

How the UK family visas rules are not working for families or society

Reunite Families UK

KEY TAKEAWAYS:

The changes announced to the family migration rules, including an increased Minimum Income Requirement do not work for couples, families, children and society as a whole.

Our key concerns on the policy speak of a policy produced to appear tough on migration rather than helping the UK economy and the UK society as a whole.

- Lack of impact assessment
- Lack of independent advice
- Lack of stakeholder engagement
- No clear or logic connection with the MIR being the same as skilled worker threshold
- Armed forces: the Home Office partially recognises that different individuals in different situations are still deserving of sponsoring their family members
- Disregarding of previous research done on the impacts of the policy

POLICY SOLUTIONS:

Ultimately, the best way to avoid the severe harm to families described above would be to abolish the MIR entirely and recognise a statutory right for a British citizen or settled resident to bring their close family members to the UK.

Short of that, we make the following recommendations:

- **Commission a review of the family migration rules with a particular focus on integration and on the mental health impact of the rules** on children and their families
- **If the MIR must be maintained, it should be proportional to the full-time National Minimum Wage**
- **Improve the rules for couples and families by:**
 - Allow job offers made to the non-UK spouse/partner foreign national to be taken into account
 - Include non-UK spouse/partner's prospective earnings if they are self-employed or have their own business
 - Include reliable third-party support - such as that from parents and relatives - to contribute towards the MIR.
 - 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)
- **Simplify the system by:**
 - Reduce the 6-month earning period within the MIR requirements to 3 months in order to reduce separation time;
 - 6 months earning period for self-employed workers.
 - Reduce the application processing time to a maximum of 12 weeks.
 - Allow couples married for longer than 4 years to apply directly for settlement
 - 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.

BRIEF OVERVIEW OF THE SPOUSE/PARTNER VISA RULES

The spouse/partner visa rules are the way in which British citizen and settled residents can sponsor their foreign-born partners and non-British children/stepchildren to join them in the UK.

To do so the British /settled person has to:

- Meet the MIR of £29,000 for 6 months before the submitting the application (rules for self-employed people are even more complex)
- The couple will have to pay very high / extortionate visa fees over the course of their 5-or 10-year route to settlement (excluding citizenship):
 - Total cost partner on 5-year route to settlement: £12,584
 - Total cost of 10-year route to settlement: £18,275
 - Total cost partner and child on the 5-year route to settlement: £20,663
 - Total cost partner and child on the 10-year route to settlement: £33,910
- The joining family member will have No Recourse to Public Funds over the course of their 5- or 10-year route to settlement
- The earning potential / skillset and potential contribution of joining family members are not considered in the first application

EXAMPLES OF PEOPLE IMPACTED BY THE RULES:

- **British/settled women who are forced into single parenting in the UK** and who can't meet the new MIR as they juggle parenting, work and homelife
- **Young British mum looking to return to the UK** after living few years abroad and **having to sponsor her partner whilst childcaring and working.**
- **Older people who have found love or found it again later in life**
- **Young couple who has met either here in the UK or abroad during a period of study / holiday**
- **People who feel exiled as they want to return to the UK for e.g. to care for their elderly parents but they are put in front of an impossible decision:**
 - Do they split up their family and return to the UK with only their children?
 - Do they stay abroad and don't return to care for their elderly parents?
 - Do they return and then try for months if not years to find a job that reach the MIR threshold so that they can sponsor their partner to the UK? (often the partner could potentially earn more than UK/settled person but their income or earning potential not considered in the first application)
- **Same sex couples**

- **People living outside of London and the Southeast in particular or belonging to specific ethnicities.**
- **Even civil servants in some pay bands won't meet the MIR including:**
 - An NHS employee working below [Band 5, or in Band 5 with less than two years' tenure](#),
 - Some [legal aid solicitors](#) and [trainees in the legal field](#) who the Law Society recommends are paid £26,068 in London, and £23,122 outside of London,
 - **The Home Office own staff won't meet the MIR**, in particular, as of March 2024, of the roughly 40 thousand people employed by the department:
 - 1 in 4 Home Office staff does not meet the MIR of £29,000,
 - 31,936 staff have a maximum payscale below £34,500
 - 37,096 staff have a maximum payscale below £38,700

3. TOP CONCERNS REGARDING THE POLICY:

3.1 LACK OF IMPACT ASSESSMENT:

Despite repeated assurances from the relevant Ministers, we are not aware of any full Impact Assessment (IA) or Equality Impact Assessment (EIA) been published in relation to the MIR changes at the time these Rules were laid before Parliament.

