applies, plus payslips and a letter from employer confirming the same. The precise list is on page 35-36 of the financial rules.

23.4 Where **depending on contractual or statutory sick pay** – again all the above that applies, plus payslips and a letter from employer confirming the same. The precise list on page 36-37 of the financial rules.

That link again :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

24. You mentioned Category A and Category B. What are these?

Category A is where either –

- the UK sponsor is in the UK, and has been in their job for 6 months or longer, which they depend on – or

- the UK sponsor is outside the UK, and has been in their job for 6 months or longer.

Category B is where either –

- the UK sponsor is in the UK, and has been with their employer for less than 6 months, or has variable income

- the UK sponsor is outside the UK, and has been in their job for 6 months or less.

I suspect most people depend on Category A.

24.1 What are the financial requirements for Category A?

Where in **salaried employment**, *'they must have been paid throughout the period of 6 months prior to the date of application at a level of gross annual salary which equals or exceeds the level relied upon in the application. **Therefore the figure used towards the requirement will be the lowest level of annual salary received during the 6 month period.***

(Note the part I've highlighted. Don't get caught out!)

Where in **non-salaried employment**, *'the level of gross annual employment income relied upon in the application will be the annual equivalent of the person's average gross monthly income from non-salaried employment in the 6 months prior to the date of application (where that employment was held throughout that period).'*

Non-employment income, pensions and savings can be combined with Category A to help reach the financial requirement. Combining categories is discussed elsewhere in the document. Note the formula for savings is :

Savings Required = £16,000 + (2.5 * (Threshold – Annual Income))

... where Threshold = £18,600 to sponsor a partner, £22,400 to sponsor a partner + one non-British/non-EEA child, £24,800 to sponsor a partner + 2 non-British/non-EEA children, etc. etc.

Pages 19-20 of the financial rules are useful for this :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

There are a number of case studies and worked examples of Category A in practice starting on page 20 of the financial rules document.

24.2 What are the financial requirements for Category B?

For Category B, the partner whose income is being depended on needs to show two things :

- That they are currently being paid at a level equal to or exceeding the threshold
- That in the last 12 months they have received an income equal to or exceeding the threshold

Both requirements need to be met.

An example of someone applying under Category B may be someone who changed jobs in the last 12 months, but hasn't yet reached the 6 month mark in their new job, however they have earned more than £18,600 over the whole period.

Category B can also be combined with most other categories except F and G, and with restrictions on Category D (savings) – read the rules carefully.

There's a lot more detail starting on page 23 of the financial requirement doc, with some worked examples :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

24.3 I earn commission/bonuses/overtime... how do these fit into salaried vs. non-salaried?

Where you are **using bonuses, commissions, overtime** and the like – this counts as *non-salaried pay* and is calculated accordingly (this is in fact good news because otherwise, they would take the lowest payslip and calculate it pro-rata). Check p 29 of

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

'Overtime, commission-based pay and bonuses (which can include tips and gratuities paid via a tronc scheme registered with HMRC) will be counted as income from employment where they have been received in the 6 or 12 months prior to the date of application as applicable. Sometimes the person will receive the same amount of income from overtime each month; sometimes overtime payments will vary, with different amounts (if any) each month. All overtime in salaried employment will be calculated based on the approach to income from non-salaried employment.'

The same passage contains a worked example of commission-based pay (p30).

25. I have a second job. Can I use income from this?

Yes, people have used income from second or even third jobs quite successfully.

Choosing which category you fall under might need some thought though as sometimes this doesn't fit neatly into the government's straitjacket!

26. Can the Home Office call the UK partner's employer?

Yes they can – to verify the information provided; although they may not.

27. My payslips come every 4 weeks, rather than every calendar month. How does that affect things?

You need payslips to cover at least the whole period required (it's acceptable to submit more). In a 365 day year there are 52.14 weeks; therefore in this example, you need payslips covering 28 of those weeks, so 7 payslips. (24 weeks – 6 payslips – won't be enough as that is less than 6 calendar months).

28. I'm self-employed or the director of a Ltd (small or family) company. What category do I fall under? And what evidence do I need to provide?

Either Category F (last full financial year) or Category G (average of last 2 financial years). These categories are a little trickier than the others as the amount of evidence you need to show is quite high and includes items such as (but not limited to!) :

evidence of tax paid/tax returns,

company documents,

registration with HMRC,

bank statements (business/personal),

payslips/P60,

and so on and so on... this list is not exhaustive by any means (you really need to read the financial rules themselves to understand this).

The documents you need to provide also depend on whether you are a self-employed sole trader or a company director. If a company director, you may need to present your dividends as income (which is an area where using a solicitor may be helpful – see

<https://www.linkedin.com/feed/update/urn:li:activity:6762609895566020608/?actorCompanyId=53079094>).

Read pages 53-62 for a list of the requirements and evidence you need to submit :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

The list of documents required for a self-employed person starts on p 61.

The list of documents required for a Ltd company director start on p 63.

Neither Category F or G can be combined with savings, which makes things even harder!

If using a Ltd company, you MUST be careful to show that income through salary and dividends does NOT fall below the minimum income threshold. I've heard of some Ltd company accountants be rather too enthusiastic on this score (in terms of claiming back expenses) meaning their clients fell below the MIR and courted a refusal. The accountant may mean well in trying to save on their client's tax burden but may also be missing the bigger picture of the spouse visa at the expense of the 'micro picture' of saving a few quid. Avoid falling into this trap!

29. Can I use savings?

Yes you can – either by themselves or combined with Cat A, B (under certain circumstances! – read the rules carefully), C (non-employment income), or E (pension). You cannot combine them with the 'self-employment' categories F and G.

Savings are Category D.

There is a very good sample checklist for savings on the I Love My Foreign Spouse group :

<https://www.facebook.com/groups/139807999382936/permalink/2617822621581449>

30. What is the formula to calculate savings required (for the spouse visa) ?

Savings required = £16,000 + (2.5 * (Threshold – Income Per Annum))

... where Threshold = the threshold for e.g. sponsoring a partner, sponsoring a partner plus a child,

etc.

Note that savings cannot be combined with the 'self-employment' Categories F and G, and there are restrictions on combining it with Category B (read the rules carefully).

This calculator may help :

<http://crossborderlegal.co.uk/content/spouse-visa-income-threshold-savings-calculator/>

Also note the formula is slightly different for ILR – see later questions.

31. Give me some examples of savings required.

If you earn £18,599 per annum and just want to sponsor your partner, you need :

$£16,000 + (2.5 * (£18,600 - £18,599)) = £16,002.50$ in savings.

If you earn £0 (no income) and just want to sponsor your partner, you need :

$£16,000 + (2.5 * (£18,600 - £0)) = £62,500$ in savings.

If you earn £0 and want to sponsor your partner plus one child, you need :

$£16,000 + (2.5 * (£22,400 - £0)) = £72,000$ in savings.

For most people, hitting the savings threshold is harder than hitting the income threshold – because the savings threshold is very high.

See calculator for more help : <http://crossborderlegal.co.uk/content/spouse-visa-income-threshold-savings-calculator/>

There is a very good sample checklist for savings on the I Love My Foreign Spouse group :

<https://www.facebook.com/groups/139807999382936/permalink/2617822621581449>

32. Can I use property to meet the savings?

No, or at least not property you own. The money needs to be held in an instantly accessible account. Either cash or monetarised as cash. Equity in your property does not count. Yes, the rules are mad. However, of course you can use the proceeds from the sale of a property, and in this case is an exception to the general rule that the savings needs to have been in your account for 6 months or more. See below.

33. I meet the income threshold. Do I need to have savings?

If you meet the income threshold, you do not need to have a set threshold of savings in the bank. Although it may not hurt to show financial stability, it is not a requirement.

34. Ok, I'm relying on savings. Do my savings need to have been in my bank account for a certain time?

You need to have held the required savings in a recognised bank account(s) for six months or longer, and to be able to show this. The only exception is if they come from the sale of a property (see previous question).

35. What evidence do I need to show when using savings to meet the financial requirement?

Check p. 50 of

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

:

In respect of cash savings the following must be provided:

(a) Personal bank statements showing that at least the level of cash savings relied upon in the application has been held in an account(s) in the names of the person and their partner jointly throughout the period of 6 months prior to the date of application.

(b) A declaration by the account holder(s) of the source(s) of the cash savings.

In other words, you need to show bank statements showing the correct level of savings (per the formula for savings explained elsewhere in the doc) has been held for at least the correct amount of time (6 months in most cases, but immediately if you've raised the savings through the sale of a property).

You also need to make a declaration as to the source of the savings. If it's a gift, it's a good idea to include a letter or an affidavit from your gift-giver that it is indeed a gift and not a loan. If you've saved it up through being prudent, you might want to include something like an A4 sheet of paper showing how you were able to build up such substantial savings over time. And so on. But in any event, you need to declare the source of the funds. This is to prevent money-laundering.

The following checklist may be useful :

<https://www.facebook.com/groups/139807999382936/permalink/2617822621581449>

36. For savings... can I use money given as a gift? As a loan?

As a gift, yes (and you're lucky!). See previous question for the evidence you want to provide. For a loan, no. Using loans as savings is *strictly forbidden* and can be a reason for refusal.

Decision-makers are able to refuse the application if they have evidence that the applicant or partner has deceived them as to the level and/or source of income or has withheld relevant information, e.g. that the cash savings relied upon are a loan. – p. 12

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

You need to be honest throughout this process otherwise you are committing fraud which is a criminal offence and will have serious consequences for all involved.

37. My income or savings are in a foreign currency. Is this ok?

Yes, this is fine. Check p. 14 of the rules to see how they calculate foreign currencies :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

Income or cash savings in a foreign currency will be converted to pounds sterling (£) using the closing spot exchange rate which appears on www.oanda.com on the date of application. Where there is income or cash savings in different foreign currencies, each will be converted into pounds sterling (£) before being added together, and then added to any UK income or savings, to give a total amount. Any fluctuation in the exchange rate prior to the date of application will be disregarded...

38. My savings are in a foreign bank. Is this ok?

Also fine, for the most part. Some banks are not deemed to satisfactorily verify their statements so they are 'forbidden'. They are listed in Appendix Finance – on this link :

<https://www.gov.uk/guidance/immigration-rules/appendix-finance>

39. Can someone sponsor my partner for me? i.e. third party sponsorship.

~~Not for a spouse or fiancé or civil partner visa. This was one of the rule changes in July 2012. (It may be possible for a visitor visa; we'll talk about visitor visas later).~~

Update September 2020 : third party sponsorship is now a (slim) possibility in 'exceptional circumstances'. Again think very hard before trying this route. Check page 62 of this link for more on this :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

More on this here :

<https://www.freemovement.org.uk/home-office-makes-changes-appendix-fm-minimum-income-rule-following-mm-case/>

40. Can I combine categories? I.e. can I use more than one category to meet the financial requirement?

Yes, most spouse/fiancé/civil partner categories can be combined, but there are some exceptions (e.g. savings and self-employment cannot be combined; and there are some restrictions on combining Category B with savings).

This link is very useful for combining categories and tells you what you need to know :

<https://immigrationbarrister.co.uk/combining-sources-of-income-to-satisfy-the-spouse-visa-financial-requirement/>

41. Can I use my foreign partner's income for spouse visa?

For regular income from a job (Category A or B), the foreign partner's *employment* income can only be counted if they are already in the UK with permission to work (typically on a work visa, or some other visa in the points-based system, e.g. youth mobility). In these cases, your incomes can be combined or indeed you can rely on the foreign partner's income alone. And you're lucky.

If the foreign partner is outside the UK, which is true for most people, their income from a job cannot be counted. Yes, it's bonkers. This goes for self-employment income too or even a confirmed UK job offer.

However, their income from a pension; from non-employment income (e.g. renting a property out, royalties, insurance payments) *can* be counted. Check the relevant sections of the financial rules and also this document.

42. Can I use my foreign partner's savings for spouse visa?

Yes you can. Check p. 19

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf :

An amount based on the cash savings above £16,000 held by the applicant, their partner, or both jointly for at least the 6 months prior to the date of application and under their control can count towards the financial requirement where applicable. (£16,000 is the level of savings at which a person generally ceases to be eligible for income-related benefits).

43. Can I use my foreign partner's income for FLR/ILR?

Indeed you can (with one exception). By this stage, the foreign partner will be in the UK with permission to work (they got this when the spouse visa was issued). So their income from employment can be combined with yours, or indeed you can use their income alone (and as with the first spouse visa, of course non-employment income can be counted).

The one exception is if you are applying for FLR at the end of a fiancé visa. A fiancé visa does not allow the foreign partner to work, therefore they won't have an income from a job that can be counted. However, if they earn a pension, or non-employment income, or have savings you can use, you can use those; see answer to previous question.

