

Family Migration Rules: Spouse / Partner Migration Rules:

An initial findings report examining the
mental health impact
of the rules on children and families

by Tamsin Koumis
December 2023

Based on a technical report lead by
Tony Coggins of Implemental published
in October 2023



Reunite
Families
UK

This research has been led by Reunite Families UK in collaboration with families affected by the rules, Implemental. We have been advised by a board of experts working in the migration field and mental health. The report represents the view of the authors, and not necessarily of the advisory board.

The board includes:

- Colin Yeo – Immigration barrister
- Coram Children’s Legal Centre
- Prof Eleonore Kofman – Professor of Gender, Migration and Citizenship at Middlesex University
- Fiona Godfrey OBE – Co-Chair, British in Europe
- Prof Helena Wray – Professor of Migration Law, University of Exeter
- Ian Robinson – Partner, Vialto and ex Home Office staff
- Jane Golding OBE - Co-Chair, British in Europe
- Madeleine Sumption – Migration Observatory
- Rissa Mohabir – Trauma Awareness
- Young Minds policy team
- Zoe Given-Wilson – Clinical Psychologist and Postdoctoral Researcher, Royal Holloway

Foreword

By Baroness Sally Hamwee
Liberal Democrat member of the House of Lords

Since 2012 I'd been saying: The only way the Minimum Income Requirement will be reversed is when the children of a couple of cabinet ministers, on a gap year in Costa Rica, fall in love with people they meet there. How wrong I was. A couple of weeks before I am writing this, and just before the RFUK report was finalised, it was announced that the MIR is to be more than doubled.

"This change appears to punish British citizens for falling in love with a foreigner" – the words of someone who emailed me yesterday; like many parliamentarians, I have received a stream of emails, none of them supportive of the change. Ten years ago I heard it expressed more forcefully: "I am British. How can my own country treat me like this?"

Anger about the heartlessness of Government policy and sheer disbelief (sadly misplaced) have characterised comments over the years. At the same time people have observed that the migration rules are inconsistent with the often-repeated statements about the importance of 'family' and 'family values' – and that we live in a global society. Indeed. And 'family' is more than the traditional nuclear family of mother, father and 2.4 children. Blended families, in which for instance there can be children of more than one relationship, are now by no means unusual; a lot of children can be impacted. So are families whose older generation do not live in the UK and who are desperate to be able to care for them, and the distance between grandparents and grandchildren is keenly felt – but I should not wander away from the subject-matter of this report.

We used to hear the term 'Skype families'. The technology has moved on, but not the plight of affected families. Earlier this year the House of Lords Justice and Home Affairs Select Committee, which I chair, held an inquiry into family migration. (I am writing in a personal capacity, though there was no disagreement on this cross-party committee about our response to the evidence we heard about the impact of policy.) Our report was entitled 'All families matter'. Believing Daddy has no legs because they don't appear on the screen is entirely understandable, and so is the effect on a child's mental health. I would be interested to know if the situation affects a child's development – perhaps 'how' it affects should be the question.

It is hugely to the credit of parents caught in this trap that I have heard really quite little about the impact on their own mental health. They have focused on their children. But of course there's an impact, and of course that too affects all family members.

How must it feel not only not to qualify for a spouse / partner visa, but not to be believed by Immigration officers when you try to visit, and are refused entry? Yes, of course you're desperate to stay, but you have no intention of doing so; however cruel the rules, you'll obey them.

Every applicant knows the MIR is just the start of it: fees, extension applications, the immigration health surcharge, and more. So complicated to prove one's means, especially where income is less straightforward than a monthly salary with regular payslips. (If the Home Office required fewer extensions, and applications were less complex, their own work would be reduced!) How

insulting, and short-sighted, to make it difficult – or impossible – for people who would contribute to our society to do so.

RFUK describes itself as a lived experience organisation. The precarity of 'living on a visa', if one can get that far, or the devastation of finding that you cannot live in this country with those you love ... no wonder the toll on mental health is so high. This report gives those of us who have not had to face this situation some feel for walking in those shoes. The report makes for a powerful read.

For Families and with Families

This report would not have been possible without the input of RFUK families and members, who generously gave their time, shared their stories, and have contributed to discussions and focus groups as this project has developed. Thank you to all of you for working with us on this, and for trusting us with your honesty.

The report has been heavily designed, shaped, drafted, edited and informed by our advisory panel experts, though the final version reflects the authors' views, not theirs. Thank you to all of them for helping us shape this project: for attending meetings, commenting on drafts, and generously giving us your expertise. You've been like lighthouses in stormy seas - thank you for guiding us through a complicated and ever-changing political and legal landscape.

Executive Summary

Reunite Families UK [RFUK], a lived experience organisation, has been funded by the Paul Hamlyn Foundation to research the impact of the Spouse/Partner Migration Rules on the mental health of children. We are concluding the first of our three years with the publication of two reports.

1. We have published a technical report produced by Implemental, which utilised a methodology to “help participants identify things about a policy, programme or service that impact on feelings of control, resilience, participation and inclusion and therefore on mental health and wellbeing”. This report offers detail regarding particular indicators of mental health, a detailed literature review, and can be found [here](#).
2. In this second report, RFUK takes the findings from Implemental, uses them within a general examination of how the rules are impacting people’s lives, presenting the wider picture from which the mental health impact stems. This report acts as a starting point to frame the next two years of work.

“Before lockdown we travelled to Egypt three times a year. I lost my job during lockdown and had a breakdown from exhaustion. My son is autistic and diagnosed with anxiety, ADHD, Development Coordination Disorder and Sensory Processing Disorder. His mental health has been affected because I struggled to care for him. Social Services got involved and removed him temporarily as his behaviour was out of control and I couldn't cope. My family unit was destroyed because I couldn't do it all alone. And I did not need to, he has a father. We are now planning on returning to Egypt as our health is more important. At his worst my son attacked his headteacher and social worker on a regular basis. Smashed the car windscreen, kitchen table, tv etc. Self-harmed. Reverted to soiling himself. He could not regulate as I could not cope.”

Key findings

1. The requirements create single parent families and impose a very high economic, social and emotional burden on all affected families.
2. The effect is discriminatory because it is felt disproportionately by women, young people, and those living outside of London or the South East, and working single parents (usually mothers).
3. The overall effect makes it harder rather than easier for mixed nationality families to integrate into society, which is the opposite effect to that intended by the Rules.
4. British citizens and settled residents¹ are very badly affected by these rules; with significant impact on the mental health and well-being of British children.

92% of those surveyed said that their children's mental health suffered as a result of the separation.

Through our research, it was highlighted that children experienced:

<ul style="list-style-type: none">- Night terrors and sleep issues, crying at night- School and education impacted- Impact on confidence and self esteem- Identity issues- Worry- Confusion- Misbehaving- Lashing out, violence, anger- Withdrawal- Crying	<ul style="list-style-type: none">- Suicidal ideation- Self-harm- Separation anxiety- Anxiety- Attachment disorder- Depression- ADHD- Selective mutism- Stool holding- Eating disorders- Loss of hope- Loneliness
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Schools and teachers were cited as a key source of support, stability and consistency in children's lives, and will be an area of focus for the next stage of our project. It was felt that often schools didn't understand the situation, and extra support would be valuable to raise awareness about these rules and how they impact children and families.

¹ Settled residents refers to people who have indefinite leave to remain in the UK

Recommendations

Following on from our initial research, the Reunite Families UK team, advisory panel and families have developed the following recommendations for policy makers.