The [Explanatory Memorandum to the Statement of Changes](#) in Immigration Rules contains no analysis of the impact of these changes.

It is not possible for Parliament to scrutinise the impact of these changes, the policy objective, or their intended implementation, including the Home Office's compliance with the public sector equality duty under s 149 of the Equality Act 2010.

The lack of Impact Assessments on this Statement of Changes (HC590) has also been [strongly criticised by the House of Lords Secondary Legislation Scrutiny Committee](#). According to the Committee this mirrors what happened in other Statement of Changes, with impact information as an "afterthought" of the policy making process.

3.2 LACK OF ENGAGEMENT WITH STAKEHOLDERS AND AFFECTED COUPLES AND MEMBERS

Ministers also [confirmed that stakeholders and people and families affected were not consulted](#) on the changes despite their wide-reaching consequences.

Reunite Families UK is a stakeholder who is regularly in contact with UK Visas and Immigration (UKVI). However, at no point, despite being a stakeholder we were contacted to discuss the policy changes and/or how it would affect our members and other families in the same situation.

By contrast, for the changes to Appendix Armed Forces, which include a lower MIR, the Home Office consulted with and worked collaboratively with the Ministry of Defence.

3.3 LACK OF INDEPENDENT ADVICE

We were also very disappointed to see Ministers confirming that they decided to not commission the Migration Advisory Committee (MAC) to review the MIR and the calculations that underpinned its introduction in 2012.

This is despite the [MAC in its annual report in 2020](#) saying that previous analysis may have given “**too much weight to the fiscal contribution of such migrants and insufficient attention to the benefits that accrue, to both the family and society.**” They also **highlighted the availability of more evidence since the MIR introduction in 2012 in order to review the impact of the policy.**

3.4 NO CLEAR OR LOGIC CONNECTION WITH THE MIR BEING THE SAME AS SKILLED WORKER THRESHOLD

There is no rational connection between the 25th percentile of earnings for jobs which are eligible for Skilled Worker visas and the amount necessary for British and settled people to sponsor their family members to come to or remain in the UK without reliance on public funds. The seemingly arbitrary new MIR is illogical for the following reasons:

- a. **There is no basis for asserting that requiring the sponsor (e.g. a non-migrant British citizen) to have an income of £29,000pa to bring their partner to the UK will ‘help ensure that *migrants* are more likely to make a net positive contribution to the public finances’.** Instead, highly skilled and productive members of the settled population may leave the UK to live with their family members overseas, resulting in a loss to the British economy.
- b. **It is perverse for the Government to argue that family members need not rely on public funds, when this is already a [condition of their leave](#),** only lifted by the Home Office following a very small minority of migrants making a ‘change of conditions’ application on narrow grounds (destitution, risk of imminent destitution, welfare of a relevant child, or exceptional circumstances affecting the family’s income or expenditure).
- c. **It will be easier for sponsored individuals to bring their dependants to the UK, than it will be for British citizens to sponsor their partners.** For example, a High Potential Individual (i.e. a migrant who has been awarded a qualification by an eligible foreign university) only has a maintenance requirement if they have been living in the UK for less than 12 months, and all they must show is savings of £285 for a partner, £315 for a child, and £200 for each additional child available for 28 consecutive days. A British citizen would need to show £88,500 in savings for 6 months.
- d. **There is no evidence that tethering the MIR to the skilled worker threshold will help the UK become a high-wage economy.** On the contrary, given that 50% of the UK workforce earn less than £29,000 it will only compound a situation in which people as a result of their wage are forced to live separate from their loved ones who are abroad.
- e. **There is no evidence that the MIR gives due weight to the benefits which joining families bring to families and society.** This is significant, as the MAC highlighted in its 2020 annual report that previous analysis of the MIR gave ‘insufficient attention to the benefits that accrue, to both the family and society’ from family migration and it ‘regrets that the 2012 reform placed too great an emphasis on economic and fiscal considerations’.