44. Are there any differences with using savings for the 'first' (LTE) spouse visa and for FLR/ILR?

The formula for FLR is identical to the formula for the 'first' spouse visa. To recap :

Savings required = £16,000 + (2.5 * (Threshold – Income Per Annum))

A few important points need to be remembered.

As with the first visa, the foreign partner's savings can be counted. Also remember now they are in the UK, with permission to work, their income can *also* be counted. The only exception is if you are going from fiancé visa to spouse visa via FLR – fiancé visa holders do not have permission to work so therefore won't have salaried income that can be counted. (However, income from pensions and the like can be counted, and their income can be counted for the next stage... see elsewhere in the doc).

The formula for ILR is different. It is :

Savings required = £16,000 + (Threshold – Income per Annum)

(The savings threshold for ILR is therefore somewhat easier to meet than for the 'first visa' or FLR).

Check the table on page 46 of the Statement of Intent – here :

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257359/soi-fam-mig.pdf

45. Can I use benefits I receive? E.g. housing benefit, child benefit.

In general, no. The aim of the 2012 rule change was supposedly to reduce the burden on the taxpayer (even though I think this is bogus, given that e.g. people are forced into single parenthood and that there was already a no recourse to public funds condition) and this would fly against that.

Check p.14-17 for an exhaustive list of what can and cannot be counted in terms of benefits :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

However, there are exemptions to the income requirement for people in receipt of certain kinds of benefit. This is dealt with in some depth in a previous question, or check p. 14 onwards of the financial rules.

Child maintenance payments, alimony, academic stipends can be counted – check p. 17 of the financial rules.

46. Do my bank statements need to be originals? Do they need to be stamped? Or accompanied by a letter from the bank?

Banks tend to discourage original statements as it means more work for them, but it's a good idea to get them delivered to your house every month. If you can't get originals, you will either need them printed and stamped on every page by the bank, or get them to write a letter on headed paper confirming your printouts are genuine.

This should be a cautionary tale : <http://www.immigrationboards.com/immigration-for-family-members/rejected-for-spouse-visa-natwest-bank-statements-t188457.html> . Quote :

Bank statements must be on official bank stationery. Alternatively, electronic bank statements can also be accepted for all bank accounts (the account itself does not have to be exclusively online) as long as they are either accompanied by a letter from the bank on its headed stationery confirming that the documents are authentic or which bear the official stamp of the issuing bank on every page.

Banks have been known to be weird about stamping statements or writing a letter because it's a little bit of time and expense for them. You may need to insist or go to another branch (some branches are nicer than others). But remember, it's your future and wellbeing at stake, not theirs. Or alternatively, just keep getting original statements sent to your house every month.

As of September 2020, anecdotally we've heard of people getting their visas with electronic statements, but until it's in writing I don't recommend you try this.

47. Tell me more about the proof of relationship/ongoing devotion. And what if I already live with my partner?

This is the part of the application that is most personal. Essentially, especially where the partner is overseas, you need to really demonstrate that you have a strong, loving relationship. You can do this by showing ongoing correspondence (either electronic or physical e.g. birthday cards), photos, letters, airplane tickets...

Because this part is so personal, nothing is a real 'requirement' and nothing is 'black and white'. But you want to make it as strong as possible.

If you already live with your partner (i.e. outside the UK) these are all good things to include :

Bills and bank statements throughout your time together to prove cohabitation

Photos from throughout your time together

Marriage certificate and translation

If you have children, their birth certificates and passport copies

Letters from each of you

Basically anything showing that you lived together and have shared responsibilities.

48. Do I need to have met my partner?

Yes. This is a requirement with no flexibility. Arranged marriages are allowed within the rules, but you need to have at least met your partner and demonstrate a commitment.

49. Should I include receipts for money I send my partner e.g. via Western Union?

There's a range of opinions on this, but I think it's a bad idea. A suspicious ECO could interpret it that the foreign partner is trying to get access to the UK for financial reasons only, and indeed this reason has been quoted on refusals posted on the group. So, it's probably best to avoid this.

50. How many Facebook/Whatsapp/email messages should I include?

Assuming you communicate electronically, which most people reading this probably do... Again, this is personal. But 2-3 pages per month is usually more than enough. It should be a representative sample that shows the frequency of communication; it doesn't have to be exhaustive or include the transcript of your most intimate conversations. You don't have to include hundreds and hundreds of pages. According to the Freedom of Information request referred to in this thread - <http://www.british-filipino.com/index.php?threads/massive-increase-in-eco-workload-in-manila.6494/> - in 2013, each ECO in Manila (the main hub for much of the Far East) processed something like 55 visa applications per day. While most of these weren't settlement visas, that's still a hell of a workload. You don't want to make their lives more difficult than they already are. In the MM case it was mentioned, by the Home Office, that officers spent an average of only 8 minutes to decide each application. Subsequent FOI requests confirm this figure (see later questions on why so many mistakes get made!).

51. Should I include airplane tickets for visits?

Sure! Again, this is personal, but these won't hurt.

52. Should I include copies of entry and exit stamps, where they exist, when I've visited my partner?

Sure! Good idea.

53. Should I include birthday cards and other physical things we've sent each other?

Sure! Good idea. (You may sense a pattern with some of these answers – not necessarily a 'requirement' but a 'good idea', and definitely you want to include a range of proofs for 'ongoing devotion'). But make copies for your records and include an extra copy.

54. We talk in a foreign language. Can I include pieces that aren't in English?

This is ok, the only caveat is that the ECO probably won't be able to understand what you're saying to each other. So if you are including electronic comms, try to include at least some in English. You could even include a brief note helping to translate some of it... (see <https://www.facebook.com/groups/139807999382936/permalink/4061340070563023> for some tips on cover letters and notes).

55. How many photos should I include?

This isn't an exact science, but 20-40 is normally a very good number, of you and your partner in different situations and places, by yourselves and with friends and family. As most photos are now digital it is a good idea to create 3-4 A4 pages of the photos showing the progression of your relationship rather than precious original prints (such as wedding albums). It's also a good idea to date these or include a brief note explaining when and where you took them. (see <https://www.facebook.com/groups/139807999382936/permalink/4061340070563023> for some tips on cover letters and notes).

56. Can I include phone bills? Or Skype logs showing how long we talked for?

Yes, good idea if possible. If not, use other forms of comms. The idea is to show ongoing devotion. This isn't an exact science.

However, such conversations should be *real* conversations with some content to them – not just 'hello', 'goodbye' type conversations!

57. What should be in the letter I write in support of our application?

How you met, how your relationship developed, what your plans are. This is a very personal letter so this is up to you. A couple of pages is normally enough.

I think this is an important part of the application, as this is your own statement as to your plans.

If you want a bit of inspiration :

https://www.google.co.uk/?gfe_rd=cr&ei=ox2WLS1D9Dv8AeTwa6gDA&gws_rd=ssl#q=spouse+visa+letter+site:www.expatform.com

You can make these letters very personal; include anecdotes and stories if you like.

That said, this isn't a requirement ... it's optional.

There's another good example (from the ILMFS group, by Mary M) here :

<https://www.facebook.com/groups/139807999382936/permalink/5157385350958484>

58. Should the letter be printed or handwritten?

Either. Personally I think handwritten is 'nicer' if you have beautiful handwriting, but if you prefer printed and signed/dated is ok as well. It's your choice. Most important is that it is easy to read.

That said, this isn't a requirement ... it's optional.

59. Should my partner write a letter too?

It's a good idea. Some partners get nervous about this e.g. if they are self-conscious about their English skills, but it's still a good idea. It's ok for the UK partner to help with correcting spelling and grammar.

It's also ok of course for you to write a joint letter. Though separate letters may be a bit more powerful. It's up to you.

That said, this isn't a requirement ... it's optional.

60. What about friends or family, should they write a letter in support of us also?

That would be a good idea. Even one would help; more is better.

There's a great example here : <http://www.canadavisa.com/canada-immigration-discussion-board/relationship-support-letters-examples-t47010.0.html> - written in support of a Canadian spouse visa. It contains exactly the kind of personal anecdotes that really add colour to the history of a relationship. It may even give you ideas for your own letters in support of your own relationship.

That said, this isn't a requirement ... it's optional.

61. What other evidence can I include to show our relationship?

For a fiancé visa, you can include things like; a photo of the engagement ring; a photo of the

wedding dress; a provisional booking for a reception or engagement party (I didn't in my case, but it seems to be a good idea).

62. I don't see any of this stuff about ongoing devotion in the rules. Do we really need to provide it?

'Although the list of relationship proof is not stated on the document list on the gov website, if you don't provide proof of regular contact with your spouse you will be refused.' - Amanda S.

Indeed people have been refused with this as a stated reason before. See subsequent questions below on red flags.

63. There's a big age difference between my partner and me. Does this matter?

It really shouldn't do, but realistically it can be a bit of a red flag because society is more judgemental than it should be. Just tell your story the way you want it to, sincerely and honestly, and be as thorough as you can be with the 'relationship' evidence. Many people have been successful while having a big age gap in their relationship; there's no reason you won't be.

For the same reason, if you and your partner are related (e.g. first cousins, second cousins) it can also be a bit of a red flag, especially with arranged marriages. Forced marriage is quite rightly forbidden; arranged marriages are quite rightly allowed. The same comments apply as for an age gap.

64. What are the red flags for 'genuineness of relationship'?

It's worth referring to (and bookmarking) the original Statement of Intent from 2012, especially p 23 onwards – 'Genuineness of relationship'. The link is here :

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257359/soi-fam-mig.pdf

They are on the lookout for forced marriages, sham marriages, marriages where one partner may not be able to consent e.g. through learning difficulties, failure to attend an interview, inability to provide information about living arrangements, few details of the wedding ceremony or plans, inability of the couple to communicate in a common language, evidence of money changing hands (except through a dowry), couple unable to provide basic information about each other (e.g. name, age, parents' names, place of residence), lack of shared responsibilities whether financial or domestic, matrimonial cohabitation is not maintained, where one partner is a medical professional and the other has a condition that requires care at home, previous sponsorship of another partner, sponsor entered the UK on a spouse visa split up and is now sponsoring someone else, previous refusals, and more. Some are no doubt more serious red flags than others.

65. I or my partner are divorced. What do I need to show?

You need to show you are able to marry without committing bigamy. For the UK partner, you need to show the decree nisi/divorce document. For the foreign partner, it depends on the rules of the country where they come from, but there is always some form of document showing this (even if it's included in another document, such as a family register). If it's not in English, it needs to be officially translated.

66. My foreign partner has a criminal record. Is this a problem?

I'll summarise what I know re convictions. All applicants must meet a 'suitability requirement' which

covers previous criminal history. The below covers prison sentences in their own country as well as the UK.

For entry clearance applications, a prison sentence of less than 12 months means the applicant will need to wait 5 years from completion of the sentence until application.

A prison sentence of one year or greater but less than 4 years means an automatic refusal until a period of 10 years has passed from completion of the sentence.

A prison sentence of 4 years or more means the refusal is for life.

For non-custodial sentence, the period is 12 months (so for example if the foreign applicant received a non-custodial sentence within the last 12 months, I believe he'd need to wait for the 12 months to be up before applying).

More detail is here : <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-family-members> (Section S)

And here : <https://www.lexology.com/library/detail.aspx?g=19698550-2ccf-4981-9040-37a361cfc645>

This is a sensitive area so if you're in this position, this may be an area to seek advice from a solicitor :

<https://www.linkedin.com/feed/update/urn:li:activity:6762609895566020608/?actorCompanyId=53079094>

67. Do all official documents need to be translated?

If not in English (or Welsh or Gaelic), then yes.

68. Is there a list of official translators?

Check this link :

<https://www.gov.uk/government/collections/lists-of-translators-and-interpreters>

69. Does my partner need to do a TB test?

Only if they come from one of the countries listed here :

<https://www.gov.uk/tb-test-visa>

<https://www.gov.uk/tb-test-visa/countries-where-you-need-a-tb-test-to-enter-the-uk>

If they do, then yes. The list of approved clinics is on the link.

70. What is the language requirement for a spouse/fiance visa?

CEFR (Common European Framework of References for Languages) A1 level or above, from a recognised test provider.

Check this link for an explanation of what this means :

https://en.wikipedia.org/wiki/Common_European_Framework_of_Reference_for_Languages

A1 is the most basic threshold of English language proficiency that's recognised. (The level of proficiency goes A1, A2, B1, B2, C1, C2... from basic knowledge to effective near-native fluency).

***** VERY IMPORTANT:** Be careful though as only certain tests are recognised... You need to ensure that the foreign partner has passed one of the tests/providers listed here :

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

Again, make sure the provider is recognised as well as the test; believe it or not, this is a reason for

refusal.