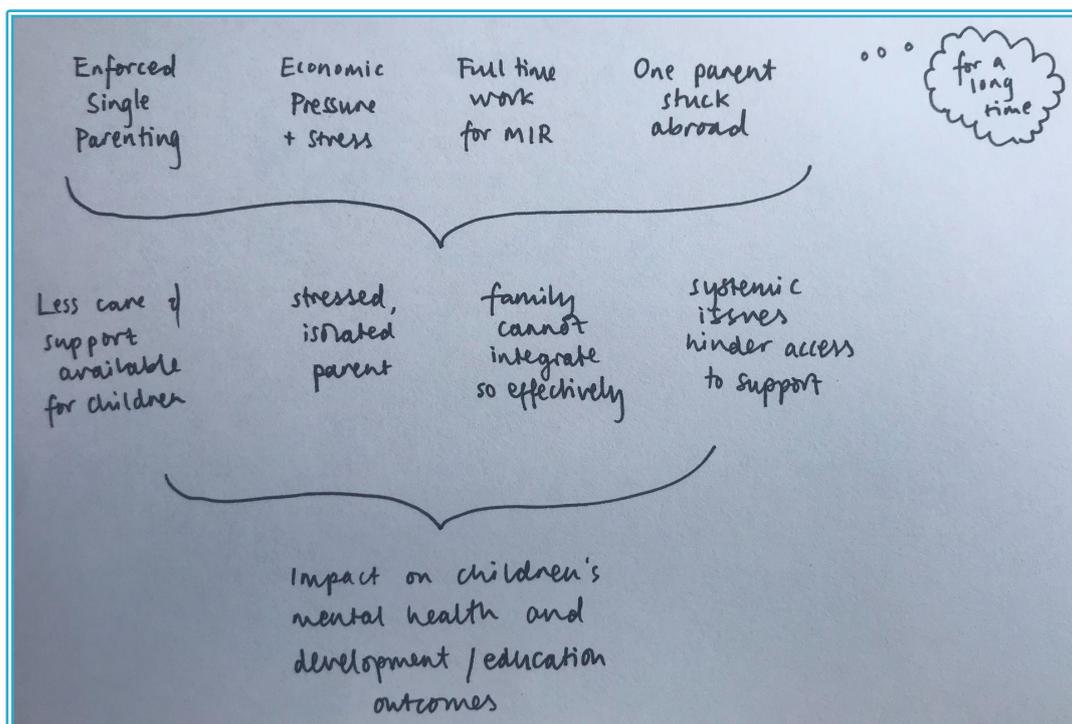
1. Commission a review of the family migration rules in detail with a particular focus on the mental health impact of the rules on children and their families.
2. Following a review, adopt new family migration rules for British and settled sponsors of overseas spouses and partners that promote family and foster integration. Any new policy must be formulated and implemented giving due weight to the best interests of children.
3. Legislate for a statutory right for British citizens to be joined by their non-UK spouse or partner.
4. If the MIR must be maintained, it should be proportional to the full-time National Minimum Wage.
5. The MIR should also:
 - a. Allow job offers made to the non-UK spouse/partner foreign national to be taken into account.
 - b. Include non-UK spouse/partner's prospective earnings if they are self-employed or have their own business.
 - c. Include reliable third-party support - such as that from parents and relatives - to contribute towards the MIR.
6. Reduce the probationary period to settlement to two years because that is plenty to assess the relationship (with a five year cap for exceptional cases).
7. Remove all the so-called 'reset the clock' mechanisms of applicants on the 10-year route now able to apply under the 5-year route to settlement.
8. Reduce the application processing time to a maximum of 12 weeks.
9. Allow couples married for longer than 4 years to apply directly for settlement
10. Fix the level of fees at the cost of processing for all family applications
11. If applicants are paying National Insurance and Income Tax, they should not also be liable to pay for the Immigration Health Surcharge.
12. Reduce the 6 month earning period within the MIR requirements to 3 months in order to reduce separation time; and to 6 months for self-employed workers.
13. Simplify and streamline the application process, reducing the administrative burden on applicants and on the Home Office.

Families are being pushed into insecurity, forced single-parenthood, and reliance on benefits to survive. This has a negative impact on integration into society. Furthermore, British children are suffering as a result of the rules, experiencing mental health issues and impact on their education; and mothers face particular challenges in meeting the Rules. A fundamental review of the Rules is needed.

The announcement of the proposed changes to the MIR, along with the recent increases to visa fees and the Immigration Health Surcharge, will impact more families and increase the severity of the financial pressure that families are subject.

Who is Reunite Families UK?

Reunite Families UK [RFUK] is a lived experience organisation, having been established in 2017 as a Facebook group by two mothers who were themselves affected by the spouse/partner migration rules. Having met on a BBC TV news piece, they knew they were not the only people affected and wanted to create a safe space for people who were subject to this particular visa to share their experiences and advice. In November 2020, RFUK was given some funding by Paul Hamlyn Foundation to develop the group and in January 2022 it became a lived-experience led, non-profit Community Interest Company. The organisation is currently funded by both Justice Together Initiative and Paul Hamlyn Foundation and it supports and advocates couples and families affected by the UK spouse partner migration policy.



About the Family Migration Rules and living on a visa

The current Spouse and Partner Migration Rules (SPMR), part of the Family Migration Rules, herald from Home Secretary Theresa May's era. Prior to 2012, couples who had been married for 4 years or more could apply directly for Indefinite Leave to Remain (ILR); needing only to demonstrate that they could provide 'adequate maintenance'.² However, in 2012, the government implemented a new set of rules for British and settled citizens who wanted to return to the UK with their non-EU partner, as part of their new 'hostile environment' that they believed would lower net migration figures.

Since Brexit, the process now includes partners from the EU, EEA and Switzerland who do not have settled or pre-settled status.

Application process

The rules have many requirements which are obstructive for many families in achieving the visa. The financial requirements are the primary barrier cited by families in our research. Specifically, the key features that we have found to be barriers for families are:

- 1) The visa fees and Immigration Health Surcharge (IHS) are high, and since our research was carried out, have been raised further.
- 2) The British/settled citizen must demonstrate that they have sufficient income to meet the Minimum Income Requirement (MIR), in order to sponsor their partner. At the time of research and writing, this was fixed at £18,600 annually. On the 4th December 2023 (after our research was carried out), [the Government announced plans to increase the MIR to £38,700](#).
The MIR does not consider the non-British partner's earnings, earning potential or savings. This is particularly difficult for parents who are operating as single parents while separated. More often than not, this is mothers, who must care for their children, and thus will particularly struggle to work enough to meet the MIR.
- 3) Applicants must demonstrate they have met the MIR for at least 6 months, providing six months of bank statements, wage slips, plus other evidence in order to show this income. Self-employed workers must show one year's earnings evidence, plus additional paperwork.

Alongside these restrictive financial requirements, the rules are notorious for their complexity, and the application process is fraught with uncertainty, confusion and long waits. Specialist legal advice is often needed to navigate the process, and many immigration advisors find this application particularly challenging to meet. Families face long waiting times for decisions on their applications: it takes 24 weeks for applications to be processed³, whilst applications under the work routes are processed in just 15 working days. This means that family members are likely to be separated for a minimum of one year, if the British or settled partner is reliant on UK based

² "'Adequate' and 'adequately' in relation to a maintenance and accommodation requirement shall mean that, after income tax, National Insurance contributions and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of Income Support." page 6, Home Office, 2023, 'Appendix FM and Adult Dependent Relative Adequate maintenance and accommodation'.

³ <https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk#family-visas>

work in order to meet the MIR, and assuming they start this role immediately on arrival. If individuals have earned enough overseas, this can be used to demonstrate the MIR, so people can wait abroad and return with their partner once the application has been approved, if their circumstances allow for this.

The complexity of the process and the challenges that the rules present, results in families experiencing periods of separation. – which are often long, and in some cases permanent. As a result, marriages have broken down; children have lost contact with parents; or in some instances have never had the opportunity to form lasting bonds with one parent.

During the period of separation, many families face great financial hardship, as the single parent must work to demonstrate meeting the MIR, whilst also saving for the costly visa fees. This financial pressure has implications for the security of the families' future.

Exemptions and exceptions

If the main applicant or their UK sponsor receives certain benefits in the UK, they are able to apply to meet 'Adequate Maintenance' (see footnote on previous page), rather than meeting the MIR. This applies if, for example, they receive the following benefits:

- Carer's Allowance
- Disability Living Allowance
- Severe Disablement Allowance
- Industrial Injuries Disablement Benefit
- Attendance Allowance

The full list of benefits included can be found in the Immigration Rules⁴.

Exceptional Circumstances are recognised in a few instances including where the refusal of the visa would result in "unjustifiably harsh consequences" for the applicant, their partner, child or another family member involved. Those granted exceptional circumstances are placed on the 'ten-year route'.

⁴ Home Office. Appendix FM 1.7: financial requirement. Updated 26 September 2023
<https://www.gov.uk/government/publications/chapter-8-appendix-fm-family-members/appendix-fm-17-financial-requirement-accessible-version>

Raquel's story

Raquel was living in Brazil when she met her husband, Manoel. They married, and had two sons together. A series of events lead the family to decide to try and relocate to the UK. The boys had been seriously ill, and were treated in an ill-equipped public hospital. Raquel experienced a number of crimes against her – including an armed car-jacking. The oldest son was about to be school age, and so they decided that Raquel and the boys should go ahead and start life in the UK, whilst Manoel and his 14-year-old daughter stayed in Brazil until they could be reunited safely in the UK - they anticipated this would be around six months later. More than 4 years on, they are still not here.

“The school told me he is grieving because he’s lost his daddy”

Raquel, who has worked teaching in Universities and private colleges, is still trying to reach a minimum income threshold of £22,400 required to bring over her husband and her stepdaughter, having been made redundant during the pandemic. Now that the visa fees have gone up, she must save over £10,000 for the applications. As an enforced single mother of the two boys, now aged 5 and 6, much of her income goes on childcare and basic living costs, and she’s unlikely to find work that will meet that salary requirement where they are.

Her children have only seen their dad and step-sister once since being separated.

“We’ve thought about bringing him to the UK for a visit but the cost of it would take away from the savings for the visa application process. Also, I’m worried what it would do to my boys if they were forced to say goodbye to their father again.”

The oldest son has been “deeply affected” by being separated from Daddy. He suffers from “separation anxiety and mental trauma”. The youngest son remembers less of daddy, but Raquel says it’s a “ticking time bomb” having discovered from grandma that he holds back feelings to not upset mummy. Not having daddy here for the boys also means missing out on an important part of their cultural heritage, education, and identity

Living on a temporary visa

Once families have secured the visa, they must continue to pay visa fees, renewals, Immigration Health Surcharge and so on for five or ten years more, before they can apply for Indefinite Leave to Remain, which is a permanent status. Should they wish to apply for British Citizenship down the line, this is also a large expense. These years on the temporary visa entail ongoing financial pressure, along with a sense of perpetual uncertainty around their ability to stay in the country as a family. Particular challenges related to this period include:

- 1) Some families are placed on the 'Exceptional Circumstances' route. When placed on this route, families must wait for ten years before applying for permanent residency, rather than the usual five. This is more expensive, and is a very prolonged period of time in which to be on a temporary visa. See Appendix A for a full breakdown of the visa costs.
- 2) In some instances, applicants may manage to move from the ten down to the five year route. However, they can then find that the years they have already paid for on the ten year route are not counted towards their permanent residency application date, as instead the 'clock restarts'. This means that their previous years of paying visa fees and other costs are not considered, and they exist on a temporary visa for longer.
- 3) Integration is harder when living on a temporary visa. It can be harder to secure housing, rentals, mortgages, to access education and to secure appropriate employment. As the House of Lords Inquiry found, *"applicants and sponsors can feel like second-class citizens and are reluctant or unable to take full part in British society before reaching settlement."* (2023, 159)
- 4) The stress of living on a costly and temporary visa exacerbates fears around losing work, which can lead people to be vulnerable to exploitation; or to working in unfulfilling jobs.