- f. **The MIR makes it harder rather than easier for mixed nationality families to participate fully in society.** The families make sacrifices on food, accommodation, education, employment, healthcare and socialisation. Marginalising these families fosters societal division and tension, which is the opposite effect to that intended by the Rules.

3.5 ARMED FORCES: THE HOME OFFICE PARTIALLY RECOGNISES THAT DIFFERENT INDIVIDUALS IN DIFFERENT SITUATIONS ARE STILL DESERVING OF SPONSORING THEIR FAMILY MEMBERS

The Home Office partially recognises that different individuals in different situations are still deserving of sponsoring their family members. The MIR in Appendix Armed Forces is increased 'to £23,496, which is the 2023/4 salary threshold for an Army (including the Brigade of Gurkhas) Private and their Royal Navy, Royal Marines and Royal Air Force equivalents on completion of training'. The Home Office refuses to accept this justification may also apply to other professions earning less than £29,000pa, absent exceptional circumstances, such as an NHS employee working below Band 5, or in Band 5 with less than two years' tenure, junior Home Office staff, some legal aid solicitors.

3.6 DISREGARDING OF PREVIOUS RESEARCH DONE ON THE IMPACTS OF THE POLICY

We are concerned that when planning for this increase the government did not consider the research that since the MIR introduction in 2012 has highlighted the negative impacts of the policy for couples, families and children including:

- [Family Friendly? Commissioned by The Children's Commissioner for England](#) - August 2015
- [All families matter: An inquiry into family migration](#) - Justice and Home Affairs Committee - House of Lords - February 2023
- [Family Migration Rules: An initial findings report examining the mental health impact of the rules on children and families](#) - Reunite Families UK - December 2023 (more on this below)

3.7 FAMILY MEMBERS NOT DEPENDENTS: THE GOVERNMENT FALSE NARRATIVE ON NRPF

For the families we work with it is very frustrating the government's false narrative of the need for *"Family life must not be established here at the taxpayer's expense and family migrants must be able to integrate if they are to play a full part in British life."*

In fact, all joining family members have No Recourse to Public Funds throughout their 5- or 10-year route to settlement.

When the Minister was questioned in a Westminster Hall Debate, [he mentioned the change of conditions in which people with NRPF can apply to have the condition lifted](#). The reality is that only a small minority of people are granted this change. At the end of 2022, about **2.6 million people had visas with the NRPF condition**, and there were **only 2,500 successful applications to lift the NRPF condition in 2022**.

As the Home Office does not hold data on the immigration status of people granted change of conditions, it is therefore impossible to tell how many of those are here on [a spouse/partner visa](#).

3.8 EXCEPTIONAL CIRCUMSTANCES AND DIFFICULTIES WITH THE ROUTE

Ministers also repeatedly mention the possibility for those families who don't meet the MIR to apply under the exceptional circumstances route as if it was a simple and straightforward procedure.

It is impossible to verify this claim as Ministers have repeatedly not answer questions on the number of people who have been granted entry clearance or [leave to remain](#) on the basis of (a) family life as a (i) partner and (ii) parent and (b) exceptional circumstances in compliance with Article 8 of the European Convention on Human Rights in each year since 2012.

Our members' experiences tell us that this route is anything but simple and straightforward and that very few people are granted this route.

If applicants are indeed granted leave to remain under this route, they are "punished" by being put on a longer and vastly more costly 10-year route to settlement, resulting in further applications per applicant and compounding the issue of Home Office decision-making capacity.