The minimum requirement is currently A2 for the spouse visa renewal (unless renewing after fiancé visa, in which case A1 or above is enough), and B1 (plus Life in the UK) for ILR and citizenship.

71. My partner is from an English-speaking country! Do they still need to pass the English language requirement?

Not if they are from one of the countries listed here :

<https://www.gov.uk/english-language/exemptions>

This list includes the US, Canada, Australia, New Zealand, and a number of English-speaking Caribbean countries. It does not, for example, include countries such as Hong Kong, Singapore, Malaysia or South Africa, where English is an official language widely spoken and in which education is taught but part of the population don't use it as a first language (even though Canada and arguably the US also have this situation).

72. My partner is not from an English-speaking country but they have a degree taught in English! Do they still need to pass the English language requirement?

Check here : <https://www.gov.uk/english-language/degrees-in-english>

If the degree is from a University in the UK, they are exempt (they will need to show their original degree certificate).

If it's from a non-UK university, check the requirements here : <https://www.gov.uk/english-language/degrees-in-english> . They will need their original degree certificate and a letter from UK Ecctis proving it is an equivalent level and has been taught in English. Instructions are in the link.

73. Are there any other exemptions to the English language requirement?

There are some exemptions for over 65's, those incapacitated, certain refugees, certain victims of domestic violence, certain retired people of independent means, and some others. Check the list here :

<https://www.gov.uk/english-language/exemptions>

74. What about the language requirement for further leave to remain?

From 1st May 2017, this is A2 or above :

Introduce from 1 May 2017 a new English language requirement at level A2 of the Common European Framework of Reference for Languages for applicants for further leave in the UK as a partner or parent, after completing 30 months here on a 5-year route to settlement under Appendix FM.

Check the list of approved tests and providers :

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

75. What about the language requirement for indefinite leave to remain?

Unless exempt (see previous questions), B1 or above.

Check the list of approved tests and providers :

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

Note that as well as the language requirement, for ILR (or citizenship) the applicant needs to pass

Life in the UK. This applies to everyone regardless of which country they come from. See a subsequent question for more on this.

76. How long is the language test valid for?

If a test was previously used for a visa application (it is already on record), and it is at the correct level or above, it can be re-used in a subsequent application, provided it meets the requirement for that level.

So for example if somebody passed FLR(M) with a valid B1 test, this can be re-used for ILR. This can be useful to save on the number of tests you need to sit.

77. I passed an old language test. Can I still use it?

See previous question. If it was used for a previous UK visa application, *and* it is at the correct level or above for that visa, it seems the answer is yes.

78. Which language test should I use?

One of the ones listed here :

<https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>

Note this list changes from time to time as the government scrutinises all the tests and providers, and sometimes tries to streamline things. So keep an eye on this.

79. Where are the language test centres?

They are listed from a link here :

<https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>

80. What's the Life in the UK test?

The Life in the UK test is a computer-based test which anyone applying for Indefinite Leave to Remain – or British citizenship – needs to pass. It focuses on British history and culture.

It consists of 24 randomly-chosen questions and is multiple-choice :

https://en.wikipedia.org/wiki/Life_in_the_United_Kingdom_test

The pass mark is 18/24, or 75%.

Please note that you *do not* need a Life in the UK test pass for the spouse visa, or FLR; just for ILR or citizenship.

Life in the UK has its own website : <http://lifeintheuk.net/>

81. How long is my Life in the UK pass valid for? What if they change the content of the test?

It's valid for life, even when the syllabus changes

The Life in the UK test has been overhauled in the past – for example in 2013 there were significant changes – and people who passed before this date are still deemed to have passed.

A useful thread : <http://www.immigrationboards.com/british-citizenship/oct-2013-changes-will-i-have-to-retake-life-in-the-uk-test-t136799.html>

82. How do I prepare for the Life in the UK test?

Check the website :

<http://lifeintheuk.net/>

Buy the Life in the UK handbooks (available from most bookshops in the reference section).

Do some practice tests (google for life in the uk practice test; there are many free sites that have test papers).

83. Life in the UK looks hard! My British partner can't pass it! What's the pass rate for the Life in the UK test?

In my humble opinion, this is one of the easier parts of the entire process, which just goes to show how difficult it is. While there are regular news reports about how hard it is, it really is a set of easy-to-medium-difficulty-to-remember facts. Though an interest in history certainly helps.

A lot of British people can't pass the test, though they probably would if they read the handbook and did practice tests to get used to how the questions are asked. This may say something about British education, to be honest.

Regarding the pass rate, year-to-year it is typically around 70% or so per test session (retakes are possible). People from English-speaking/Western backgrounds certainly have an advantage, but people of all nationalities pass.

84. How do I book the Life in the UK test?

<https://www.gov.uk/life-in-the-uk-test/book-life-in-uk-test>

85. I failed the Life in the UK test... can I resit it?

You can resit it as many times as you need to. There is no limit on this.

86. I don't think I'll be able to pass Life in the UK in time for ILR. What do I do?

Don't panic, because most people pass Life in the UK test before ILR.

However, if you don't, you can still apply for another FLR (e.g. FLR(M)). Basically another extension. People have done this, in some cases several times, until finally getting ILR (after passing Life in the UK, of course).

87. FLR(M) / FLR(FP) / FLR(O)/ FLR(AF)/ FLR(P).... what are these?

FLR = Further Leave to Remain (an extension of a visa to stay in the UK, typically leading up to eventual permanent settlement, also known as Indefinite Leave to Remain). The two most common kinds of FLR for members of this group are FLR(M) (M=Married, typically for the 5 year route), followed by FLR(FP) (Foreign Partner/Parent, typically this can be for the 10 year or 5 year route). Other types of FLR(xy) include AF=Armed Forces (and dependants), DL=Discretionary Leave (i.e. where it's granted outside the rules although most since the 2012 changes are now included in the rules), LR=Long Residence, BUS=Businesspeople.... Etc.

88. What's the 5 year route vs the 10 year route vs the 2 year route?

Read this for an explanation :

<https://www.gov.uk/remain-in-uk-family/apply>

The 5 year route is for people who meet all the requirements (financial and other). It consists of about 2 ½ years for the first visa, 2 ½ years for the second visa (applied for via FLR(M)), and then an application for Indefinite Leave to Remain (ILR). If there's a fiancé visa before that, obviously tack 6 months onto the beginning. There are potentially slight variations in the timing depending on the type of visa you used to enter the UK, which we'll discuss elsewhere.

The 10 year route is typically for people who for some reason or another can't meet the financial requirement, but are still able to get an extension to an existing visa when in the UK. (often regarded as the human rights route)

The 2 year route is no longer open to newcomers, but it's for people considered under the old rules prior to 9th July 2012. There may still be a small number of people considered under the old rules, for example where the first visa was granted/applied for before 9th July 2012, and where the foreign partner couldn't pass the Life in the UK test; then they would not be eligible for ILR and they would have to apply for FLR(M) until they can. These people don't have to meet the same financial requirements as the post-9th July 2012 people; but the number of people must be very small by now.

89. So when can I apply for FLR(M)? Is it after 30 months or 33 months?

The perfect answer is in this thread : <http://talk.uk-yankee.com/index.php?topic=82665.0> – so I'll just quote from it :

It gets a bit confusing because visas are issued for different lengths of time and it depends which visa you have, and when you entered the UK on your visa (if it's a spousal visa) or where you applied, as to when you can apply.

If you apply for your first visa as a spousal visa outside the UK, it is valid for 33 months - this is in order to give you 3 months leeway at the beginning of the visa to get organised and move to the UK, and still qualify for ILR later on.

If you arrive in the UK on a different visa (fiance visa, work visa, student visa) and get married in the UK, then switch to FLR(M), it will only be valid for 30 months because you are already in the UK.

90. What's Discretionary Leave?

An application for leave to remain outside the rules. People who apply for this are effectively throwing themselves on the mercy of the government; sometimes they have been successful, but it's certainly a hard thing to do.

We take our hats off to those who have been successful – you'll need the best case and the best help you can get. Since the 2012 changes many instances of what used to be outside the rules have been now included in the rules under EX1 so discretionary leave has become rare.

91. What's Long Residence?

Read these links :

<https://www.gov.uk/long-residence>

<http://otssolicitors.co.uk/dear-immigration-team,-do-i-have-right-to-claim-20-years-long-residence-for-indefinite-leave-to>

A person who has lived lawfully in the UK for a continuous period of 10 years can apply for limited leave to remain(settlement). Some Visas such as Highly Skilled Migrant Visa only require 5 years. A person who has lived continuously in the UK for a long time (20 years either lawfully or unlawfully) can at the time of writing apply for settlement(this was changed from 14 years in the 2012 changes). Clearly i) the 10 year/FLR(FP) route is preferable because it leads to ILR, and ii) we don't condone living unlawfully anywhere – it's not a good idea; however it's worth knowing about these rules.

Sometimes a spouse can qualify earlier for settlement(ILR) under the 10 year continuous long residency, if they have been studying or working before getting married.

92. Back to the first spouse visa. We've talked about finance, relationship and language... what about the accommodation requirement?

Read this link :

<https://www.gov.uk/government/collections/maintenance-and-accommodation-entry-clearance-guidance>

The ECO must be satisfied as to:

- *The availability and adequacy of accommodation (see MAA14 below).*
- *That (where applicable) the permission of the owner of the accommodation has been given*
- *No additional public funds will be necessary for accommodating the applicant in cases where the sponsor lives in accommodation from public funds. (see guidance on public funds - MAA2)*

This means that if the sponsor is renting, you need a letter from your landlord giving the applicant permission to live there. The landlord letter should also indicate that the property isn't overcrowded. The landlord can of course be a housing association.

If for some reason the landlord won't explicitly give the applicant permission in writing (some councils for example seem not to like to put this in writing), you can also use the tenancy agreement and photos of each room with measurements. You can also include a council tax bill for good measure.

If the sponsor owns the property, Land Registry (check here :

<https://www.gov.uk/government/organisations/land-registry>) and Mortgage Statement(s) are what you need.

If the sponsor is living with parents, they should write a letter giving the applicant permission to live there, and also that it's of a suitable size to accommodate the applicant. Photos of the rooms with measurements are also ok to include and probably a good idea.

Also always a good idea to include a council tax bill.

This thread is also useful :

<http://talk.uk-yankee.com/index.php?topic=78178.0>

A good follow-up question is '*define overcrowded*'.

Overcrowding is defined in the Housing Act.

The Act defined the maximum number of people allowed for a given number of rooms, including living room but excluding kitchen and bathrooms. The number of people in accommodation must not be greater than the following:

Where accommodation consists of 1 room, 2 people;

2 rooms, 3 people;

3 rooms, 5 people;

4 rooms, 7.5 people;

5 rooms, 10 people;

each additional room above 5, an additional 2 people.

Under the Housing Act, a child aged under 1 does not count as a person; a child aged 1-10 counts as 0.5 people.

Furthermore, a house is considered overcrowded if 2 people aged 10 or above of opposite sexes, who are not living together as husband and wife, sleep in the same room. (pewh!)

To meet the accommodation requirement, the property must not be overcrowded.

93. Is it ok to do spouse visa route while the sponsor is living in a housing association or council property?

Yes. See previous question, replacing 'landlord' with 'housing association'.

94. Is it ok to do spouse visa route while the sponsor is living with parents?

Yes. See a couple of questions up.

95. Is it ok to do spouse visa route while the sponsor is house-sharing with others?

Refer to Rayking's answer in this link : <http://www.immigrationboards.com/immigration-for-family-members/spouse-visa-tricky-accommodation-requirement-t166397.html>

'If you live in a shared house, it's a bit different as you need to get property inspection done to proof the house or room you've got is big enough for 2 ppl. If you contact your local council, they should tell you more and check the house.

Then you'll still get letter from your landlord stating your girlfriend can stay with you and the tenancy agreement, 6 months still on it or he should state he's willing to renew it.

You can find all this in accommodation requirements on home office website but as it's not written in blue black, it's confusing tbh.'

It is certainly trickier than renting by yourself, but seems to be do-able with some planning.

This thread may also be useful : <http://www.expatsforum.com/expats/britain-expat-forum-expats-living-uk/417241-uk-spouse-visa-accommodation-requirement-shared-lodger-accommodation-acceptable.html> . Quote :

'As long as the rooms are big enough, 7 people in a 4 bedroom house isn't necessarily overcrowded (Housing Act 1985) but you'd need to ensure that the landlord would allow an inspection to take place to confirm that the property is not overcrowded.'

96. Does the foreign partner need to include a police check/cv/qualifications/credit check/scout badges...?

No. People sometimes throw such things in as 'optional extras' (well, without the scout badges) if they think it will make the application stronger by indicating the applicant is likely to be a good citizen and to create a good impression. It's up to you, but it's probably best to avoid adding so many things that the application becomes confusing to the ECO.