Family visas

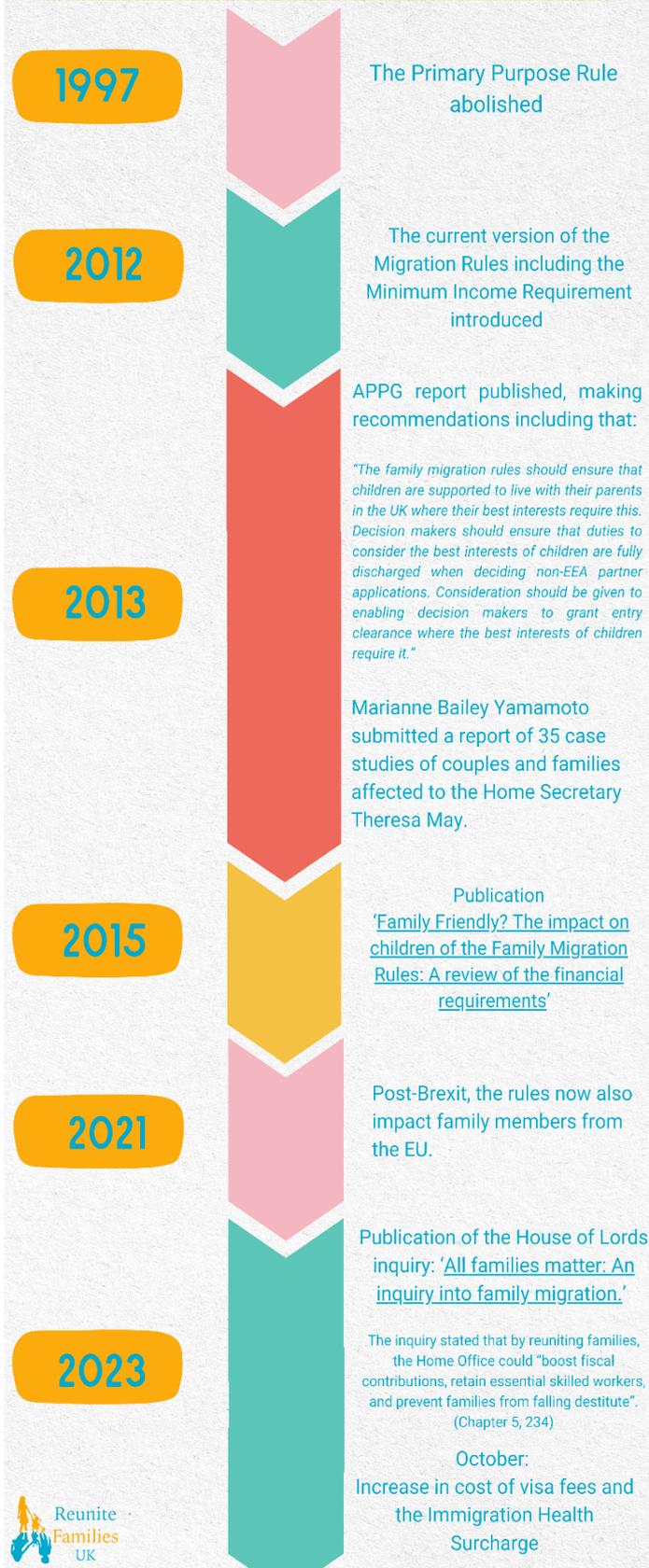
Family visas make up a small proportion of migration to the UK. In the year ending September 2023, only 3% of visas and permits granted were for family members, compared to 57% for visits, 19% for students (including dependants), and 17% for work routes (including dependants).

The Primary Purpose Rule

In 1997, Tony Blair's Labour Party, recognising the divisive impact of the Primary Purpose Rule (PPR) on families, pledged to eliminate it, even making it a manifesto commitment. The primary purpose rule required applicants to show that the primary purpose of the marriage was something other than immigration. It was used to separate thousands of Commonwealth families, particularly from the Indian sub-continent.

The successful abolishment of this rule was rooted in a commitment to fairness in immigration policies, and upon the understanding that the PPR, by splitting families from some ethnic groups, inherently perpetuated discrimination. Drawing a parallel, the current Spouse and Partner Migration Rules similarly divide families and perpetuate discriminatory practices, albeit not solely based on ethnicity, but particularly in terms of earnings and gender. RFUK therefore appeals for a similar re-evaluation of current discriminatory practices, in the spirit of creating a just and inclusive immigration system.

TIMELINE: RULES, RESEARCH, INQUIRIES, FINDINGS.



The Mental Health Impact of the Spouse/Partner Migration Rules

How does our research fit in?

8 years on from the *Family Friendly* report,⁵ commissioned by the Children’s Commissioner to look at the impact of these rules on families, our research project revisits these questions and focuses particularly on the impact upon children’s mental health today. As a lived experience organisation, we know intimately how these rules can impact families and children, having heard countless stories from our members alongside our own personal tales. We know that we cannot understand the impact on children without understanding the impact on parents.

We have been motivated to carry out this research in order to strengthen the evidence base on this topic; to inform the support work that we offer to families; to support our campaigning efforts; and to ultimately try and change policy to improve the lives of families who are separated by this visa. We have identified key areas in need of further research through year one, and these will form the basis of the next phase. Amongst other things, we plan next to work with schools, in order to evidence the impact of the rules on children’s education, and to provide them with information to help them support children. This report will examine the impact of the rules on families by exploring our key findings; and will conclude by outlining RFUK’s recommendations.

Methodology

This report is based on the technical report “The Impact of the Spouse Visa Policy on the Mental Health and Well-being of Children” by Tony Coggins of Implemental and Tamsin Koumis of RFUK in October 2023; and on the research carried out to inform this report. The technical report used a Mental Health and Wellbeing Impact Assessment tool to analyse the impact of the SPMR on children.

The research for the technical report included:

- Three interviews
- Three Focus groups with a total of 24 people
- Survey with 26 respondents

Respondents included parents, specialists in health, education, academia and NGOs. Implemental’s technical report; the interview and workshop transcripts; and the survey data have all been drawn upon to inform this report. One additional workshop was carried out with RFUK families and advisory panel members after the technical report was complete, and this meeting helped inform the structure, findings, and recommendations outlined in this report.

The research for the technical report was carried out between November 2022 - September 2023. As such, this was before the change in fees (October 2023), and before the announcement of the plans to raise the MIR (December 2023). This report was written in November - December 2023, and so includes references to these updated plans. However, survey, focus group and interview data all reflect a time before these changes and increases in the financial burden of the rules.

⁵ <https://www.childrenscommissioner.gov.uk/resource/family-friendly/>

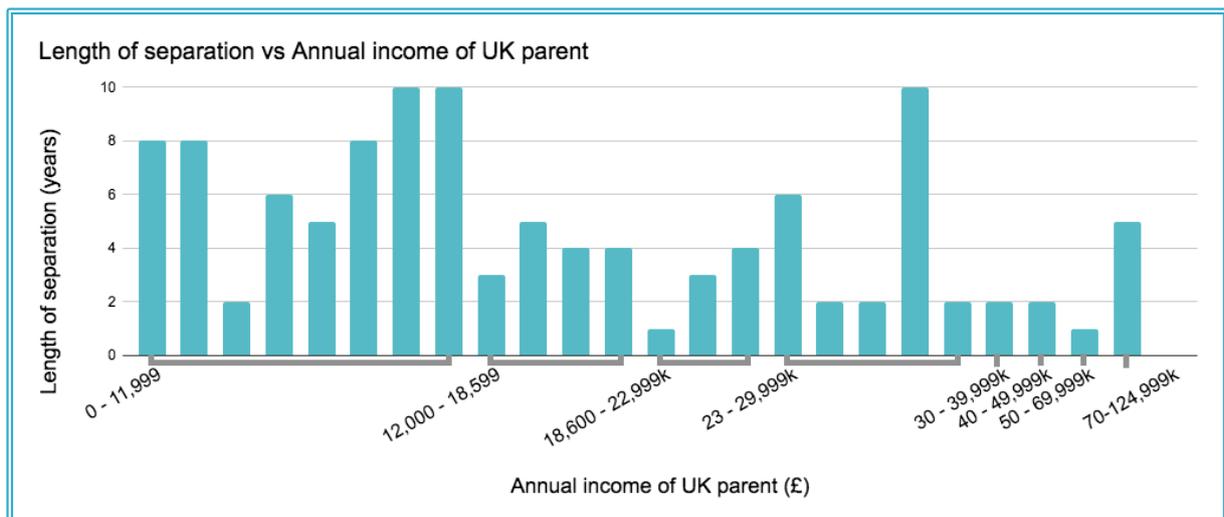
About the MIR increase

On December 4th 2023, the government announced plans to increase the MIR to £38,700 in spring 2024 through changes to the Immigration Rules.

