

Summary and who this is for

This is meant as a 'two page' summary of the Immigration Rules as they impact spouses, partners, and other family members. It is not meant to be exhaustive, and is informal and subject to change during these fluid times.

Many people affected by the UK Immigration Rules relating to spouses, partners, and families join this group with lots of questions. This is meant to answer the most basic ones and point you in the right direction for more detailed ones.

In particular, it has been written in light of the end of the EU transition period and the likely impact on many more families, particular mixed British/EU and EU/nonEU families living either in the UK or in the EU. Whereas before Brexit EU nationals, and British partners with EU nationals in their family were able to use free movement rights more or less seamlessly, this is now coming to an end and these groups of people will be subject to the same regime that applies to UK citizens and nonEU family members.

These rules are very strict and very complex, so this is just the briefest possible introduction.

A much more detailed document on the Rules and how to understand them is here :

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2407421979562714/>

This contains in the first section a large selection of helpful links. (Let's call this document the 'detailed link'). I strongly recommend you refer to this as well as asking any questions.

The Files section of this group also contains sample and model checklists for successful applications for different types of visas (both spousal/partner with and without exemptions, and visit visas) – access it here : <https://www.facebook.com/groups/ReunitefamiliesUK/files/> . Again this is a very useful reference section you should try to use.

The Immigration Rules in the UK relating to family life underwent a significant change in 2012. This is a brief summary of where things stood after this change:

1/ Income/Finance. The Minimum Income Requirement (or MIR). Nobody earning less than £18,600 per annum can bring a partner into the UK. This applies to British citizens, people with settled status, and people with refugee or humanitarian protection. (At the time this was more or less at the median income; now it's slightly lower but still close to the median income, and above the median income in some areas).

There are ways of making this up with for example savings, and rules around the ways you can meet this income (employment, self-employment, non-employment income etc) which are dealt within the more detailed links.

Once the partner is already in the UK, with permission to work (e.g. on a spouse visa), their income can then be counted towards the renewals (FLR and ILR). But not before.

2/ MIR Exemptions.

There are MIR exemptions for certain benefits (such as Personal Independence Payment and Disability Living Allowance, including where the sponsor is in receipt for a child). These are dealt with in the detailed link. In this case, you only need to meet 'adequate maintenance'. (Again, explained in the detailed link).

3/ **Children.** If sponsoring a non-British (formerly non-EEA) child the MIR is higher: £22,400 per annum, with an additional £2400 for each subsequent non-British child.

4/ **Limitations of the MIR.** The MIR must be earned, in most cases, by the British partner ONLY (there are exceptions for things like savings and pension income, as well as if the foreign partner is already in the UK with permission to work – this is dealt with in the more detailed links – but this is as applicable for most cases we see).

Third party sponsorship, e.g. by a parent wishing to use their income, is not allowed (technically speaking, within the Rules there are 'exceptional circumstances' that can be taken into account and so far we've struggled to find a single example of these being successful, so don't depend on these).

5/ **Language.** There is an English language requirement based on the CEFR language levels. The requirement is A1 or above for the first spouse or fiancé visa (Entry Clearance), A2 or above for the renewal (Further Leave to Remain), and B1 or above for Indefinite Leave to Remain, or 'permanent residency'. (Again, there are certain exceptions for people from some English speaking countries, those who already have a degree taught in English, and some other cases, as well as at the end of the fiancé visa the requirement for FLR in that case is A1 or above – again these are more explained in the more detailed link).

For ILR the applicant needs to pass the Life in the UK test. This is also explained in the detailed link.

(Incidentally the test can also be done in Welsh but I only know of one person doing this!).

6/ **Other requirements.** You need to prove that you are in an ongoing relationship with your partner ('ongoing devotion') and that the property you will live in is not overcrowded ('accommodation requirement'). These are discussed in detail in the detailed link with examples of successful applications in the Files section. Some nationalities also need to do a TB test – also discussed in the detailed link.

7/ **Time to ILR.** For most people, it takes 5 years (the '5 year route') to reach Indefinite Leave to Remain. This consists of :

From initial Entry Clearance on a Spousal Visa to the FLR renewal – 2.5 years

From FLR renewal to ILR – another 2.5 years.

Sometimes people fail to meet the requirements for FLR – for example if their income drops. The most likely scenario we see in this case is they are then put on the '10 year route', which basically means 2 extra 2.5 year FLRs.

If the applicant meets the requirements for FLR but not for ILR (e.g. language not good enough, failing the Life in the UK test) they can then be offered another FLR extension rather than ILR.

People on a 6 month fiancé visa before the spouse visa 5 year route cannot work in that time, and that 6 months doesn't count towards the 5 years (so it's a longer route).

8/ **Fiances and Unmarried Partners.** If you are not already married or in a civil partnership, you need to have been cohabiting (and show evidence of this) for 2 years before entering the 5 year route.

If you haven't, you may want to consider the 'fiance visa' which is for 6 months but then leads to the 5 year route at the end of it; language and income requirements are the same.

9/ **Adult Dependant Relatives.** Before 2012, and also using EU free movement, it was possible to sponsor an adult dependant relative such as a parent. Unfortunately, except in truly exceptional circumstances (which need very skilful use of the law), this route is now closed.

For more information, check the Files section, check here:

<https://www.facebook.com/groups/ReunitefamiliesUK/permalink/2407421979562714/> , read past questions or just ask! 😊

Remember – the process is complicated and challenging but many people have been successful with the right information and support!