97. Does the UK partner need to include their birth certificate?

Only if the UK partner doesn't have a passport.

98. Do you think a woman (or man) not changing their maiden name after marriage can go against a spouse application/FLR?

It really makes no difference.

99. Tell me about the 28 day rule for evidence. I've heard this mentioned and it's a bit confusing.

The exact wording is :

"Where Appendix FM-SE requires the applicant to provide specified evidence relating to a period which ends with the date of the application, that evidence must be dated no earlier than 28 days before the date of application."

This refers for the most part to the most recent bank statement, the most recent payslip, and ideally the letter from the current employer if applicable (obviously some other items might be more than 28 days old).

The 28 day rule is discussed here :

<http://talk.uk-yankee.com/index.php?topic=87090.0>

<http://www.immigrationboards.com/immigration-for-family-members/employment-letter-more-then-28-days-old-t172373.html>

There are also lots of posts on this on expatforum :

https://www.google.co.uk/?gfe_rd=cr&ei=bSh5WJvwF83v8AfW3K2IBA&gws_rd=ssl#q=28+day+rule+spouse+visa+site:www.expatriot.com

Be careful here as some of the information online is contradictory. Consider booking your appointment as close to the dates on these documents as possible.

100. I have children with my partner... are they British citizens? / I want to know if someone is a British citizen / How do my British citizen children get UK passports?

This is especially relevant when considering whether the children need sponsorship. In general, if the child was born to a UK-born parent after 2006, they are *automatically* UK citizens. A passport is not the same as citizenship – it's merely a letter confirming citizenship.

Check this tool to determine if someone is a UK citizen :

<https://www.gov.uk/check-british-citizenship>

And this for guidance on how to get a passport for a child :

<https://www.gov.uk/get-a-child-passport>

101. Tell me about the 'NHS charge'.

Read this :

<https://www.gov.uk/healthcare-immigration-application>

102. I'm worried that something about how I present my evidence might confuse the ECO even though everything is genuine. What should I do to avoid this?

You can include a note explaining it in the relevant section of the application, to avoid any misinterpretations. Adding explanation is good as people's circumstances are sometimes complex.

See Biyi's guidelines on ILMFS -

<https://www.facebook.com/groups/139807999382936/permalink/4061340070563023> for some tips on cover letters and notes. This is a very helpful link.

103. I think I've got all the things I need now. How do I apply for the spouse/civil partner/fiancé visa?

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

Congratulations. You are now in the process.

104. Where can I find the form for FLR(M) when the time comes?

<https://www.gov.uk/uk-family-visa/partner-spouse>

105. I'm not FLR(M), I'm FLR(FP). Where can I find the form for FLR(FP) when the time comes?

<https://www.gov.uk/uk-family-visa/private-life>

106. How do I apply for ILR when the time comes?

The form you want is SET(M).

Here it is :

<https://www.gov.uk/government/publications/application-to-settle-in-the-uk-form-setm>

107. I'm about to make my spouse/fiancé visa application. While you've been very helpful, I'd like to confirm that I've got everything covered. How do I do this?

Check the Files section of the ILMFS and/or Reunite group. There are numerous examples of checklists that people have submitted for visas, including employed/self-employed/exempt people, etc.

In fact, there are so many excellent examples that it seems unfair to single any out (though I've included a few at the start of this document). Just read the Files section and compare your checklist with the ones there.

108. Will claiming marriage tax allowance affect my FLR/ILR?

No. Check this link : <http://www.immigrationboards.com/claiming-benefits-f38/marriage-allowance-public-fund-t195796.html>

Casa's reply : *'The marriage tax allowance isn't a Public Fund. For official clarification...'*

109. I've made the application. How long will it take, on average?

If you're asking about the first spouse/fiancé visa application, you can get an idea as to average processing times here for applications made outside the UK :

<https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk>

Of course there's a lot of variation between applications and even according to times of year or the country where the application was made.

If your application is taking an inordinate length of time, sometimes your MP can help lobby here.

You can contact them via : <https://www.theyworkforyou.com/>

110. Can the non-UK partner still work while waiting for an FLR or ILR decision? Even if it is going past the visa expiry date?

Section 3C of the Immigration Act 1971 states that as long as the switching or extension visa application is made before the current visa expires, the applicant's current leave is extended until a decision is made. See : <https://freemovement.org.uk/what-is-section-3c-leave-uk-immigration/> and <https://qc-immigration.com/blog/work-waiting-visa-application/>

Or to put it another way: *'If you applied to extend your leave before it expired, you'll still have the right to work while you're applying - as long as you had the right to work before.'*
(<https://www.citizensadvice.org.uk/work/right-to-work-in-the-uk/understanding-your-right-to-work/check-how-to-prove-your-right-to-work-in-the-uk/>)

If your employer needs to check this (as there are hefty penalties for employing someone illegally), they can use the Home Office Employer Checking Service here : <https://www.gov.uk/employee-immigration-employment-status>

111. I just want my partner to visit to see if they want to live here. Do they need a visa?

Some nationalities can visit the UK without a visa (these are known as 'non-visa nationals'). There's a helpful map here which will tell you if they are a non-visa national or not : https://en.wikipedia.org/wiki/Visa_policy_of_the_United_Kingdom

112. Ok, my partner needs a visa to visit me in the UK. Tell me more about a visitor visa.

The Files section of the ILMFS group, as well as the Reunite Families group, includes helpful uploads from people who've been successful (e.g. 'Visit visa for spouse/fiance - based on a successful application', 'EXAMPLE OF A VISIT VISA FOR PARTNER OR FIANCÉE', and others). Read these. Some links are also posted at the head of this document.

113. My (non-visa national or visa-national) partner just came to visit and they've been detained; I think they might be sent back. What can I expect?

Unfortunately, this can happen from time to time, even to 'privileged' nationalities, and indeed they can be sent back (this is known as 'bouncing') if the immigration officer deems they are an immigration risk. The reality is that it's quite rare to be bounced, but it does happen and it's at the immigration officer's discretion (as, when you're in the queue for immigration, you haven't technically entered the UK yet). Of course if questioned you need to be honest about why you're visiting the UK as being caught in a lie could jeopardise future applications. You may want to carry with you return tickets (of course) as well as being able to show a reason to return to your home country.

There's a good thread on the subject here : <http://talk.uk-yankee.com/index.php?topic=72211.15>

The website Transpondia had a great section on 'getting bounced'. Sadly Transpondia is no more but there's an excellent archive on 'what to expect' here :

<https://web.archive.org/web/20150226035137/http://www.londonelegance.com/transpondia/visitors/getting-bounced> - *'Sometimes people arrive in the UK and do not perform well in their landing interview; some people lie, some plan to abuse the system, others exhibit strange behaviour, some appear to be incoherent. And others do not have a convincing reason to be in the UK, for example some people visit too often and other people appear to be a potential overstayer...'*

For one terrible story of someone who got bounced (fortunately with a happy ending – thanks to the Surinder Singh route) – read the posts here :

<http://britcits.blogspot.co.uk/search/label/dee>

114. My application is taking MUCH longer than I expected / and or I really want to get my campaign out there. Who can help?

Believe it or not, some people have been able to reach out to their MPs and get help that way. The scrutiny of a politician seems to help focus the Home Office's minds. You need to be polite, focused in what you want, but firm when engaging your MP – but remember they are there to help you. Often a first letter to the Home Office from the MP takes a statutory time to get an answer and when it comes back can be a standard template reply. Be persistent and get the MP to continue writing if you feel it is not an answer.

Our experience is that MPs of all political persuasions can be helpful to their own constituents or if they are part of a parliamentary committee linked to immigration. Politely explain your situation, explain that you believe you meet all the financial and other requirements, express concern at the length of time the application its taking, and explain the psychological and torturous toll on you and your family.

Always remember that the majority of the work is done by the MP's assistants and staff so be polite to them.

A politician won't necessarily act if the delay is reasonable (usually less than permitted 6 months), but we have seen MPs get involved when it's taken far far longer than expected, and really made a difference. You can find your MP here :

<http://www.parliament.uk/mps-lords-and-offices/mps/>

<https://www.theyworkforyou.com/>

If you have a MP that is not helpful it is worth remembering that Members of the House of Lords can represent anyone and have access to the similar hotline/government departments as MP's.

Other people have taken their individual campaigns to local newspapers, or used social media to great effect (national newspapers sometimes use local newspapers or radio stations to source news stories, so they are well worth cultivating).

There are some examples of really successful campaigns here :

<http://britcits.blogspot.co.uk/search/label/campaigns>

Some examples –

The 'Save Mae' campaign was a really nice campaign involving social and local media which was ultimately successful – it was an honour to support it :

<http://britcits.blogspot.com/search/label/mae%20draper>

'Dinnae Deport Oor Arbroath Angie' was another great campaign (successful) :

<http://britcits.blogspot.com/2014/10/divided-families-scotland-demo-outside.html> +

<https://www.facebook.com/helpangiefayefighttostay/>

Bangy and David's story, harrowing at times, another beautiful campaign (successful) :
<http://britcits.blogspot.com/search/label/bang>

'It feels like a lead weight has been lifted...' : <https://www.edp24.co.uk/news/it-feels-like-a-lead-weight-has-been-lifted-norfolk-couple-win-two-year-immigration-battle-to-stay-in-uk-1-3776867>

'Don't Deport Wadih Chourey' - <http://britcits.blogspot.com/search/label/wadih%20chourey> – another successful, lovely campaign
(<https://www.richmondandtwickenhamtimes.co.uk/news/13713175.man-with-downs-syndrome-from-beirut-given-30-month-extension-to-visa/>)

Christine and Ziad, another successful campaign (in the end) :
<http://britcits.blogspot.com/2015/12/christine-ziad-united-family-of-week.html> *'Ziad lives only 15 mins away from the chemical weapon attack sites of late August, where a day later there was a huge car bomb. Ziad's car has been sprayed with bullets and he has been detained. No one knows why. Ziad is under threat from the regime who may not now allow him to even leave the country.'*

Fran's campaign, which ultimately yielded a rate apology from the Home Office (*'the government illustrated an immigration story with a picture of a girl it tried to deport'*) :
<http://britcits.blogspot.com/search/label/francisca>

The Right to Remain Toolkit is a good place to start with campaigning ideas and tools :
<https://righttoremain.org.uk/toolkit/>

More on campaigning later in this doc (q and as on campaigning against the rules, and how to get even more involved).

115. Do I need a solicitor to make my application?

Our experience suggests that, for many people, if you educate yourselves and ask the right questions and share experiences, you can help yourselves quite effectively.

There are some situations (if the case is quite complex for example, if you want to present dividends as income – which is quite tricky, or if you just want to be extra sure) where you may decide to use a solicitor. There's nothing wrong with this (if you can afford it), but you want to make sure that the solicitor you use is both competent and ethical given that access to justice is now in short supply in the UK. So, do your due diligence on the solicitor you use – if you decide to use one. Also remember that people and personalities differ so one solicitor make work very well with one person but irritate another take advantage of free introduction sessions to shop around.

That said, for relatively straightforward applications, much of the time people are able to succeed without a solicitor, provided they've made the effort to understand the rules that apply to them and what they need to meet.

If you do decide to use a solicitor, there are some helpful tips you can follow to validate you solicitor. Please check out this document :
<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2488066778164900> (on Reunite Families UK, Facebook)

Or the same document on LinkedIn :

<https://www.linkedin.com/feed/update/urn:li:activity:6762609895566020608/?actorCompanyId=53079094>

116. What's the difference between a lawyer, solicitor and an immigration advisor/'agency'? And a barrister?

Typically an immigration advisor has registered with the Office of the Immigration Services Commissioner and undertaken a course specifically targeted at immigration law (the test is multiple choice). OISC-regulated advisors are not allowed to give advice above their skill level. Lawyers have done either a law degree or a postgraduate conversion.

Solicitors have done either a law degree or a postgraduate conversion, plus a couple of years' 'training contract' before registering. It's a highly regulated profession. (Advisors don't even need a law degree).

So, while there's nothing wrong with advisors (and indeed advisors can give advice, for example under the supervision of a solicitor) you need to know the difference. Don't think they are the same thing at all.

A barrister in addition to the training that a solicitor goes through will also have done an extra pupillage and passed the bar examination in law. A barrister is typically instructed by a solicitor and argues complex cases in court (solicitors can recently also sometimes present cases in higher courts, but normally a barrister is seen as an exceptionally experienced professional who is experienced in mooting).

Barristers are the surgeons/specialists of the legal profession; solicitors are the GPs; advisors are the first aiders/paramedics.

Here's one view that may be worth considering:

<http://crossborderlegal.co.uk/content/is-there-any-difference-between-immigration-solicitors-and-immigrations-advisors/>

117. How do I find a good solicitor?

If you want to use a solicitor, you need to make sure you find a GOOD solicitor. There have in the past been some horror stories posted. So, do your due diligence.