The RFUK survey was carried out in (September 2023? check) and the research was carried out between November 2022 - September 2023 - prior to the announced raise of the MIR, and of the increased visa and IHS fees.

The RFUK survey highlighted the MIR (at £18,600) as the biggest reason for people not being able to gain a visa, with 50% (12) of respondents saying that they were unable to meet the MIR and 25% saying they struggled to meet it. The 2015 *Family Friendly?* report found that 55% of respondents were earning below the MIR.

Considering the proposed increase to the MIR, the majority of RFUK's survey respondents would not be able to meet this threshold. 74% of respondents earned less than £30,000, and 77% earned below £39,999. There is a distinct correlation between length of separation and wage, with those who earn under the MIR being far more likely to face long or indefinite periods of separation.



Key findings

1. The requirements create single parent families and impose a very high economic, social and emotional burden on all affected families

For some couples, in order to reunite in the UK, the British partner must return to the UK in order to begin the application process - for instance, if they have not earned enough abroad. For women this will more often than not mean they return with the children whilst the non-British spouse remains in the other country. The family then becomes a single parent household which continues until the visa application is granted and they are reunited. For those who do not meet the MIR, this will result in enforced single parent household indefinitely - not just months but years. Some couples may be separated during the pregnancy, with some mothers facing birth alone.

*“My son is nearly seven now,
and he's still never met his father.”*

For British citizens who have lived abroad with their partner for several years, the decision to return to the UK may come for a variety of reasons. Caring for elderly relatives; health issues, children's needs or complications during pregnancy can all bring people back to the UK, sometimes initially just for an intended visit. For other families, the situation abroad can change, with countries becoming unsafe and so British citizens deciding to return home, hoping to bring their family with them to safety.

The introduction of the current Rules in 2012 meant that British citizens could no longer easily return home with their spouses, instead having to demonstrate income, enter into a lengthy visa application process, and pay expensive visa fees. Many couples and families now and over the past 11 years have had to face difficult decisions around whether to return home and face temporary separation, sometimes with no knowing when they'll be reunited.

The length of separation depends on many factors. The British partner must demonstrate at least six months of income: currently equivalent to an annual salary of £18,600 (or not dropping below £1550 a month); though proposed to increase to £38,700 in spring 2024. This can be earned abroad or in the UK, but if earned abroad, they must also have a job offer for the UK. If they have a job lined up in the UK, and they earned enough to meet the MIR abroad, couples do not have to separate. However, this situation does not apply for many couples.

For those who did not earn enough abroad, they must therefore find UK based employment. Whilst some families have employment lined up before returning, many don't, especially those who have had to return suddenly – it can take time for people to find employment that meets the MIR. Once the six months have been evidenced, the Home Office must then process the application, which takes up to a further three months. Should the sponsor's monthly salary drop below the required amount during one of those months in the 6 month period, they must start the process again in order to demonstrate a consistent earning level. Self-employed earners must provide one year's worth of accounts. And, the couple must pay for the visa fees – which for some families can take time to save for. (See Appendices for visa costs). This means that for families who have savings and have employment of the suitable amount lined up in the UK, the minimum

period of separation is likely to be one year. In general, it is likely to be greater than this, as many people must first job hunt and save for the visa costs.

Among those we surveyed, 88% (23) of respondents were separated for more than a year; 53% (14) for more than 3 years; 23% (6) for more than 7 years. These figures were based on the MIR of £18,600, and therefore these periods of separation are likely to be significantly longer if the proposed MIR of £38,700 is introduced. Some partners face difficulty in securing visas for even a short visit during that period: partners from certain countries are likely to require a lot more evidence in order to demonstrate that they are a genuine visitor. When approving visitors' visas, the Home Office is concerned about the likelihood that visitors will return to their country of origin, and their financial circumstances and their family, social and economic background are evaluated. As such, applicants from certain countries may find it harder to secure these visas, which are often denied.

For many of the families whom RFUK represents, the requirements are simply unreachable. In this situation (which will sadly be likely to now be more common with the proposed changes), families must decide to either live abroad, or else accept permanent separation. For some, this means returning to live in countries where British children will be less safe, have a poorer education, or have less access to healthcare. Faced with a lack of safety, some families may choose to relocate to a third country which is alien to both partners. For families who choose permanent separation, children then lose out on having two parents and a stable family unit as part of their development. Some children from RFUK's membership have never met one of their parents.

The period of separation itself takes a great toll on individuals and on relationships. The period of separation can draw a large gap between partners, spouses, and between parents and children.

You end up just not even having a conversation because you're not part of each other's daily life for so long.

A lack of common and shared experiences makes connecting harder, and the temporary divide within the family can lead to more permanent divisions. Many marriages and relationships break down as a result of the pressures of the process.

“We can't express ourselves for fear of upsetting the other.

“The minimum income policy has devastated the family...Marriage and family life is hard enough as it is. [It's] hard work maintaining a family”

“It destroys families, it really does.”

For other couples, the separation impacts the mental health of each partner, as they must each face their struggles alone. Furthermore, operating as a single parent can place a great strain on the mental health of the parent, and have a knock-on effect on children, as will be explored further in Finding 5.

“He’s just there on his own. And like extremely depressed and frightened.”

“We barely talk about the emotional side of how it feels to be torn apart from your partner and all of the shame that you feel. Missing that person constantly. You’re just trying to get through the day and you’re just trying to focus on the practical stuff all the time..”

“You’re also having to earn money and whatever else that actually that reduces the amount of support that you could give.”

The financial pressures of the visa application and meeting the current MIR (£18,600) are acutely felt by those operating as single-parents, who must also find or pay for child-care to enable them to work enough to meet the MIR. For many, this creates a ‘double-bind’, where they have to choose between their marriage and keeping their family together at a high emotional and financial cost; or prioritising well-being but at the expense of their marriage, or at the expense of living in the UK. If the MIR is increased, more families will face this ‘bind’, who were previously able to meet the MIR more comfortably.

“The pressures that are put on the British spouse are just so great that yeah, you just, you just feel in this turmoil of complete and utter despair of, of a complete loss of control and you can’t do anything to put it right and everything you try is just so difficult. And that’s got to affect the child as well, especially when they’ve been a family permanently.”

“I sat in my mum’s back garden one day. We were watching my son and we could see things weren’t right ... and mum literally said to me ‘you to have to make a choice right now, look after your son and leave the visa, because you can’t do both. Your mental health is failing, you are both going to be detrimentally affected.’ So, we decided to stop the visa. Three years on my son is thriving, he is doing really well, but that had a massive impact on us as a family.”

Ultimately, the damage to the family unit and the strain on parents’ bears a great impact on the children. This will be explored further in later chapters. The evidence presented here highlights the devastating human impact of the rules on families and children, who must make great sacrifices in order to keep their families together. In some cases, the sacrifices are insurmountable.

The House of Lords Inquiry in 2023 stated the following supporting findings:

“We also found that the best interests of the child tended not to be considered, resulting in avoidable harm and distress to children. A child may be prevented from

spending time with their UK-based parent who is working several jobs in an attempt to meet the financial requirement. The Immigration Rules may mean that a child must grow up without one of their parents.”
(House of Lords Inquiry, 2023, Chapter 5, 216)

“We heard that a family’s inability to meet the financial requirement can cause “enforced single parenthood”, where two parents who want to live together as a family unit are unable to do so because the rules mean one partner has to remain overseas. The impact of this on the family may inhibit their integration into society.” (Chapter 4, 153)

“Throughout this report, we observed that family migration policies separate families. We found that separation severely affects the health and wellbeing of separated families, forces some families into destitution, and leads to some people feeling rejected—including British citizens. The harm done to separated families is particularly harsh when a relative is unsafe or unwell, such as the family members of refugees or elderly parents.” (Chapter 5, 215)

Sally's story

Sally, a UK school teacher, first met her husband in Turkey. It was here that they decided to build a life together after getting married in 2010 (prior to the introduction of the MIR), and lived with their daughter Clara for six years. Sally moved permanently to Turkey, where she lived as a stay-at-home mum, supported by her partner who worked as a teacher. However, in 2016, a military coup in Turkey disrupted their stability. With Clara's school closing abruptly and Sally's husband's government teaching job at risk, the family faced an uncertain future. Simultaneously, Sally's mother in the UK was adjusting to widowhood, making the family's return seem like the most sensible choice.

Upon returning, Sally, a former teacher, anticipated an easy job search. However, it took 15 months to find work, and she settled for a job she disliked in order to meet the MIR. During this period, the family lived with Sally's mother, though strained relationships emerged between Clara and her grandmother. In the UK, Clara, accustomed to having mum at home in Turkey, faced serious challenges, including selective mutism, intense separation anxiety, and stool holding, which in time led to a referral to CAMHS. During one visit to visit see her Dad in Turkey, Clara experienced extremely high stress levels and collapsed the day before leaving her Dad again. The hospital in Turkey claimed the collapse was caused by stress. A second collapse in the UK was also diagnosed as stress induced.