The ten-year precarity in immigration status will also cause individuals financial, employment, and health difficulties, [particularly affecting children's life and education prospects, mental health and well-being](#).

This **will not safeguard and promote the welfare of children** in the UK in accordance with the Home Secretary's statutory obligation to do so.

The increased MIR will not prevent migrants from entering or staying in the UK. Rather, it will increase the number of migrants granted permission to enter or stay on complex human rights grounds or following appeals which will increase Home Office and Tribunal workload, worsen delay and backlogs, and impact the lives of migrants.

3.9 THE MIR ENGENDER ETHNIC, GEOGRAPHICAL AND GENDER DISCRIMINATION

According to the [Migration Observatory](#), around 50% of UK employees earn less than the £29,000pa threshold and 70% earn less than £38,700.

Individuals aged 21 and over, who work 35 hours per week, and are paid the National Living Wage (from 1 April 2024), will earn approximately £20,820pa.

The December 2023 report of RFUK found that the effect of the MIR is discriminatory as it disproportionately affects protected groups, those living in the Southeast and working single parents (in particular, mothers).

There is a £182 difference in the weekly median income between a full-time employee in London and one in Northeast England.

There is also disparity on the basis of protected characteristics, for example:

- a. **race**, with Pakistani, Bangladeshi, and Black/African/Caribbean British citizens disproportionately affected;
- b. **sex and maternity**, as only 36% of female workers would meet the MIR compared with 58% of their male counterparts. A constant difference maintained throughout the 3 planned staged increases of the MIR. Furthermore, women are more likely to work part time than men.

- c. **age**, with individuals under 30 and over 50 disproportionately affected; for example, the [gross median weekly pay for full-time employees in the UK](#), aged 18 to 21, is £441.

The new threshold does not consider or account for the many people, often women, who work part-time and care for the child whilst trying to meet the threshold to sponsor their partner and in some cases stepchildren who currently live abroad.

Whilst the child element has been removed from the MIR, in practice it will now be more expensive for a British/settled person to sponsor a non-British child as the MIR will nonetheless be higher than before.

Members of the Reunite Families' community have in some cases been separated for over 4 years as a result of the current rules.

3.10 NEGLIGIBLE IMPACT ON NET MIGRATION FIGURES BUT HUGE ONE ON FAMILIES

The Explanatory Memorandum of the Statement of Changes states that increasing the MIR will support *'the aim to reduce the overall level of net migration'*. Yet, the Home Office in the [Estimated Immigration Impact](#) states that *'before accounting for Article 8 claims and other income, an estimated range of between 10,000 to 30,000 people who may otherwise have qualified via the family route would be unable to do so, on the basis of earnings alone.'*

Compared to the net migration figure of 672,000, this is a minute reduction. Furthermore, the Home Office's estimate of 10,000 to 30,000 fails to account for Article 8 claims. The Home Office further states that *'reflecting obligations under Article 8, even where the MIR is not met, it is assumed that some applicants may still be granted permission under the family route. As no exact estimate of eligibility through this route is possible, the overall impact of the change is uncertain.'*

The Home Office ought to instead consider the resulting operational impact of a greater proportion of people relying on their Article 8 ECHR rights to apply for a family visa. It is not clear what, if any, measures the Home Office has taken to manage this extra burden.

The Family and Human Rights Unit, which is responsible for processing in-country applications for leave to remain in the UK on the parent, partner (ten-year), and private life routes, fee waivers, and in-country asylum intake is likely to face a significant increase in applications. The Unit is already facing severe pressure and delays. Its service standard to process an application is currently 12 months, and it had 21,578 fee waiver applications outstanding at the end of Q4 2023, which compares to 5,460 at the end of Q4 2022.

The service standard for processing overseas applications for entry clearance on a family route is 24 weeks whilst it is 8 weeks for in-country partner/spouse applications, reaching 12 months for applicants on the family life (private life route). In the last few years, we have noted how, as a result of concurring crisis (for instance the war in Ukraine) the service standards have not been met and it feels as if the family visa applications are put "in the back of the queue" with the further delay compounding the impacts of the couples and families on the route.