If you do decide to use a solicitor, there are some helpful tips you can follow to validate your solicitor. Please check out this document – the Reunite Families UK guide to finding a solicitor : <https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2488066778164900> (on Reunite Families UK, Facebook)

Or the same document on LinkedIn :

<https://www.linkedin.com/feed/update/urn:li:activity:6762609895566020608/?actorCompanyId=53079094>

118. I got a refusal. What now?

You need to understand why you got a refusal. They should send you a letter explaining why, and if you can appeal.

In many cases, if you can address this by providing more documents (e.g. self-employed people can be caught out by not providing all the required documents), it may be worth considering making a new application with the correct documents.

If you can appeal, you might want to consider that as of the time of writing, appeals can take 18 months; are often more expensive than expected; and add a lot of uncertainty and stress to your

life. If the ECO has made a mistake, this may be what you want to do; but if you can fix it some other way, e.g. by re-applying with the missing evidence, you might want to consider that. Ensure you know the reason for the refusal.

Some common reasons for refusal are listed here – both are very useful reads :

<https://awhsolicitors.co.uk/articles/immigration/visa-refusal-uk/>

and

<https://www.migrate.org.uk/marriage-visa-uk-2018/>

If you genuinely feel your refusal is a mistake, check the steps provided by Paige here :

(FB) <https://www.facebook.com/groups/139807999382936/permalink/3393514424012261/>

(Twitter graphic) <https://twitter.com/Paiigeylala/status/1295988150595133440>

(see q and a on ‘why do mistakes happen in the immigration process’).

‘The only power worth snot is the power to get up after you fall down.’ – Ms Marvel.

119. We got the spouse/fiance visa! What now?

Well, congratulations! Book a flight to the UK – it doesn’t have to be a return flight (before you ask!). If it’s a fiancé visa, get in touch with your local registry office and start finding out what you need to do to book the wedding (they may well want to interview both of you before you give notice of marriage – this is to stop so-called ‘sham marriages’; normally this is nothing to worry about though. Think of it as being like the 80s gameshow ‘Mr and Mrs’).

120. What’s a BRP?

<https://www.gov.uk/biometric-residence-permits>

The foreign spouse will get one of these with their visa and biometric data (fingerprints, a photo of their face) on it. They have gradually replaced the visa stickers that used to be placed in the passports.

121. My BRP has been lost or stolen or damaged. What do I need to do?

<https://www.gov.uk/biometric-residence-permits>

122. How do I apply for an NI number?

<https://www.gov.uk/apply-national-insurance-number>

The NI number can take a few weeks and will likely need to be interviewed at a DSS office, however a spouse visa holder can start working the moment they land (though they may be put on some kind of emergency tax code until the NI number comes through).

Fiancé visa holders can’t work, unfortunately.

123. How do I register with a GP? And what can I do if I still have a problem?

In theory, anyone can register with a GP – just ask at the surgery. Most of the time they are very helpful (if there’s one British institution that depends on immigration, it’s the NHS).

That said, sometimes people have had problems : [http://talk.uk-](http://talk.uk-yankee.com/index.php?topic=82814.0)

[yankee.com/index.php?topic=82814.0](http://talk.uk-yankee.com/index.php?topic=82814.0)

There is more on this on Migrants Rights Network's 'Know Your Rights' posting:
<https://migrantsrights.org.uk/blog/2020/12/02/new-resource-know-your-rights-guide-2020/>

124. What evidence do I need to collect for the next stage – FLR (or ILR!)?

As well as meeting all the requirements (remember that you can combine incomes if your partner is here on a spouse visa! And remember the language requirements for each stage), you want to show proof of cohabitation.

To show proof of cohabitation, you want to be able to submit 6 pieces of correspondence addressed to both of you, from 3 different sources. These sources can include bank statements (2 different banks = 2 different sources), water bills, energy bills, phone landline bills, council tax bills, GP letters, TV Licence, DVLA letters, letters from your MP - and as much as possible, you want these spread out over the period you are submitting for.

If for some reason you can't submit joint letters, you can submit correspondence sent to you individually. However, for every joint letter you are missing, you'll need to submit one letter sent to each partner.

To be safe, you should probably aim to submit more than the bare minimum 6 items – just in case the ECO decides that one of your sources isn't 'official' enough.

Check the post '*Proof of cohabitation for FLR(M)/ILR*' in the Files section of the ILMFS group for a full discussion of this.

Or just follow this link if you are a member of ILMFS :

<https://www.facebook.com/groups/139807999382936/permalink/1081102748586785/>

125. Can the foreign spouse take language classes? I want to be really prepared for FLR.

Yes, it can be a good idea. Local adult education centres can be helpful here – and also maybe a way to help the foreign spouse make new friends.

If they like to read, the Quick Reads series of books (<https://readingagency.org.uk/adults/quick-guides/quick-reads/>) or Young Adult fiction can be appreciated.

The foreign spouse might even want to start a blog about their new life in the UK, using a tool like Blogger or Wordpress.

126. I'm on a visa/BRP. Do I need to report a change of address?

Yes. Use this link which will explain what to do :

<https://www.gov.uk/change-circumstances-visa-brp>

127. Can I take out a mortgage while on a spouse visa?

Yes, and people have done this. You need to ask around for a lender who will let you do this, but it's not been a problem for too many people. Mortgage lenders seem to generally recognise that the spouse visa route is a road to settlement in the UK.

128. I want to go on holiday with my foreign partner! Where can we go without a visa?

E.g. :

https://en.wikipedia.org/wiki/Visa_requirements_for_United_States_citizens

https://en.wikipedia.org/wiki/Visa_requirements_for_Chinese_citizens

https://en.wikipedia.org/wiki/Visa_requirements_for_Japanese_citizens

https://en.wikipedia.org/wiki/Visa_requirements_for_Turkish_citizens

https://en.wikipedia.org/wiki/Visa_requirements_for_Canadian_citizens ... Just go to the Wikipedia

page for 'visa requirements for xxx citizens' to see a useful map. You might want to check out

https://en.wikipedia.org/wiki/Visa_requirements_for_British_citizens also.

129. Say they do need a visa to go on holiday. How can we get one?

Contact the embassy or high commission to check the requirements. You should be able to google this easily (e.g. googling for xxx embassy London ... generally gets you where you want to go).

130. The foreign partner needs to renew their passport. How?

They need to contact their home country's embassy. Again this is google-able (e.g. google Tunisian embassy London and it comes up with a website, address and phone number).

Some countries don't have representation in London but they may have an 'interests section' in another embassy. In a few cases, the nearest representation is overseas and this can be tricky (e.g. Syria no longer has a London embassy; at the time of writing, the nearest embassy is in Paris).

Sometimes it's worth reaching out to a community group of that nationality for help if this is the case.

131. I have a feeling this has been asked before (but for some reason it's not on this FAQ). Can I search the Facebook group (ILMFS or Reunite)?

Some questions around the actual mechanics of the process have been intentionally omitted as this changes more frequently.

Each Facebook group has a Search box that can be useful.

There's also the Files section which is also useful and contains examples of checklists for successful applications and much more –

ILMFS : <https://www.facebook.com/groups/139807999382936/files/>

Reunite Families UK : <https://www.facebook.com/groups/ReunitefamiliesUK/files/>

These are definitely worth checking to get a feel for a range of opinions.

Also, try to google your question; it may have been asked on other forums.

<https://www.expatforum.com/> and <https://www.immigrationboards.com/> are both very good.

132. What's in the Files section of the FB group?

Many people have posted checklists of their own applications for different kinds of visas (e.g. both settlement and visitor), examples of supporting letters, and so on. There are all kinds of useful things there so it's worth a browse.

133. Are there any other forums I can go to for help?

These contain a lot of good material :

<http://www.expatsforum.com/>

<http://www.immigrationboards.com/>

<http://www.uk-yankee.com/> (tailored to UK-US relations)

The Facebook group Visa Journey (<https://www.facebook.com/groups/visajourney/>) is tailored for people making the 'visa journey' to the US, typically non-US partners.

EEA visa... EU free movement for Surinder Singh and related EU free movement :

<https://www.facebook.com/groups/650212281695959/>

<http://freemovement.org.uk/> - maintained by Colin Yeo, an immigration barrister.

Some other nationalities also have their own forums.

134. Are there any primary web sources for the rules I really really need to bookmark for constant reference?

I refer to these constantly –

The Statement of Intent, prior to the rules coming out in 2012, has all kinds of useful information.

It's a lot to read but it's worth getting your head around as most things are there :

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257359/soi-fam-mig.pdf

And the financial requirements themselves, of course, are vital :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926295/appendix-fm-1-7-financial-requirement-v3.0-gov-uk.pdf

135. I want to campaign against the rules, they are rubbish. How can I do this?

Here are some grassroots and other groups campaigning against the rules :

<http://www.britcits.com>

<http://www.migrantsrights.org.uk/>

<https://www.jcwi.org.uk/>

(especially the 'Take Action' page : <https://www.jcwi.org.uk/Pages/Category/take-action>)

<https://www.reunitefamiliesuk.co.uk/>

Twitter : <https://twitter.com/ReuniteDivFamil>

Blog : <https://www.reunitefamiliesuk.co.uk/blog>

Research : <https://www.reunitefamiliesuk.co.uk/research>

In general I encourage people to get involved with local-to-them groups like unions, churches, mosques, local political parties... write to your MPs... tweet/be active on social media... go to demos. When writing to an MP, be polite but firm. MPs have heard a lot from the 'other side' – including large sections of the media – about how terrible immigration is, and are under constant pressure to attack it. They need to hear our (your) side too.

As mentioned in the answer to another question, it's likely that the change when it happens will be political rather than legal, so it's important to keep the pressure on.

While largely outside the scope of this document, this campaign does share a lot in common with those who find their lives impacted by Brexit – EU citizens in the UK and UK citizens in the EU, who were largely denied a say in the 2016 referendum. Some campaigns here :

<https://www.the3million.org.uk/>

<https://www.inlimboproject.org/>

<https://britishineurope.org/>

(There are more links to other activist groups in the header and later in the doc – see question 136).

If you are interested in a more international perspective, the following groups campaign against very harsh immigration rules in their own countries :

<https://www.aegteskabudengraenser.dk/> (Denmark)

<https://xn--grenselskjrlighet-0rb25a.no/> (Norway)

136. Show me some stories of people who've been affected by the rules.

The impact has been very very well-documented, both at the grassroots level and at the political level.

<http://britcits.blogspot.co.uk/search/label/stories>

contains *many* stories of those impacted, especially in the early years.

<https://familyimmigrationalliance.wordpress.com/>

also contains many stories.

<http://lovelettershome.org/>

is another collection which was turned into a physical book : <https://www.amazon.co.uk/Love-Letters-Home-Office-ebook/dp/B00KMRRJMS>

“One of the first stories to be sent in was that of an American living in Scotland with her husband and children. She went back to the US to visit her father, who was seriously ill. While she was there, in July 2012, the UK changed the law. This meant that she and her children couldn't come home to the country she had lived in for years and where her children were born; instead, she was stranded, couch-surfing with relatives in the US. Reading that story, like many of the others, brought me to tears.” – Katharine Williams on the Love Letters Home project

(<https://www.theguardian.com/commentisfree/2014/mar/04/immigration-monetary-value-breach-human-rights>)

Happy Never After : <https://www.youtube.com/watch?v=i-aMHponC4>

Divided Families Campaign, by Maryam Takafory, made for the one year anniversary, is excellent :

<https://www.youtube.com/watch?v=FTK7RMZcXmk>

‘Not everyone in the UK has the right to live with their spouse. If you are British and earning less than £18,600 you won't be able to sponsor your partner to come to the UK.’

1 year anniversary demo, by ReelNews : <https://www.youtube.com/watch?v=6OrWJsTXfLA>

‘On the anniversary of the passing of a law stating that non-EU citizens marrying a British person will not be allowed into the country unless their spouse is earning at least £18,600 (which immediately rules out 61% of women), families tell appalling stories of how their families have been split up over the past year.’

Skype Mummy (Andy's family) : <https://www.youtube.com/watch?v=vhHpaq4KBxY>

‘A short glimpse into what life is like for families separated by government officials.’

(I believe that the term used here - ‘Skype Mummy’ - was the original use of the ‘Skype Families’ moniker).

Andy's story and campaign is here : <http://britcits.blogspot.com/search/label/andy>

Skype Papa (Lizzie's family) : <https://www.youtube.com/watch?v=kN6vul8vrhg>

'This video is what happens everyday when we say goodbye to my husband on skype. Due to changes in UK family immigration laws, my husband was refused Visa. He cannot even enter the UK to visit us. It doesn't matter that we got married in England. It does not matter that he is a GP and would contribute greatly to the UK. It does not matter that we have a baby together.'