After a taxing two-year separation, the family reunited, but the strain took its toll, leading to the breakdown of Sally's marriage, prompting her husband's return to Turkey. Sally's mental health suffered, and Clara faced setbacks in education. At 13, Clara continues to grapple with bullying, struggles to make friends, and experiences loneliness. Her connection to her cultural identity weakened, and relationships with her Turkish family deteriorated due to the separation and Clara's selective mutism, which meant she wouldn't speak to some family members.

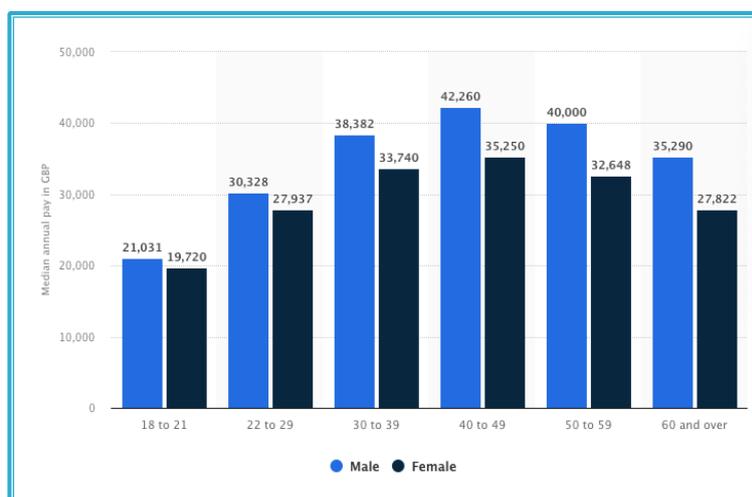
Previously self-sufficient, the family's challenges led Sally to turn to state benefits for support. Over seven years, Sally and Clara have diligently worked to rebuild their lives in the UK, but the journey is ongoing. Despite a decade of efforts to navigate separation and financial strains, the family remains profoundly affected. Sally anticipates lasting implications for Clara's development, highlighting the enduring impact of stringent migration policies on their lives.

3. The effect is discriminatory because it is felt disproportionately by women, young people, and those living outside of London or the South East / working single parents, usually mothers

For low-income single mothers, the challenge of working full time to demonstrate the current MIR of £18,600, whilst also caring for children is pronounced. The Migration Observatory noted in 2023 that women, who are more likely to have caring responsibilities, are also likely to earn less than men.⁶ The Migration Observatory found that the MIR is “expected primarily to affect UK sponsors who do not work full time, for example, due to caring responsibilities”.⁷ Women are more likely to not work full time, not work at all, and to have caring responsibilities. As such, families with British and settled mothers are more likely to find themselves financially strained, struggling to meet the stringent financial requirements and associated fees compared to those with British and settled fathers.

Whilst the current MIR of £18,600 can be said to discriminate against low-income single mothers, the proposed new MIR, which is more than double, would discriminate against the majority of women. Median earnings for all women who work full-time in the UK are below the proposed new MIR - see the table below. Between October to December 2022, 9.74 million women in the UK were working full time, whilst 5.92 million worked part time.⁸

Median annual earnings for full-time employees in the United Kingdom in 2023, by age and gender⁹



The financial barriers are compounded for individuals on lower incomes, students, and those with caregiving responsibilities, as highlighted by the Migration Observatory and *Family Friendly*¹⁰ reports. The income threshold is shown to discriminate not only based on gender but also across

⁶ <https://migrationobservatory.ox.ac.uk/resources/commentaries/the-minimum-income-requirement-for-british-citizens-sponsoring-partners-to-live-with-them-in-the-uk/>

⁷ ibid

⁸ <https://commonslibrary.parliament.uk/research-briefings/sn06838/>

⁹ <https://www.statista.com/statistics/802183/annual-pay-employees-in-the-uk/>; information sourced from

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/agegroupshetable6>

¹⁰ Wray, H., Grant, S., & Kofman Eleonore. (2015). *Family Friendly? The impact on children of the Family Migration Rules: A review of the financial requirements* Commissioned by the Children's Commissioner for England from Middlesex University and the Joint Council for the Welfare of Immigrants. <https://www.childrenscommissioner.gov.uk/resource/family-friendly/>

age, ethnicity, and place of residence. Those with learning difficulties and health problems in the family also face additional challenges.

Furthermore, the MIR - in both its old and its proposed new form - lacks sensitivity to regional pay disparities. While Londoners earn 27% more than the national average, inner city inequalities also vary greatly between boroughs. Meanwhile, in the North East of the UK, the average is 11% below the national average, and 38% less than London.¹¹ As such, those living in areas such as the North East, Yorkshire, Wales, Northern Ireland, are all likely to face further disadvantage in relation to the rules' financial requirements. Wages in the UK also vary depending on ethnicity, although the pay gap has decreased since 2012. In 2019, there was a 16% pay gap between White British workers and Pakistani workers.¹²

The current cost of living crisis also has a great impact on how much families are able to save for the high visa fees. Research conducted in 2022 found that one in six UK households (4.4million) faced serious financial difficulties with the cost-of-living crisis, which particularly impacted single parents and low-income households.¹³

The emotional toll on single mothers forced to work under these conditions is evident from personal narratives, which underscore the profound impact on familial relationships and mental health. Collectively, this evidence paints a compelling picture of the discriminatory ramifications of the Spouse and Partner Migration rules on vulnerable groups within the UK.

The following quotes, from families and from the House of Lords Inquiry, help to illustrate these points.

“I guess she lost her father and lost her mother to work. I would be going out to teach and she would be screaming at the door don't leave me, don't leave me, don't leave me. I was a stay-at-home mum when we lived in Turkey, so she basically lost both of her parents when we came back here.”

“I lost my job. I have to stay at home as my child is just not capable... if his father was here I could go back to work... instead I can't, I'm having to rely on benefits because the support I've got is not in this country. It's really damaged my mental health because I hate not working. It's ripped away my choices in life, it's just a negative cycle because I'm unhappy and that rubs off and that's not fair.” [abbreviated]

“So for childcare, I'd say it's very difficult because you are basically a single parent and if you don't have family support, it's very difficult to get your child to school in the morning and pick them up. And while at the same time juggle work as well.”

¹¹ <https://www.statista.com/statistics/416139/full-time-annual-salary-in-the-uk-by-region/>

¹² <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/ethnicitypaygapsingreatbritain/2019>

¹³ Evans, J., & Collard, S. (2022). *UNDER PRESSURE: THE FINANCIAL WELLBEING OF UK HOUSEHOLDS IN JUNE 2022 Findings from the 6th Coronavirus Financial Impact Tracker Survey*

See bibliography for more references to the MIR

“My boy is 5, my husband was not here for the birth, and he’s never been here for a birthday, to make it worse I had to go through a whole Autism diagnosis alone

House of Lords Inquiry:

“The 2012 impact assessment also acknowledged that “there may be negative impacts on lower income resident sponsors” directly affected by the reform. During our inquiry, reflecting the language of the 2012 impact assessment, the Home Office told us that the affected British citizens and permanent residents need to choose between staying in the UK but being separated from their relative(s), or being together abroad:

“Where a decision refuses an application for leave to enter or remain based on family life this will be based on an assessment as to whether the family can relocate outside the UK together. Whether the family choose to separate is always a matter for them to determine.”

(House of Lords, Chapter 4, 151; written evidence from the Home Office¹⁴)

¹⁴ <https://committees.parliament.uk/writtenevidence/112164/html/>

4. The overall effect makes it harder rather than easier for mixed nationality families to integrate into society, which is the opposite effect to that intended by the rules

In this chapter, integration is explored in its reciprocal sense - as a two-way process through which society, culture and social cohesion are meaningfully shaped by everyone who is a part of them. Integrated communities as defined by the government are "communities where people – whatever their background – live, work, learn and socialise together, based on shared rights, responsibilities and opportunities"¹⁵. Therefore, integration is about everyone - not just migrants. In their 2019 report, the Institute for Public Policy Research defined three conditions for an integrated community:

- “An integrated community must be grounded in equality where, regardless of their background, everyone has equal access to basic services and is free from discrimination and hate crime.
- An integrated community must be one where, regardless of their background, everyone is enabled to make an economic and/or social contribution, and this contribution is recognised and appreciated.
- Finally, an integrated community must be one where there is sustained, meaningful and constructive contact between different people, regardless of their background.”¹⁶

In order for this to happen, marginalised and disadvantaged groups often need additional support to enable their contribution.

Families who are navigating the SPMR often face challenges in accessing basic services; in their ability to make an economic and/or social contribution; and in their ability to socialise and connect with others. Food, accommodation, education, employment and healthcare are some areas of life that fall into integration, with leisure activities and socialising as spaces where meaningful contact can be developed. Our initial findings have shown that families make sacrifices in several of these areas in order to save for the visa fees and to meet the MIR, impeding their ‘success’ in these areas.

- The **financial** costs sit at the root of many of these integration issues. Some families we spoke to went into debt to pay the fees; others eat into pensions savings; whilst others rely on family.

“It does take away the building of your future: buying a house together, have holidays together and think about pensions and things to pass on to your kids. Through this situation you can't plan for the future because all the money just goes on that process.”