The likely increase in the complexity of applications will impact the speed at which decisions can be made, resulting in lengthier separation of families seeking to be reunited with loved ones in the UK.

Those applications that are refused by the Home Office in the first instance, will ordinarily be appealable, placing a greater burden on the Immigration and Asylum Chamber of the First-tier Tribunal and Upper Tribunal.

3.11 UK: ONE OF THE WORST PLACES IN THE WORLD FOR BI-NATIONAL FAMILIES

The UK's family reunification policies continue to remain as amongst [the most restrictive around the world](#) according to The Migrant Integration Policy Index.

3.12 IMPOSSIBLE TO ASSESS NUMBER OF PEOPLE IMPACTED OR ECONOMIC IMPACT OF THE MIR

It is [very difficult if not impossible to fully understand the number of people impacted by the rules](#). This is because there are many people who won't even apply if they see that they don't meet the MIR / unable to pay the visa fees and will instead opt for remaining abroad / split up their families.

The economic impact is also difficult to assess as the Home Office does not record the profession / earning potential of the joining family members which could then be used to understand the impact the joining family members could have on the economy.

3.13 IMPACT ON INTEGRATION

In February 2023, an inquiry by the [Justice and Home Affairs Committee](#) into family migration, found that separated families have experienced distress, poor physical and mental health, and destitution caused by crippling financial costs. They also specifically highlight the negative impact of separation on children's development and mental health. The report concludes that migration policies are "at odds with the government's commitment to family life." It recommended that the financial requirement should be made more flexible to take account of the likelihood of future income of the family unit, and that "the threshold should not increase."

3.14 PROFIT MADE

According to the [Migration Observatory at the University of Oxford](#) between entering the UK on a temporary visa and becoming a British citizen, most migrants will pay cumulative fees of between £5,000 and £37,000, depending on the visa type and whether they have dependants – contributing to a £2bn-per-year income stream for the Home Office.

A parent and child on a ten-year route to settlement in the 'family life' category would face total fees of £36,700 before becoming a British citizen. For a first spouse or partner visa the [Home Office makes a profit of £1,480 – equivalent to 80,17% of the unit cost](#).

4 THE MENTAL HEALTH IMPACT OF THE RULES

In 2022 Reunite Families UK received funding from the Paul Hamlyn Foundation to research the impact of the spouse visa rules on children and families in particular.

Our report lays bare the hidden psychological burden bi-national families, and their children experience as a result of an increasingly harsh and expensive UK family migration policy.

Key Findings:

- 65% of respondents to the survey conducted as part of the research say that their child received a diagnosis of a mental health condition.
- The requirements create single parent families and impose a very high economic, social and emotional burden on all affected families.
- 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).
- 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.
- British citizens and settled residents are very badly affected by these rules; with significant impact on the mental health and well-being of British children.

4.1 EXAMPLES OF THE MENTAL HEALTH IMPACTS EXPERIENCED BY CHILDREN:

<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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KEY RECOMMENDATIONS:

Ultimately, the best way to avoid the severe harm to families described above would be to abolish the MIR entirely and recognise a statutory right for a British citizen or settled resident to bring their close family members to the UK.

Short of that, we make the following recommendations:

1. **Commission a review of the family migration rules.** 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](#), 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. **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.

3. **Improve the rules for couples and families.** 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.

4. 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)

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). 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.

5. Simplify the system by:

- a. Reducing the 6-month earning period within the MIR requirements to 3 months in order to reduce separation time;
- b. 6 months earning period for self-employed workers.
- c. Reduce the application processing time to a maximum of 12 weeks.
- d. Allow couples married for longer than 4 years to apply directly for settlement

6. 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 and money already spent on the 10-year route does not count towards the total time and money invested before making a permanent application. As a result, families end up paying more and remain on a temporary visa for longer.

7. Fix the level of fees at the cost of processing for all family applications

8. 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.

9. 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.