'All these are people trying to do the right thing-trying to support themselves. As there is now no flexibility in the system, but a very blunt policy of a blanket income threshold, the rules can unfairly penalise couples like Mr and Mrs M, and people like Mr S and Miss BF. ' – Baroness Smith of Basildon, Motion of Regret, House of Lords, 23rd October 2012

The All-Party Parliamentary Group on Migration wrote an excellent report on the effects of the rules; sadly not many politicians chose to take up these stories :

<https://web.archive.org/web/20170106012245/http://www.appgmigration.org.uk/family-inquiry>
https://web.archive.org/web/20141122120801/http://www.appgmigration.org.uk/sites/default/files/APPG_family_migration_inquiry_report-Jun-2013.pdf

- 1. Some British citizens and permanent residents in the UK, including people in full-time employment, have been separated from a non-EEA partner and in some cases their children as a result of the income requirement*
- 2. Some British citizens and permanent residents have been prevented from returning to the UK with their non-EEA partner and any children as a result of the income requirement*
- 3. Some children, including British children, have been indefinitely separated from a nonEEA parent as a result of the income requirement*
- 4. The current permitted sources in order to meet the income requirement may not fully reflect the resources available to some families*
- 5. The adult dependent relative visa category appears in effect to have been closed*

Some quotes among many :

"I am a British citizen. I have a 8 month old daughter with my Moroccan husband... I have had to go on benefits for the first time in my life as I can't afford to eat without them." (Individual submission, South East England)

"My Canadian-born wife (who I have been married to since June 2007) has to remain in Canada... I currently care for my seventeen year old Autistic daughter... My wife being able to immigrate to the UK would benefit my daughter's emotional and mental health [and] would mean that I would be available for wider employment opportunities." (Individual submission, Wales)

"I am a British citizen and ... my partner is Albanian... My baby is now two months old and an absolute joy to me. His father has only seen him via Skype. I'm now struggling to manage the final year of my degree on my own with a newborn." (Individual submission, East England)

"The reason why the rule changes impacts us, as British citizens, is because we have a 25-year-old son who... recently married a [non-EEA national] girl. They are expecting their first child - our first grandchild. The new rules affect us because they make it harder for them to settle in the UK in the future to the point where they may be put off altogether. Such a situation will potentially deny us the precious opportunity to see our grandchild grow up in this country." (Individual submission, North-East England)

The Children's Commissioner for England also commissioned a great report into the impact of the rules specifically on children (policies such as this are *supposed* to take into account the impact on the child) : <http://www.childrenscommissioner.gov.uk/news/skype-families>
<https://web.archive.org/web/20160207170414/http://www.childrenscommissioner.gov.uk/sites/de>

fault/files/publications/CCO-Family-Friendly-Report-090915.pdf

"I always wondered MPs that make these rules, they go home and they kiss their kids goodnight and they can read them stories ... how [would they] feel if somebody would stop them from doing that for the sake of piece of paper. That's what it really is, a piece of paper".

"... My oldest son said, 'how dare they put a price on love? That's discrimination', and I said it's true. It is true, how can you tell somebody how much money you need in your account before you can legitimately say yes, that's your spouse? It's not fair. And for an eleven year old to say that, why can't the Government see that?"

"We had a hellish five months where the family was forcibly separated. It's too upsetting to recall and go through in detail here again now, but it was heart-breaking for all of us, especially the children ... We pulled through together in the end, but there were times when my son and I were climbing the walls, both incredibly frustrated with the situation. I don't even want to think about it now."

"What if my country then decides she can't come in, do we meet in the ocean?"

"Both of our children have extreme separation anxiety when my wife even steps out of the house to run errands. I believe this is due to the fact they are aware of their daddy's absence. When I go over there for visits, they will not even sleep for the first few nights, afraid of waking up to find me gone. This is especially hard for our five year old who would not let go of me and wants to follow me around, even to the toilet. Our five year old gets hysterical over mundane things due to separation anxiety."

.....

More recently for 2020, please read the 'Kept Apart Project' e-book – *'Thousands of British families have experienced separation as a result of immigration restrictions brought in in 2012. This collection of narratives and illustrations highlights the pressures of navigating the UK family immigration system, and the profound impacts on individuals and families kept apart from their loved ones...'* : <https://www.reunitefamiliesuk.co.uk/kept-apart-project>

Reunite Families UK – Our Stories :

<https://www.reunitefamiliesuk.co.uk/copy-of-our-families-stories>

'When your life is reduced to numbers, it can be incredibly frustrating ... For many of us, human rights violations seem like a distant occurrence, something you see on the news or when you're scrolling through Twitter. It's not something you'd expect to see happening to your neighbour or colleague. It's certainly not something I expected to find myself living through...' – Rebecca's story:

<https://observatoryihr.org/blog/when-your-life-is-reduced-to-numbers-it-can-be-incredibly-frustrating-how-the-minimum-income-requirement-is-keeping-this-family-apart/>

'He is the only person I have: how a single payslip nearly ruined an engagement.' – Paige's story:

<https://www.newstatesman.com/politics/uk/2018/07/he-only-person-i-have-how-single-payslip-nearly-ruined-engagement>

(This is just a selection).

137. How do I get help/I want to get even more involved?

First of all, educate yourself. You're making a good start by reading the FAQ.

Follow the activist groups mentioned at the start of this document and in answer to question 133; also join up with the I Love My Foreign Spouse and Reunite Families Facebook groups (all links

above) and follow all these groups on Twitter – ‘take to the tweets’.

You can also get involved with local migrant centres. Here are some :

<https://www.migrantvoice.org/> (Migrant Voice – news from a migrant perspective)

<https://righttoremain.org.uk/> (Right to Remain – nationwide) and their toolkit

<https://righttoremain.org.uk/toolkit/>

<http://jcw.org.uk> (JCWI – nationwide)

<https://migrantsrights.org.uk/> (Migrants Rights Network – nationwide)

<http://www.ramfel.org.uk/> (RAMFEL – Essex/East London)

<https://gmiau.org/> (GMIAU – Manchester)

<https://www.symaag.org.uk/> (Yorkshire)

<https://asirt.org.uk/> (Birmingham)

<https://rmcentre.org.uk/> (Black Country/Birmingham)

<https://www.covrefugee.org/> (Coventry)

<https://www.bristolrefugeerights.org/> (Bristol)

<https://hackneymigrantcentre.org.uk/volunteer/> (Hackney)

<https://www.kanlungan.org.uk/> (Kanlungan, Filipino community)

<https://detentionforum.org.uk/> (Detention Forum)

<https://www.19princeletstreet.org.uk/> (19 Princelet Street – a unique institution, London’s museum of immigration)

<https://www.facebook.com/Ukrainian-Migrants-Network-UMN-186205051411134/> (Ukrainian Migrants Network)

<https://www.facebook.com/seac.cic.uk/> (Southeast and East Asian Centre)

<http://www.lawrs.org.uk/> (Latin American Women’s Rights Service)

Outside the migration community, involving other aspects of civil society is critically important.

If you belong to any of these :

- Trade unions, especially with the lobbying power they have with the Labour Party
- Churches, mosques, temples, other faith groups
- Local news and radio
- Other community organisations

The Law Centres Network provides local, relatively inexpensive access to justice for local communities across the UK :

<https://www.lawcentres.org.uk/>

As well as Facebook groups all mentioned above, Twitter is a vitally important tool. As well as the Twitter handles of all these groups (e.g. <https://twitter.com/ReuniteDivFamil>), campaigners use

hashtags (e.g. #priceonlove <https://twitter.com/hashtag/priceonlove> , #scrapmirnow

<https://twitter.com/hashtag/ScrapMIRnow> and #skypefamilies

<https://twitter.com/hashtag/SkypeFamilies>) and lobby politicians (the large majority of MPs are on Twitter – follow them and talk to them...).

Freedom of Information requests can be a good way to hold truth to power. The website <https://www.whatdotheyknow.com/> enables anyone to raise an FOI to any government agency, including the Home Office. You are then notified when there’s an update, and other people can follow along and search, therefore expanding the knowledge of humanity.

Here are some examples of people with a history of interesting FOI requests – you may want to follow them :

https://www.whatdotheyknow.com/user/colin_yeo

<https://www.whatdotheyknow.com/user/britcits>

https://www.whatdotheyknow.com/user/mary_atkinson
https://www.whatdotheyknow.com/user/wayne_pearsall/requests
https://www.whatdotheyknow.com/user/s_green_2

You can also get information on what information is held on you by the Home Office under GDPR (privacy) rules. You can raise a Subject Access Request on you using this tool :

<https://www.gov.uk/government/publications/requests-for-personal-data-uk-visas-and-immigration/request-personal-information-held-by-uk-visas-and-immigration>

Reunite Families UK has a LinkedIn page you can follow here :

<https://www.linkedin.com/company/53079094/>

Finally, it's wonderful to be involved but it's also important to look after your own family and mental health, and be conscious of the risks of burnout. It can be a lonely battle at times and you must maintain your own boundaries. There's a bit on dealing with and preventing activist burnout here :

<https://www.activist-trauma.net/en/mental-health-matters/burn-out.html> ;

<https://www.psychologytoday.com/gb/blog/head-games/202006/4-reasons-why-activists-burn-out>

138. I'm not a British citizen but I am settled (or pre-settled) in the UK and I want to sponsor my partner. Can I?

If you are settled in the UK (i.e. an EU citizen with settled status, or if you have Indefinite Leave to Remain) as long as you meet the financial and other requirements.

EU citizens with pre-settled status can also sponsor their partners in the same way as UK citizens.

139. I'm a refugee with leave to remain in the UK and I want to sponsor my partner. Can I?

Yes, as long as you meet the financial and other requirements.

140. How come these rules came in and I didn't know about them?!?!?

It's not exactly in the interests of most big media conglomerates to give a fair and balanced account of these issues... rather to stir base emotions....

Plus, it's a complex issue and complexity, subtlety doesn't sell newspapers.

In fact, the rules came in, in my opinion, a sneaky and pretty undemocratic way – *'the rules were introduced by the 'back door' - first secondary legislation, and then (when the courts ruled against this - the 'Alvi' decision), emergency legislation was pushed through the House of Lords (as the Commons was in recess) without a proper debate.* ' using a negative voting process (there's much more on how this happened here : <http://britcits.blogspot.co.uk/2013/01/introduction.html>).

Very few people knew about them, including in my view the Lords who were debating them (the Hansard is quite illuminating; look it up).

The Commons had literally gone into recess; however, Lord Judd (<https://www.theyworkforyou.com/lords/?id=2012-07-19a.380.0> – Hansard for 19 July 2012), at least, seems to be on the ball :

'I do not understand the new legislation on families. We hear from the Government on every possible occasion about the importance of family, yet for some people for whom family will be absolutely indispensable in terms of their stability and ability to contribute to society, we introduce these arbitrary rules. '

It's hard, though, to convey the shock, fear and confusion felt by those just embarking on the

process during those few weeks when the rules were as yet unclear and information, vague at times, was still coming in, coupled with the callousness with which it was done and apparent radio silence in the media (the first news stories re those impacted started to be published later in the year). This was what really kickstarted the campaign. Many people went through much worse afterwards, but this change from a benign regime to a malign one literally pulled the rug from under people's feet. Still, the support those people both found and gave each other during this difficult time on groups such as ILMFS proved invaluable.

'The nasty party just got nastier', Chris Bertram, Crooked Timber :

<https://crookedtimber.org/2012/06/09/the-nasty-party-just-got-even-nastier/>

'Theresa May's immigration plan is a one-size-fits-none fix', Brooke Magnanti :

<https://www.theguardian.com/commentisfree/2012/mar/26/theresa-may-migrants-immigration>

An explanation of Alvi here : <https://asadakhan.wordpress.com/2012/07/20/alvi-every-rule-must-be-laid/>

141. How come the rules haven't been overturned?

It's not exactly in the interests of most big media conglomerates to give a fair and balanced account of these issues... rather to stir base emotions....

Building a coalition takes a lot of time and energy and it's hard to tell our stories with the forces and resources of the government ranged against us.

The legal system takes time to progress through the different levels of court. It has taken nearly 5 years to have these rules challenged in the Supreme Court.

One the positive ... know also that this is not the first time that harsh immigration laws for spouses have been brought in.

Before 1997, there were the very harsh Primary Purpose Rules which similarly split up many families (because they had to prove a negative, i.e. that the 'primary purpose' of their application was not to move to the UK). This campaign eventually succeeded after many years of lobbying. You can read about this campaign here :

<https://www.bbc.co.uk/news/special/politics97/news/06/0605/straw.shtml>

Eventually, the success of the campaign was built on political effort, lobbying and persuading a major political party to commit to overturning the rules.