“I went into credit card debt just to pay for the bloody visa and now when I look at the interest rate and cards and the interest payments repayments on cards, they're crippling”

¹⁵ Ministry for Housing, Communities and Local Government [MHCLG] (2018) Integrated Communities Strategy green paper. <https://www.gov.uk/government/consultations/integrated-communities-strategy-green-paper>

¹⁶ <https://www.ippr.org/files/2019-06/measuring-the-benefits-of-integration-june19.pdf>

- Several families spoke of facing challenges in paying to **feed** their families adequately.

“If I didn't have my mum and dad right now, we'd be in a food bank”

“It's a choice. Do I choose good quality food or the visa? Do I choose the music lesson for my children or money towards the visa?”

- Families have had to live in inadequate and precarious **accommodation** in order to enable saving, and have had to change their long-term life plans, unable to buy houses and build stability. Others have had to live with parents for long periods of time. Those who have been granted the visa can find it harder to secure stable rentals, as landlords are less keen to rent to those here on temporary visas.

“You think the only way to get help is to make yourself homeless, but you get put in a hostel and that's the hardest thing to get out of ... If you live in a hostel, you have not got the capability to work because you are officially homeless. Then you can't get a job or it's very difficult, so if you are trying to get a visa it has a negative knock-on effect.”

“All that money when you're saving up to get a house for you and your family to provide the stability for your kids to give them the environment you want them to be living in. That is your choice. That's not governed by the Home Office or landlord. Are really important, like foundations that you have to feel control of your family life. And to feel that there's some outside source that is imposing on that massively is horrible.”

- Individuals have had to take employment opportunities which make them unhappy in order to meet the MIR, or have had to sacrifice self-employment pathways. One respondent whose child had additional support needs lost her job, as she was not able to juggle caring for her child alone whilst working

“So if you're self-employed and have an entrepreneurial spirit. You know, forget it. It kills everything inside you.”

“You're also at the mercy of landlords ... because you don't own the property, you're renting, paying over the odds ... it comes back to that financial instability which then has a knock-on impact on the quality of what the parents, the children and the family unit can have together.”

“I took a really awful job. That I can't stand. But it's gonna pay enough to pay the rent and get us out of my mum and dad's house because I'm living with mum and Dad still after four years.”

- Children's **education** is impacted due to their emotional distress.

(see Finding 5 for examples)

- Access to **healthcare** has been a challenge for families we spoke to, due not to these specific rules, but instead due to the 'hostile environment'¹⁷ from which these rules emerged. Families faced discrimination and rejection when seeking to access healthcare services due to their child being born overseas or having a foreign parent. Some British children were denied the care they needed, despite having a British passport. Furthermore, current shortages in mental health support results in children falling between the gaps. Some families we spoke to were told their child was 'not bad enough' (yet) to access the services available, and others were on long waiting lists. In both instances, the lack of understanding about the SMPR means that services generally are not sympathetic to the situation that families are in.

“The initial autism assessment gave me enough points for autism, but he was refused it on the grounds that he had a foreign father and he hadn't been born in the UK ... I did eventually get an official apology ... it's just absolute racism.”

“When I returned back to the UK I was six months pregnant and 17 ... [he] was born two days later. And then I was given a bill for it because I was seen as a medical tourism.”

“So when we turned it up at A&E, we were refused medical treatment because [they said] he wasn't a UK citizen. And I had his British passport with him at the time and they still refused to treat him, stating that they would have to charge me ... So a 2 year old child [with a British passport] was sent home from A&E with a dislocated shoulder because he wasn't born in the UK.”

Families have been unable to afford to engage in **leisure activities** or to **socialise**

¹⁷ The 'hostile environment' was introduced by Theresa May in 2012, who stated that 'The aim is to create here in Britain a really hostile environment for illegal migration' (Kirkup and Winnett 2012). This included a focus on tackling 'sham marriages'. Whether intended or not, a fall out of this policy has been a greater hostility towards migrants in general in the UK.

From our technical report:

The institute for policy research produced a report into the impact of the 'hostile environment' and concluded that it has helped foster racism and discrimination and erroneously affected people with a legal right to live and work in the UK (Qureshi et al., 2020).

There is evidence that 'hostile environment policies' have frequently been applied incorrectly (Worthing et al., 2021). As a result, children of migrants can experience refusal of treatment that they are entitled to (Wood & Devakumar, 2020).

The profound sacrifices made by families navigating restrictive migration policies impose substantial stress, diminishing their overall happiness and fulfilment. The financial, emotional and practical toll of the visa hinders their capacity to "build a life" in the UK. As the House of Lords Inquiry aptly points out, this systemic failure in implementing family migration policies not only harms individual families but also poses a significant threat to social cohesion (House of Lords, 2023, 234).

“With regard to social networks and wider relationships, when you've got no money and you're, you know, like alone with the little one...socialising is really, really hard. I can't remember the last time that I watched a movie with friends or had a drink with friends, or for my kids, you know, was able to take them to the cinema or for a pizza: those things just don't happen. They just can't happen because of the separation, because of financial restrictions”

“You're not being able to provide the life that you want to provide for your kids and then suffering the consequences of that. We don't have that disposable income. So he misses out on things. Still life is expensive in this country, and it's become more expensive.”

“I don't know it kind of feels like we're all just getting punished”

Real lack of empathy, I would say, in the services in this country, and it's almost like there's this undertone of 'you've married a foreigner. Deal with it.' And I felt that

The emergence of unhappy, marginalised groups fosters divisions, leaving communities feeling separated, isolated, and subjected to injustices. Consequently, it is imperative to address these policy shortcomings for the collective well-being of families and the preservation of a harmonious and cohesive society.

The House of Lords Inquiry in 2023 recorded the following findings in relation to integration and community cohesion:

“We were told that family migration rules prevent both sponsors and immigrants from participating fully in society. The impact of [forced single parenthood] on the family may inhibit their integration into society.” (Chapter 4, 153)

“Current policies fail in their objective of promoting social cohesion. They separate families and generate tensions between families and society.” (Chapter 4, 159)

“We found that separation negatively affects social cohesion and minimises the fiscal contribution of the family. Some families may require the support of local authorities if separation and the visa application process push them into destitution. Some may work several jobs to avoid destitution, preventing them from contributing to society in other ways. In extreme cases, the prospect of reunion being remote, other families may choose to leave the country. Among them are healthcare professionals working in the NHS, whose skills are lost and whose departure exacerbates staff shortages.” (Chapter 5, 217)

Sophie's story

Sophie met her partner in 2004, before the change in immigration rules, whilst studying in East Africa. Her husband worked at a local NGO. She moved out in 2006 and they started living together, got married, and had two daughters - now aged 11 and 14. In 2007 they set up what became a successful family run tourism business.

The family were separated from July 2019 - September 2023. The pandemic hit during their period of separation, which dramatically impacted their situation. Their tourism business ran still; Dad was evicted from their family home; and he was living in a country with a struggling healthcare system. It was a frightening and stressful time, and the emotional toll was felt by the whole family, including Sophie's elderly parents who they were staying with.

“We are another example of a family who were doing really well, with a successful business, whose lives were turned upside down by the pandemic and our situation was made immeasurably worse by U.K. immigration rules. I was forced onto universal credit exactly because I basically became a “state sponsored” single parent overnight.”

After 4 years of separation and faced with rising visa fees that they could not meet, the family have now left the UK and moved back to East Africa in order to be together. For the two girls, this means once again leaving behind friends and family, to ‘start again’. In an ideal world, Sophie and the family would be living in the UK, so that they could support her elderly parents who have health issues.

When the family first moved to the UK, Sophie's eldest daughter had bouts of suicidal ideation. This depression was due in part to the separation and to the move to the UK; and was further exacerbated by the insecurity of their situation and home life. They lived with Sophie's parents, which was “hard”, and the daughter was ashamed to bring friends home. Having other adults around did also soften the impact of the separation a little. The younger daughter had to be taken out of class sometimes as she would cry at school, and struggled at family events with missing her dad. The children access the school counsellor and CAMHS.

5. British and settled citizens are very badly affected by these rules; with significant impact upon the mental health and well-being of British children.

As explored throughout this report, the rules place a great strain on families, often impacting the mental health of parents and the integrity of the family unit. In this section, we will explore the impact that this has on British children, focusing on mental health and education.

In families affected by separation due to the SPMR and functioning as single-parent households, parents often grapple with mental health consequences, consequently affecting their ability to effectively parent. The absence of one parent deprives the other of crucial support. There is overall a great reduction in the amount of care available for children: from one parent being abroad, the other having to work, and additional pressures if the present parent's mental health suffers. Such circumstances have a profound impact on children's mental health.

Living with a single struggling parent not only affects the immediate well-being of the child but also carries potential long-term implications for their development, including the risk of attachment disorders. The impact on education is likely to hinder the child's attainment later in life.

92% of survey respondents said that their child's mental health was impacted due to the separation. The families we engaged with voiced specific concerns that shed light on the intricate challenges they face.

Parents identified some of the behaviours, conditions and diagnoses that have been the children have been experiencing:

<ul style="list-style-type: none">- Night terrors and sleep issues, crying at night- School and education impacted- Impact on confidence and self esteem- Identity issues- Worry- Confusion- Misbehaving- Lashing out, violence, anger- Withdrawal- Crying	<ul style="list-style-type: none">- Suicidal ideation- Self-harm- Separation anxiety- Anxiety- Attachment disorder- Depression- ADHD- Selective mutism- Stool holding- Eating disorders- Loss of hope- Loneliness
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In families with specific support needs, whether it be a parent requiring assistance or a child with high needs, the separation disrupts the family's ability to provide crucial support. This absence of mutual support can exacerbate the individual's condition and place significant strain on other family members. One mother (account on page 3) spoke of not being able to manage her son's behavioural conditions, which became increasingly violent towards himself and others as a result of the separation. His father would have been able to help, but was not there. As a result, the boy was temporarily removed from her care. Had the family been able to stay together, this situation could have been avoided, and the child's distress minimised. For families with additional support

needs, the separation can be particularly impactful, and even dangerous, impacting people's safety.

As listed above, parents reported children suffering from a range of very serious mental health conditions as a result of the separation, including suicidal ideation and depression. Children of different ages will be impacted differently. Parents report that young children do not understand the situation, and experience confusion as to why they cannot see their missing parent. This can contribute to feelings of being 'unloved' or 'abandoned'. As children get older and begin to understand 'why' this is happening, they can develop a feeling of being unsupported by the state or the system. Misbehaving and lashing out was cited by families. Older children with greater access to information may also be at more risk of worrying about their parent abroad, if they live in a less safe country.

In education settings, the families and school staff whom we spoke to described how children were distracted, emotional, and less able to thrive in schools due to the separation. Separation anxiety, behavioural issues, and emotional distress all impact children's ability to progress in their education. For some children, this is particularly acute around times of change and transition. Faced with children experiencing these challenges, schools were often cited as an important source of support for families.

Among children of all ages, there can be a perception that they are 'different' to the other children and families around them. This can be internalised in ways that leads to identity issues and in some instances, to forms of internalised racism. This is compounded by being disconnected from the non-British parent, who would be able to support them in building a healthy relationship to and understanding of the other half of their own cultural identity.

The current situation highlights a critical issue concerning British children's development and wellbeing amidst the challenges posed by these rules. British children are having to access mental health support to deal with this situation, yet there is not sufficient support available for them. Others are told their situation is not serious enough to access the support available. The lack of preventative support available for families in such situations exacerbates mental health struggles. The economic cost to the state in providing mental health support is compounded by the long-term consequences of children not realising their full potential, through impact upon their education and their overall development.

The impact on the country extends beyond fiscal concerns. British children are growing up perceiving that the diversity of their family is not valued, and not welcome here. This contradiction to the progressive ideals of a diverse and inclusive nation raises concerns about the future commitment of these children to a society that has, in essence, discriminated against their families. The deprivation of stable family life, the absence of state support, forced separation from parents, and the resulting distress create conditions unfavourable for the thriving development of resilient, contributing citizens. These rules not only foster societal divisions but also contribute to isolation, hinder integration, and impede the potential of young individuals. Addressing these issues is not just a matter of compassionate policy but an imperative for building a truly inclusive and thriving society.

The following quotes illustrate some key areas of concern regarding children's healthy development.

Impact on care

“It's in terms of their mental health. The way I parent is now very limited and inhibited, almost like I feel like I'm not being the best parent I can be so that's going to be impacting them in ways that I, you know, I can't even sort of process at the moment”

“If you're a child and you've got any of these health conditions and one of your parents is not around, it compounds everything you're already going through. It hinders their ability to take care of you.”

Broader mental health impact

“I have a stepdaughter of 14 - she lived with us to start with ... she advertised her own funeral on social media. What would happen to her, a teenager with suicidal thoughts ... if we were all together?”

“It adds to this idea that he's not worthy and he's not loved because they can't come and see him.”

We lived in Turkey for the first six years of her life and there had been no signs of anxiety whatsoever ... when we left Turkey and came here, we had to remain separated for two years and during that period of time she suffered with severe anxiety to the point of collapse. She suffers with selective mutism ... and although that has progressively got better as she has got older it has been really, really difficult. I still have family members who have never heard her speak.”

“[They can become] aware that at any point somebody can leave them for very little or no reason that they understand.” (Teacher)

Struggles to 'make sense' of the situation

“He is of the mindset of “Why can't his dad just go on a plane and come and see us?” ...everyone else has got their dad here to, you know, come pick him up from school and do stuff with them. But he doesn't” (Teacher)

“He went through a period of thinking daddy lived in the iPad.”

“Lately it seems she's losing that [hope], not able to see anything in a positive light.”

“The thing I'm tending to see lately is a loss of trust, loss of faith that we're going to be able to be as together as a family”

“I think she's kind of lost faith in the system: that the system is on her side, and that she'll get the support there. Which is really sad. She's only 14.”

Identity, internalised racism

He kind of understood it as like - if you're from a poor country or if you're brown, this is what happens to you.”

“I think the kids notice. They don't feel like our family is valued. Like my husband and their dad is not valued enough to be able to come here”

“It really affected his self-identity, especially his cultural identity being mixed race and being brought up primarily in Sri Lanka until last year. ... he's like a mad cricketer and always had his Sri Lanka shirt on. He threw all of it away... he never wanted to say he was from Sri Lanka. He was really negative about it. He just wanted to be another white kid”

“They're missing out on that whole half of themselves.”

There is that void ... he looks very much like his dad. He's very dark skinned and he looks nothing like me, and people randomly say did you adopt him?”

Impact on education

“He showed clear signs of separation anxiety throughout nursery, it got so bad a year ago - every morning going to school ended up quite horrific ... we don't know how much of it is down to daddy basically disappearing.”

“It was a bit of an emotional roller coaster cause one minute, yes, we're gonna get it. Next minute no...It definitely impacted her progress, because she was not in the right frame of mind to apply herself or to access learning.”

“She just was animated when he was here, it was lovely. And then he had to go back ... so we were a few steps back again It affected her ability to concentrate ... to focus on her work ... she had the ability to achieve more than she did.”

“His learning definitely suffered as a result ...I would say, ...in his formative years, early years and beyond there was quite a significant impact on his learning”

Recommendations

Following on from our initial research, the Reunite Families UK team, advisory panel and families have developed the following recommendations for policy makers.

- 1. Commission a review of the family migration rules in detail with a particular focus on integration and on the mental health impact of the rules on children and their families.**

In line with best practice and what has been suggested by other organisations,¹⁸ the review should meaningfully include people with lived experience of the spouse visa application process as well as of the 5 and 10-year routes to settlement, as well as local authorities and charities.

- 2. Following a review, adopt new family migration rules for British and settled sponsors of overseas spouses and partners that promote family and foster integration. Any new policy must be formulated and implemented giving due weight to the best interests of children.**
- 3. Legislate for a statutory right for British citizens to be joined by their non-UK spouse or partner**

As British citizens, we have a right to reside in the UK, which is effectively limited or undermined if our partner or spouse is a non-UK citizen by MIR currently, and by the proposed increase of the MIR.

- 4. If the MIR must be maintained, it should be proportional to the full-time National Minimum Wage**

The full-time National Minimal Wage would be £23,795, for someone working 40 hours a week for 52 weeks of the year, including holiday entitlement, based on the new NMW due to come into effect in April 2024.

- 5. The MIR should also:**
 - a. Allow job offers made to the non-UK spouse/partner foreign national to be taken into account**
 - b. Include non-UK spouse/partner's prospective earnings if they are self-employed or have their own business**
 - c. Include reliable third-party support - such as that from parents and relatives - to contribute towards the MIR.**

The MIR has to take into account that many people, and more often than not women, need to work part time to care for their families. The suggestions above would improve the MIR, in particular making it more friendly for mothers operating as single parents, and for other people. Many families could be financially stable if they were able to stay together. Separating them reduces the families' prospective earnings.

¹⁸ See for instance Praxis:
https://static1.squarespace.com/static/5d91f87725049149378fce82/t/63ffbfb2388bca477efd5620/1677705140309/10_year_route_March23.pdf

6. Reduce the 6 month earning period within the MIR requirements to 3 months in order to reduce separation time; and to 6 months for self-employed workers.

As explored in detail throughout this report, families face long and difficult periods of separation, which places great strain on families and children. The period of work to be evidenced should be reduced in order to minimise the damage that this separation has on families.

7. Reduce the probationary period to settlement to two years because that is plenty to assess the relationship (with a five-year cap for exceptional cases)

Once the initial visa has been secured, families live in a state of uncertainty until they eventually secure their permanent residence, which can take up to 10 years. The costs of the visas have a great impact on the lives of families, and the longer the route to settlement is, the more expensive it becomes. Furthermore, living in a perpetual state of uncertainty impacts people's integration and their capacity to 'root'.

As the House of Lords Inquiry in 2023 found:

"The struggle continues even when the family is allowed to live together in the UK. Because they must be renewed frequently for 5 or 10 years (see paragraph 205), family visas put immigrants in precarious situations. We heard stories of individuals having to move house regularly, preventing them from building a local support network, because landlords are concerned about renting to someone on a temporary visa. For similar reasons, we were also told about individuals missing employment opportunities. Evidence from Professor Charsley added that someone on a temporary visa may have to pay a larger deposit when getting a mortgage. Sheona York told us that some family migrants, while on their route to settlement, are "scared off from joining a trade union" and "do not have the time or energy to participate in community, leisure, sport or political activities"." (156)

By reducing the probationary period to 2 years (five years for the exceptional circumstances route), the financial and psychological impact on the lives of families would be reduced. The House of Lords Inquiry also called for a five year cap (House of Lords 2023, Chapter 5, 224).