In the meantime, one can help people – through support, knowledge and experience sharing, and so on – many have been successful who would not have otherwise have succeeded.

'No one should be discouraged, Theaetetus, who can make constant progress, even though it be slow.' – Plato

142. Well, why haven't YOU overturned them?

Why haven't you? I think you should get right on it.

'I always wondered why somebody doesn't do something about that. Then I realized I was somebody.' - Lily Tomlin.

143. What about Human Rights? Tell me about Article 8.

https://en.wikipedia.org/wiki/Article_8_of_the_European_Convention_on_Human_Rights - provides for respect for one's 'private and family life, his home and his correspondence', however the government has interpreted it as a 'qualified right' – and in this case, the government makes the qualification. Meaning, if they decide it's in the interests of the country to restrict this right, they can do so. (<https://www.citizensadvice.org.uk/law-and-courts/civil-rights/human-rights/what-rights-are-protected-under-the-human-rights-act/your-right-to-respect-for-private-and-family-life/>)

Arguably, this makes Article 8 all but meaningless; like having the person sitting the exam and the examiner be the same person.

144. Is there any hope, legally speaking?

Written in January 2017 :

The MM case, which has been pushing through the courts for nearly 5 years now.

You can read about this here :

<http://britcits.blogspot.co.uk/2016/02/briefing-on-uk-family-immigration-and.html>

<https://www.scribd.com/doc/231039718/MM-and-Ors-Case-Overview>

<http://britcits.blogspot.co.uk/2015/07/mm-case.html>

'For an event involving only about four hours a day of presenting arguments, the MM case was unexpectedly exhausting...'

At the time of writing a decision is expected any day now. Follow <https://twitter.com/britcits> for the latest news.

Update 2020: Since this was written, the MM case essentially failed to have the impact we hoped, although some comparatively minor concessions for '3rd party sponsorship' in 'exceptional circumstances' were made (see questions above for more on this).

See : <https://www.freemovement.org.uk/home-office-makes-changes-appendix-fm-minimum-income-rule-following-mm-case/>

In 2015, after 3 years of lobbying, the Labour Party finally committed to overturning the MIR; with the Lib Dems (who had been part of the coalition which introduced the rules) following suit, and the SNP, Plaid Cymru and the Greens maintaining a strong pro-family migration stance. My personal position is that the best hope to getting the big change we want is political and not legal; although legal challenges to soften the impact and help people are still worthwhile. Not everyone agrees with me.

145. How many people are affected by the rules?

According to the APPG report

(https://web.archive.org/web/20151109190409/http://www.appgmigration.org.uk/sites/default/files/APPG_family_migration_inquiry_report-Jun-2013.pdf) the 'reduction in family route visa grants per annum' was 13,600 to 17,800 (15,700 median average).

At the time of writing the new rules have been in place for 9 years; even given a rise in median wages, it's not hard to conclude that *many* tens of thousands are affected in the sense of not being able to reunite, at least in the way they planned. This is quite apart from the impact on every generation of a family and the wider community.

Of course, everyone who has been a victim of spiralling costs, evidential requirements and so on, as well as their families, are greatly affected by the rules.

For the sake of argument, we could reasonably go with **17,500 per year**, or **155,000-160,000 or so in the eight years since introduction**. This also could allow for the chilling effect on people's own relationships. And remember, as per the APPG report – *'The Government Impact Assessment in June 2012 estimated that the introduction of a minimum income requirement of £18,600 would lead to an annual reduction in family route visas of between 36% and 46%'* – this was an expected consequence.

The spouse and family visa rules are a trial by ordeal, however you spin it and whatever the outcome. Very few people who have been through the process have a good word to say about it. I certainly don't.

Migration Observatory also published a table of percentages of people not eligible to sponsor a spouse – you can see it here : <http://www.migrationobservatory.ox.ac.uk/resources/reports/the-minimum-income-requirement-for-non-eea-family-members-in-the-uk-2/> (scroll down). The figure is high across the board – the figure that strikes me is the one showing *57% of women outside London are not eligible to sponsor a non-EEA partner!* That's shockingly high. It's grim reading. *'Close to 40% of British citizens working as employees in 2015 earned less than the income threshold. People are less likely meet the threshold if they are young or female. A higher share of people living in London meet the threshold compared to the UK average.'*

These figures are updated periodically but consistently tell a similar story. And with Brexit, it's likely to get worse.

146. Why do mistakes happen in the immigration system?

In some ways it's surprising that more don't happen....

First of all, if you feel a refusal is a genuine mistake, check this info graphic :

<https://twitter.com/Paiigeylala/status/1295988150595133440>

It's a guide to things you can do – appeal, contact your MP, make a complaint, and so on.

Second of all – be sure it's a genuine mistake. If it's an error on your part (even inadvertent), you may want to consider re-applying.

Third of all, the real answer to this question is an object lesson in the power of Freedom of Information requests.

The answer to this question yields the number of ECOs/ECMs globally :

https://www.whatdotheyknow.com/request/question_about_number_of_ecos_wo - it's 283 as of September 2020.

Whereas this link : <https://www.gov.uk/government/statistical-data-sets/managed-migration-datasets#entry-clearance-visas-granted-outside-the-uk> (which in turn came from another FOI - https://www.whatdotheyknow.com/request/total_number_of_spouse_visas_pro) yields the total number of out of country entry clearance applications per quarter for many years (3484021 applications in total for the pre-Covid year Q22019 -> Q12020).

Assuming 261 working days per year, no holidays, no sick days and an 8 hour working day, we have each ECO/ECM dealing with 252 requests per day, or *about 9 applications per hour*. This doesn't include any overtime assessment; we could also take a more conservative approach of considering the number of decisions (rather than applications) – data for this is available from the same link. But either way it doesn't change much.

The workload of the ECOs/ECMs is enormous and one can surmise they are under-staffed and under-resourced. One reason why presenting your application well matters so much. It's a miracle more mistakes don't happen.

147. Do the rules even make economic sense?

'The UK will lose £850 million over ten years as a result of new visa restrictions on foreign spouses of British citizens, new research suggests.' (<http://www.politics.co.uk/news/2013/07/09/revealed-the-financial-cost-of-theresa-may-s-immigration/>)

"It appears the government got its sums wrong when designing this policy," said Dr Helena Wray, from the School of Law at Middlesex University, who co-authored the research.

"When the cost-benefit calculations for this policy in the impact assessment are properly carried out, the figures actually show that the income requirement could cost the public purse £850 million over ten years.

"It will not reduce the benefits bill; in fact, it is likely to increase it as single people are more likely to claim benefits than those living with a partner."

No, the rules make no economic sense. Quite apart from human rights considerations, the economic argument is bogus.

'The Government's own data on the costs and benefits of migrant partners show that, once migrants' use of services is removed as the Migration Advisory Committee recommended, the income requirement could cost the public purse £850 million over 10 years.' – The fiscal implications of the new Family Migration Rules: What does the evidence tell us?, Helena Wray/Eleonore Kofman, Middlesex University, June 2013 (<http://sprc.info/wp-content/uploads/2013/07/MRN-Mdx-briefing.pdf>)

148. What is the position of EU spouses/partners of British citizens following Brexit?

While the focus of the group up until now has been on non-EU citizens of British citizens (because the rules are so difficult), it is inevitable that Brexit means that the position of EU spouses of UK citizens becomes more difficult and uncertain.

A few cases have already made the media e.g. 'Dutch woman with 2 British children told to leave the UK after 24 years' :

<https://www.theguardian.com/politics/2016/dec/28/dutch-woman-with-two-british-children-told-to-leave-uk-after-24-years> (Guardian, 28 Dec 2016). *'The software engineer, from Surrey, said she never once thought she would be deported but said her experience highlights the absurdity of the Home Office permanent residency process...'*

With potentially millions of EU citizens in the UK in limbo – as well as British citizens in the EU being in a similar situation – it can only grow in importance. Watch this space.

Colin Yeo, the immigration barrister has some analysis and suggestions here :

<https://www.freemovement.org.uk/position-eu-spouses-british-citizens-following-brexit/>

1. Wait and see what happens with the UK's negotiations to leave the EU. It is highly likely that some arrangement will be made for EEA nationals who happen to be living in the UK at a certain date but do not have a right of residence or permanent residence. We simply do not know. This does not seem at the moment like a very safe way of approaching the issue, and it also risks wasting time that might otherwise be spent building up a right of residence to acquire permanent residence further down the line.

2. Become a worker or self employed person. Neither requires comprehensive sickness insurance.
3. Buy comprehensive health insurance now and start building up a right of residence. This could be a very expensive waste of money, though, depending on what arrangements are ultimately made for existing EU residents of the UK.
4. Get involved with a campaign group like The3Million, contact your MP and MEP, make a complaint to the EU Commission and generally make some noise.

There is no doubt that the fallout of Brexit will massively expand the impact of these rules.

Brexit Mythbusters (<https://brexitbritsabroad.org/mythbusters/Between-1.8-Million-and-3.6-million-UK-citizens-in-the-EU-could-be-affected-by-Brexit>) puts it like this :

'Between 1.8 Million and 3.6 million UK citizens in the EU could be affected by Brexit'

'The official figure of 900,000 UK citizens in the EU27 doesn't include many non-registered, cross-border workers, and second-home owners. We estimate, based on what we know of these populations, that there are two to three times the official figure if we include temporary or non-documented migrants.'

Coincidentally, the '1.8 to 3.6 million' figure neatly coincides with the 2019 figure of 2.37 million EU nationals working in the UK

(<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/august2019>), demonstrating that migration really is a two-way street.

Remember the question above about 'how many people are impacted by the rules' (conclusion: between 15,000 and 20,000 per year is a good estimate, or maybe around 140,000 in the eight years since introduction). Expanding this further to British citizens living in the EU could double this number – or more!

Some international comparisons :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2468689426769302> (Reunite Families UK)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/1892662644371986> (Reunite Families UK)

<https://www.mipex.eu/family-reunion> (MIPEX)

149. Hang on, if EU spouses of UK citizens are affected to, this means the number of people will only grow and grow – right? And what about Brits in the EU? Or Surinder Singh people?

Yes. And remember, quite apart from that, it's a globalised world – it's just a fact that more and more people will form cross-border families over the years. Many not even realising how unfair these rules are.

Of course the lives of Brits living in the EU are much more uncertain too; not to mention Surinder Singhers.

As of 2021, the numbers of people impacted has only grown.

'What happens to the 90% of young, single people when they are working abroad and wanting to get on with life? Strangely enough, they tend to meet people and fall in love with them. We should celebrate that. Strangely enough, a large number of them get married and, praise the Lord, have children. This has happened in my extended family, and it will be something that increases. However, as we have heard, it is estimated that some 47% of these people would not have an income that would enable them to come back as a family unit, with or without their children, to the United Kingdom.' – Lord Teverson, House of Lords, 4 July 2013 (<https://hansard.parliament.uk/Lords/2013-07-04/debates/13070446000145/ImmigrationRulesImpactOnFamilies>)

'The MIR has been roundly criticised both because the level is so high—40% of UK workers would not be able to meet it—and because of the Catch-22 rule that the non-British partner's income can be taken into account only if they have been working in the UK for six months. How do they get into the UK if they cannot satisfy the MIR?' – Lord Flight, House of Lords, 9 September 2020 (<https://www.theyworkforyou.com/lords/?id=2020-09-09b.823.1>)

As mentioned in previous questions, check out this link for clarity on Brits in Europe looking to move back :

<https://www.whsolicitors.co.uk/brexit-immigration-rules-for-brits-returning-from-the-eu/>

This includes the relevant dates when things will change.

150. God, I'm depressed.

So you should be. But many people have now been through the process being successful and with shared knowledge there is more hope of avoiding common mistakes or pitfalls.

Look, we haven't exactly won this war; but we haven't exactly lost either. Thousands of people have been helped by the distilled knowledge and experience of all of us. Maybe you can be one of them.

I suggest you at least sign the Reunite Families open letter to Boris:

<https://www.reunitefamiliesuk.co.uk/9th-july-2020-open-letter-to-boris>

And get involved in the groups listed above... and share on social media, Twitter etc. You may even want to write to your MP!

151. Do you lot have a symbol... or a logo?

The Divided Families ribbon has been around a while : <http://britcits.blogspot.co.uk/2013/07/the-divided-families-ribbon-creator.html>

This was created just before the first anniversary demo in July 2013. The creator says this about it : *'We came up with the idea to wear a combination of red and orange ribbon. Red for love and orange in support of human rights and a harmonious multicultural society. (An orange ribbon is worn on Harmony Day in Australia which coincides with the United Nations International Day for the Elimination of Racial Discrimination. The Initiative Go Orange for Tibet also used an orange ribbon to encourage sportsmen to highlight human rights violation in Tibet before, during and after the Olympic Games 2008 in Beijing. In Singapore, the orange ribbon is also promoted as a symbol of racial and religious harmony.)'*

Reunite Families UK has its own logo, visible on its website : <https://www.reunitefamiliesuk.co.uk/>

152. Back to my application. It's time for FLR/ILR. Do I go for an in person priority appointment or postal application?

This is a personal choice.