8. Remove all the so-called 'reset the clock' mechanisms of applicants on the 10-year route now able to apply under the 5-year route to settlement.

In some instances, applicants who are on the 10-year route to settlement are able to transfer to a shorter route to settlement (for instance the 5-year route). However, the time already spent on the 10-year route does not count towards the total time invested before making a permanent application. As a result, families end up paying more and remain on a temporary visa for longer.

9. Reduce the application processing time to a maximum of 12 weeks.

The government aims to process visa applications made from outside the UK in 24 weeks¹⁹, or six months. Those under the exceptional circumstances route and applying from outside the UK are generally processed in 24 weeks however some may take longer due to further checks needing to be made on these types of applications.

¹⁹ <https://www.gov.uk/government/publications/family-customer-service-standards/family-customer-service-standards>
The Mental Health Impact of the Spouse/Partner Migration Rules

We would like to see all applications processed within a 12 week window, without exception, in order to reduce the period of separation for families. For comparison, the current processing time for a 'start-up work visa' is just 3 weeks.

10. Allow couples married for longer than 4 years to apply directly for settlement

Before 2012, couples who had been married for longer than 4 years could apply directly for settlement, as the probationary period was considered to be a testing period to check relationships were legitimate and stable. We recommend that this 'relationship' focus is re-invoked, so that long-standing couples are able to secure a permanent status quicker, and thereby avoid the challenges that the temporary visa brings.

11. Fix the level of fees at the cost of processing for all family applications²⁰

Currently, the government is making large profits when processing visa applications associated with the Spouse / Partner Migration Rules. For instance, a route to settlement application currently costs the applicant £1846, but has a unit cost of £366. This represents a profit for the government of £1480, which is 80% of the fee charged to the applicants. The government should not be profiting from the family visas.

Visa type	Cost before 4 October 2023	Cost after 4 October 2023	% increase	Home Office Unit Cost	Home Office Profit in value and percentage compared with unit cost
First spouse or partner visa (for partners coming to the UK for the first time)	£1,538	£1,846	20%	£366	£1,480 / 80.17%
Indefinite Leave to Remain	£2,404	£2,885	20%	£646	£2,239 / 77.61%
Leave to Remain	£1,048	£1,048	0%	£399	£649 / 61.92%
British citizenship	£1,250	£1,500	20%	£505	£995 / 66.33%
'Skilled Worker' visa – applications made from outside the UK, visa valid for more than three years	£1,235	£1,420	15%	£129	£1291 / 90.91%
Student visa application made from outside the UK	£363	£490	35%	£179	£311 / 63.46%

²⁰ See Appendix B

12. If applicants are paying National Insurance and Income Tax, they should not also be liable to pay for the Immigration Health Surcharge.

Currently, applicants who are applying for Further Leave to Remain are also often paying for NI and Income Tax, whilst being liable to pay for the IHS. This means that they are effectively double paying for the same services. In order to achieve a fairer and most just system, at the time of the renewal of their status, joining family members shouldn't be asked to double pay for healthcare.

13. Simplify and streamline the application process, reducing the administrative burden on applicants and on the Home Office.

The application process is complicated and confusing. It takes a long time for the Home Office to process applications. Streamlining the process would be of benefit to families and to the Home Office.

Conclusion

The impact of the spouse and partner migration rules on children is significant. Many children of diverse families are growing up perceiving that their family is not welcome here; growing up without the safety net of a stable family unit, which research has shown is crucial for healthy development. Children in this situation are experiencing and developing mental health issues: separation anxiety, stool holding and selective mutism, to name a few. The rules are pushing families into single-parenthood and precarious financial situations, and in fact contradicting the very aims that the MIR set out to achieve. Mental health issues among children costs the state in the long-term. Stability, family, and support all help children's healthy development, and without this, children are more likely to need support and face challenges in the future.

Despite a Supreme Court ruling in 2017 which ruled that applications involving children were unlawful and did not have the child's best interests at heart, children continue to be separated. Well documented and powerful reports such as the Children's Commissioner's *Family Friendly?* and the House of Lords 2023 Inquiry have highlighted in detail the impacts upon British families and their children, and yet the rules continue to have a damaging impact on children.

The rules are not meeting their aims. They are not considering children's best interests; they are not protecting children, or respecting family life. They are not protecting taxpayers money, but instead are creating great costs for the state down the line, and diminish the enormous potential contributions that these families could make to our society.

What impact will this have on culture – what kind of community are we fostering, if only those with wealth are allowed to fall in love overseas? Are we teaching our children that British people must only love British people? That family is a luxury which they cannot afford?

The Prime Minister spoke of family values being at the heart of his policies, yet here are families being devastated by them. These children are the next generation and as a society we have a duty to protect and provide them with solid foundations in order to enable them to prosper in Britain. Stable family units are the start of this.

What's next for us? Given what we have learned in the initial findings, RFUK will be speaking to more families to help build on what we are being told. Working with child experts, we will gain a deeper understanding of the impact of the rules on children as experienced by them. We will also continue to develop our network within the education and mental health settings in order to understand how we can build our knowledge into their work, to help them to support families as best they can.

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Glossary

ILR – Indefinite Leave to Remain

LTR – Leave to Remain

MIR – Minimum Income Requirement

SPMR – Spouse / Partner Migration Rules
(subsection of the Family Migration Rules)

RFUK – Reunite Families UK

IHS - Immigration Health Surcharge

Appendix A: Visa costs

Visa route		Before October 4 th 2023	After October 4 th 2023	After January 16 th 2024 (with the increase to the Immigration Health Surcharge)
5-year route	Initial visa application (from outside the UK)	£1,538.00	£1,846.00	£1,846.00
	Extension after 2.5 years	£1,048.00	£1,048.00	£1,048.00
	Immigration Health Surcharge (adult) (£624 x 5, paid annually)	£3,120.00	£3,120.00	(£1024 x 5) = £5,517.50
	Immigration Health Surcharge (child) (£470 x 5)	£2,350.00	£2,350.00	(£776 x 5) = £3,880.00
	Application for Indefinite Leave to Remain (after five years)*	£2,404.00	£2,885.00	£2,885.00
	Biometric Enrolment (£19.20 x 3)	£57.60	£57.60	£57.60
	Life in the UK test	£50	£50	£50
	Total cost: partner	£8,217.60	£9,006.60	£11,061.60
	Total cost: partner + 1 child	£15,665.20	£17,243.40	£20,828.20
Ten-year route	Costs as above, plus additional costs:			
	Extensions after 5 and 7.5 years	£2,096	£2,096	£2,096
	Additional 5 years of IHS (adult) (£624 x 5)	£3,120.00	£3,120.00	(£1024 x 5) = £5,517.50
	Additional 5 years of IHS (child) (£470 x 5)	£2,350.00	£2,350.00	(£776 x 5) = £3,880.00
	Additional 2 x biometric enrolment (£19.20 x 2)	£38.40	£38.40	£38.40
	Additional cost for ten-year route	£5254.4	£5254.4	£7,309.40
	Additional cost for ten-year route: partner + child	£9,738.80	£9,738.80	£13,323.8
	Total cost for ten-year route: partner	£13,472.00	£14,261.00	£18,371.00
	Total cost ten-year route: partner + 1 child	£25,404.00	£26,982.20	£34,152.00

Appendix B: Home Office profit for processing visas

Visa type	Cost before 4 October 2023	Cost after 4 October 2023	% increase	Home Office Unit Cost	Home Office Profit in value and percentage compared with unit cost
First spouse or partner visa (for partners coming to the UK for the first time)	£1,538	£1,846	20%	£366	£1,480 / 80.17%
Indefinite Leave to Remain	£2,404	£2,885	20%	£646	£2,239 / 77.61%
Leave to Remain	£1,048	£1,048	0%	£399	£649 / 61.92%
British citizenship	£1,250	£1,500	20%	£505	£995 / 66.33%
'Skilled Worker' visa – applications made from outside the UK, visa valid for more than three years	£1,235	£1,420	15%	£129	£1291 / 90.91%
Student visa application made from outside the UK	£363	£490	35%	£179	£311 / 63.46%

Source: Home Office Visa Fees Transparency Data²¹

²¹ <https://www.gov.uk/government/publications/visa-fees-transparency-data>

Appendix C: What helped your family?

When asked what has supported the children's mental health through this experience, one mother said:

- "Talking about their dad helps a lot. Messaging and calling him as soon as we can when they are missing him. Sharing happy memories, or funny stories about him. Talking about what we think he'd like about experiences we are having. Sharing jokes with each other, photos, videos, memes on our family WhatsApp group. It can be hard to keep doing this when life is busy but it all helps."
- Being a part of RFUK: knowing that there are other families going through similar situations, and accessing the support available
- Solid friendships
- Understanding and caring teachers/support staff
- Loving family. Family that love and respect my husband and in-laws who love and respect me. They may not always understand but it helps us all feel more connected.
- Allowing and honouring emotions. All of them.
- Talking openly about the situation, why it's wrong and what we're trying to do as a family to resolve it.
- Encouraging and allowing my husband to be completely involved when we're all together on a visit. Whether it's jumping on the bus for the school run, doing the weekly shop with the kids, cooking together. Doing lots of normal family things. Then it feels more real and less like a holiday with less pressure to force things to be special. And my husband feels valued and that he's contributing.