The postal application is much cheaper but will take much longer, and if anything is unclear you won't be in a position to deal with any questions until after the decision comes back.

The in person appointment is almost always decided on the day, and you are both there to help answer any questions and so can deal with any issues. Almost all posters who describe their in-person appointment have had a positive experience.

On the other hand, the extra expense can be a factor for some.

153. What can I expect at the in person appointment for FLR/ILR?

This is something I wrote a few years ago and it was for ILR. The rules have changed a bit but the structure of the appointment is broadly the same :

<http://britcits.blogspot.co.uk/2014/10/our-peo-experience-at-solihull-author.html>

You can also browse past archives of the group for postings about in person appointments.

Update September 2020: Obviously a lot of water has passed under the bridge since this happened, but the principle is the same.

154. How do I book a premium centre appointment?

<https://www.gov.uk/ukvi-premium-service-centres/book-an-appointment>

155. Once I get a spouse visa, how long can I spend outside the UK?

There is no scientific answer to this. However, for applications for citizenship, the rules state that you can spend no more than an average of 90 days outside the UK per year. So, most posters typically will want to stay within that leading up to FLR/ILR applications as it seems like a sensible threshold.

Some people may have compelling reasons to spend more than that outside the UK (e.g. work, family crises)... but remember time outside the UK can be taken into account, and the longer you spend outside the UK – especially over 90 days – the riskier it becomes. So play it safe.

This link is old but helpful :

http://lifeintheuk.net/index.php/after_the_test/absences_during_residence_ilr/

156. Once I get ILR, how long can I spend outside the UK? And can you lose ILR?

2 years, and if you leave the UK for anything like that length of time, when you come back you should come back to the UK to settle. And yes, people have lost ILR before, including for spending too long outside the country. Sometime leniency has been shown but of course it's risky.

<http://africasacountry.com/2015/09/losing-london/>

'My case is not the worst. Of that I am keenly aware. But it is part of the increasing heavy-handedness and outright hostility facing refugees and migrants at UK and EU borders, which is why I decided to share my experience...' – Ishtiyaq Shukri.

157. Should I apply for citizenship after ILR? What are the pros and cons?

Another personal choice and it depends on your circumstances...

Some countries don't recognise or indeed outwardly forbid dual citizenship. This includes many countries in Asia and Africa. If you come from one of these countries, you may decide that ILR is enough, and to stop there. However, you need to be aware of the '2 year rule' discussed above. If you do decide to apply for citizenship, of course you can leave the UK for as long as you like without jeopardising your citizenship (ironic really). You can also vote. Though of course, if you are a Commonwealth citizen, by a strange historical anomaly you can vote in UK general elections anyway (<https://www.bbc.co.uk/news/uk-politics-49595260>).

As of 2020, the Scottish government has taken steps to extend the franchise to residents (not just citizens) over elections for which they have jurisdictions (local and Holyrood elections in Scotland).

If you do wish to become a British citizen, check in here : <https://www.gov.uk/british-citizenship>
And here : <https://www.gov.uk/apply-citizenship-spouse>

158. Why are you so bothered about the government lengthening the time to ILR from 2 years to 5 years?

Because it makes people's lives more uncertain, massively escalates the cost and means that people are in limbo effectively for at least 5 years.

This makes people economically vulnerable because of expenses, it makes their employment situation vulnerable, it makes their access to health care services vulnerable, indeed it even leads to people being trapped in abusive relationships while their immigration status is in flight. This has already happened. Without stability major purchases have to be delayed or even having a family. It sets people up for failure. There's no good reason for it. The spouse may have already been in the UK many years before getting married. It also does not take into account the time already married if married outside the UK.

(And seriously, anyone going through the process has put up with far too much already anyway).

159. I/someone I know is being abused, I think. Where do I get help?

National Domestic Violence Helpline: 0808 2000 247 - 24 hours a day, 7 days a week

Women's Aid: <https://www.womensaid.org.uk/>

Refuge: <http://www.refuge.org.uk/>

Karma Nirvana campaign against forced marriages: <http://www.karmanirvana.org.uk/>

Southall Black Sisters - who campaigned against the rules because they foresaw domestic violence situations occurring: <http://www.southallblacksisters.org.uk/>

ManKind for male victims of domestic abuse : <https://www.mankind.org.uk/>

There are more links here :

<https://www.facebook.com/groups/139807999382936/permalink/3771913662839000> (ILMFS)

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2453139531657625> (Reunite Families UK)

160. This all sounds a bit expensive. How much is this all likely to cost?

More than a bit...

It's depressingly expensive and becoming more so, especially if you decide to use a solicitor, if loss of earnings due to booking time off work for appointments is a factor, etc.

This – written in 2016- will give you a clue. But by the time you read this it will be more expensive still with increases every spring:

<http://britcits.blogspot.co.uk/2016/07/british-citizens-forced-to-pay-719829.html>

Immigrants and their families (even if their families are British citizens) are the most convenient scapegoats of all in the current climate. Sorry to be so blunt, but the world is unfair; keep your expectations low and you won't be disappointed.

More recently (2020), the cost has been compared to 9 football season tickets! – *'When the price of living with your partner is priced at 9 season tickets, something is wrong'* :

<https://twitter.com/NevilleSouthall/status/1288908522399453189>

(This is assuming a cost of £6305, not including legal fees, not including costs for time off work, travel costs... etc!).

There **is** in some cases the possibility of looking into a fee waiver based on human rights – given the ridiculous costs. JCWI have produced a useful piece on that here :

<https://www.jcwi.org.uk/home-office-application-fees-a-guide-to-fee-waivers>

161. I've completed my journey now. Would you be upset if I just left the group?

Of course, you can leave. And of course people in the group can draw their own conclusions which might not be the ones you want them to make. ;)

If you leave, leave for the right reasons.

Bear in mind it would be extra nice – a very good thing for you to do – if you could stay around and help and encourage others with your new-found knowledge, experience and wisdom. This is your choice, ultimately. It is through people sharing their information and their experiences that we all as a group learn of changes and what is the latest up to date process.

Basically, try to do the right thing, help other people, and try not to be selfish.

"When you help others, you can't help helping yourself." - "The Money Song", Avenue Q.

162. Why do you want me to post on the Facebook group instead of direct mailing you with my questions?

Because the answers you receive will represent a range of opinions and experiences which will likely lead to a better quality of answer.

Because people can read and learn from the question and answers – both now and, when people search the group, in the future.

Because it's not really fair to depend on a few knowledgeable members. We are all human, we are not experts, and even the wisest of us is not always right 100% of the time, especially as the rules and process is continually being changed.

We also kindly ask that you don't delete your threads when you get your answer, for the same reasons. People may have spent a lot of time and effort answering things that could be useful to others too.

163. And why do you want me to start my own thread instead of jumping on someone else's?

Because you will get a wider range of answers if they are visible to the widest audience in the group. And because such side discussions can sometimes derail someone else's thread, which isn't fair to them. Of course, if your question is relevant and can be thought of as a follow-up, that might be ok, but I've seen people jump in threads with totally different and unrelated questions, and that's not really fair.

Also please remember that if your question is toward the end of a long thread then people that may

have an answer do not always have the time to read through pages of comments on a topic they may have no interest of knowledge of just to get to your question that is not related to the original thread.

164. I've seen something offensive on the group; what do I do?

(True for any Facebook group). It's generally best to avoid trolls and flamewars. 'Don't feed the troll'. Report it to the admins, they'll know what to do. Click on the drop-down button in the thread, and Report to Admin. It goes to their inboxes.

165. Who are the admins?

Click Members, Admins in the group (any Facebook group). They are listed there.

166. This is going to be difficult, isn't it?

Yes. It's hard. The phrase 'trial by ordeal' crops up more than once. But you can depend on the experiences of thousands of people to help you.

Anyway, you'll be a much stronger and knowledgeable person at the end of it.

'I get knocked down. But I get up again. You're never going to keep me down.' – Chumbawumba.

My **main** advice to anyone going through this is... prepare, prepare, prepare. Preparation is everything and will mean you can deal with any roadblocks.

'Victorious warriors win first and then go to war, while defeated warriors go to war first and then seek to win.' - Sun Tzu

167. Say something to encourage me.

'Beware of he who would deny you access to information, for in his heart he dreams himself your master.' – Sid Meier's Alpha Centauri.

'It's not the size of the dog in the fight, it's the size of the fight in the dog.' – Mark Twain.

'If you're going through Hell, keep going.' – Churchill.

'When people's love is divided by law, it is the law that needs to change.' – David Cameron

'I have never welcomed the weakening of family ties by politics or pressure' - Nelson Mandela.

'He who travels for love finds a thousand miles no longer than one' - Japanese proverb.

'Everyone has the right to respect for his private and family life, his home and his correspondence.'
- Article 8 of the European Convention on Human Rights.

Bitterness against those who through malice introduced these rules, and those who through ignorance do not understand the impact on real families, is all too easy. At the end of the day, and at the end of your journey, remember that living well is the best kind of revenge.

The 'last word' goes to Lord Judd :

'I always say that the first reality of life is that we are born into a totally interdependent global community. We may like it or we may not but that is the fact. Unless we face up to that, and realise that as politicians the way in which future history will judge us is how far we make a success of that membership of an interdependent global community, we are failing the nation.' – Lord Judd, July 2012 (<https://www.theyworkforyou.com/lords/?id=2012-07-19a.380.0>)

(Remembering Frank Judd : <https://humanism.org.uk/2021/04/19/remembering-frank-judd-1935-2021/>)

Appendix A: A note on how the Immigration Rules work

The Immigration Rules for the UK are divided into an introduction, 'parts' and 'appendices'. The rules can appear complex and difficult to navigate, especially with the sheer number of appendices and the fact that some have numbers and some have letters. It's worth knowing that these at least exist as they are readily available in the public domain.

For family members, the most relevant section is **Appendix FM**

(<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-family-members>)

although **Appendix FM-SE** (specified evidence - <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-se-family-members-specified-evidence>) is also important. This document mainly deals with the implications of Appendix FM and if you've read through it, you'll hopefully have a good understanding of how it works.

Appendix V is the section which contains the rules for visitors, and is useful to understand if for example your partner wishes to visit you as a general visitor (effectively a tourist), or if you wish to apply for a Marriage Visitor Visa which is basically a visa which just lets you get married, and then you have to leave. (There are some links on model checklists right at the very top of this document). Visitors are limited in the activities they can perform in the UK – what they can and cannot do is all covered in Appendix V (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules>)

Part 6A (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-6a-the-points-based-system>) deals with the so-called 'points based system' for so-called 'high value' migrants (Tier 1), general workers (Tier 2), students (Tier 4), and temporary workers such as youth mobility (Tier 5); it can be useful to know about this if your partner is already in the UK on one of these visas and wishes to switch.

There is also a Turkish Worker Visa – this is covered in **Appendix ECAA**. This is very specific but may be worth knowing about if your partner is Turkish.

Part 6 deals with asylum.

Appendix O deals with language, **Appendix Finance** deals with foreign banks whose statements are accepted, **Appendix KOLL** deals with the rules surrounding the Life in the UK test... etc. All these are easily google-able.

There are, obviously, a lot more of these.

Appendix B: Who does Appendix FM apply to? And some specific situations not mentioned previously

Appendix FM applies to family members of citizens of the UK, settled residents and people with refugee status or humanitarian protection. This document is written from the point of view of a British citizen, but it also (generally) applies to the other groups as well (although there are some specific differences around e.g. refugees that may be worth researching if this is you).

A 'settled resident' is defined as a person with ILR (and an EEA citizen with settled status has ILR in law).

By family members I mean spouses, civil partners, unmarried partners, fiances, children, and adult dependent relatives. Most of these situations have been dealt with to some level in this document, but there are two specific situations worth mentioning :

Bereaved partners

Bereaved partners of settled residents of citizens, who have been granted leave as the partner of that person, can apply for ILR before they have lived in the UK for 5 years. This can be done with this form : <https://www.gov.uk/visas-partner-dies>

Obviously this is a comfort to be aware of for the British (or settled) partner also – just to know that your partner will not be left in the lurch.

Victims of domestic violence

Victims of domestic violence who were granted leave under Appendix FM and whose relationship ended because of domestic violence can apply for ILR using this form :

<https://www.gov.uk/government/publications/victims-of-domestic-violence>