

KEEPING FAMILIES APART

The impact of a new income threshold for family migration

Overview

The government wants to introduce a new income requirement for people sponsoring family members to come to the UK. This could mean that only people earning £25,700 or more a year – half of the UK's working population – would be able to bring a non-EU spouse or partner to the UK in the future.

We are calling all concerned organisations to oppose this change in the rules, which would prevent many people from enjoying their right to family life in the UK.

The current situation

Currently, British citizens and non-citizens who are settled permanently in the UK can sponsor their spouse, partner or dependant to join them in the UK. UKBA currently requires people wishing to bring a family member here to show they have an income equivalent to the level of Income Support that a family of that size would receive in the UK. In order to bring a spouse or partner to the UK, a sponsor needs to show that they have a **gross income of around £5,500 per year**, excluding housing costs. If the applicant also wishes to bring dependants, the UK sponsor needs to show they can support the whole family here.

The policy proposal

In July 2011, the government announced it would be tightening up the rules for family migration to the UK, partly in order to reduce any costs from family migration to the public purse. In the future people who want to bring non-EU family members here will need to meet a **much higher annual income requirement**. This will primarily affect British citizens and people settled here who wish to bring their spouses or partners to the UK.

The government has not yet decided how high the new income requirement should be and last year commissioned research by the Migration Advisory Committee (MAC) to inform its decision. It is likely that ministers will make a final announcement on the new income requirement in early summer 2012, within a statement announcing a number of changes to the family migration rules.

The level of a new income threshold

In November 2011, the MAC [released a report](#) which analysed the level of the new income threshold. Its analysis was purely on an economic basis and did not take into account moral and ethical considerations. The MAC report suggested that the minimum gross income threshold to support a two-adult family be established at between **£18,600 and £25,700, rising to as much as £53,600 for a family with three children**.

If the level is set at 18,600 per annum (the level at which Housing Benefit is fully withdrawn), 45% of people applying to bring their spouse or partner to the UK in 2010 would be prevented from doing so in the future.

If the level is set at £25,700 per annum (the average income in the UK), 64% of current applicants and **50% of the total UK working population** would be prevented from bringing their foreign spouse or partner to the UK. A leaked letter from home secretary Theresa May

to Nick Clegg seen [by the Telegraph](#) in March 2012 reportedly stated that the Conservatives would like to set the income threshold at £25,700 per annum.

Who would be most affected by a new income threshold?

While the income threshold could affect up to half of the working population of the UK, it would have a disproportionate impact on particular social and ethnic groups, including:

- **Women:** Gender differences in UK employment patterns mean that women wishing to bring their spouse or partner here would be disadvantaged by a new, higher income threshold. Women in the UK are paid, on average, 15.5% less than men ([Fawcett Society, 2012](#)). In addition, three quarters of the UK's 7.8 million part-time workers are women ([ONS, 2010](#)).
- **Children:** Keeping families apart would be likely to have a negative impact on children, particularly those in the UK with a parent forced to remain overseas. Children in lone parent families are known to be at high risk of growing up in poverty in the UK ([Child Poverty Action Group, 2012](#)).
- **Non-Londoners:** Variations in earnings across the regions and countries of the UK are significant, with workers in London and South East England earning substantially more. This would mean that only 35% of all workers in Wales would qualify to bring in a spouse at the threshold of £25,700, compared to 55% of workers living in London. ([Annual Survey of Hours and Earnings, 2011](#)).
- **People with disabilities:** There are over 6.9 million disabled people of working age in the UK ([Disabled Living Foundation, 2012](#)). However only 50% of disabled people of working age are in employment, compared with 80% of non disabled people. A higher income requirement would put many people with disabilities at a disadvantage when applying to bring their spouse or partner here.
- **Young people:** This requirement would disproportionately impact on young families wishing to be reunited in the UK. In April 2011 the average rate of pay for young people was £7.01 per hour, 42% lower than the rest of the workforce aged 25 and above whose average pay was £12.00 per hour ([ONS, 2012](#)).
- **Some ethnic minorities:** Earnings within some ethnic minority communities in the UK are significantly lower than the national average, meaning they would find it more difficult to bring their partner or children in the future. Over 40% of people in the Bangladeshi and Pakistani communities in the UK earn less than £7 per hour (£14,500 p.a.) compared to the white British rate of 25% ([The Poverty Site, 2012](#)).

FAQs

Will the income threshold apply equally to British citizens as well as settled migrants?

Yes it will. And according to [Home Office figures](#) almost 60% of sponsors applying to bring a spouse into the UK in 2010 were British from birth. If the income threshold is in place their only chance to live with their partner will be to move abroad. This is a policy where immigration controls have the potential to affect a wide range of people.

Will this policy apply to non-British EU migrants wishing to sponsor family members?

Ironically, whilst this policy will apply to British citizens it will not apply to nationals of other EU countries, such as France or Poland. People with other EU nationalities will have much stronger rights to sponsor family members coming to the UK in the future as they will be free from an earnings requirement.

Isn't it fair to make migrants, including families, pay their way in the UK?

People who come here from overseas to join their families already need to show that they would not be dependent on public funds whilst in the UK. There is no evidence to show that

migrant families are currently a burden on the tax system – in fact a recent government report suggested that many migrant family members contribute to the public purse by making tax contributions themselves ([Home Office, 2011](#)).

Could this be a good way of reducing net migration numbers?

Family migration is a significant part of migration flows to the UK, accounting for around 17% of immigration from outside the EU in 2010 ([Migration Observatory, 2012](#)). However, it is also in decline – approximately 56,000 people came to the UK as family migrants in 2010, significantly less than the peak of 74,000 in 2006. People settling and naturalising in the UK should be entitled to bring their families here – this is not an appropriate route for cutting migration levels overall.

Is this a way of tackling forced and ‘sham’ marriages?

This policy has nothing to do with tackling forced or ‘sham’ marriages. Its main impact would be to prevent many people from bringing their family member to the UK, within the Immigration Rules, for the genuine purpose of building a family life here.

Would this policy help families to integrate in the UK?

This policy would have the opposite effect to promoting integration among diverse communities. The groups it would most affect are British citizens and people who are committed to living here permanently. These people should be allowed to bring their families here without an income requirement that many will be unable to meet.

Is this policy in line with international human rights?

The right to a private and family life has been established in Article 8 of the European Convention on Human Rights (ECHR), to which the UK is a signatory. It is likely that an income threshold which prevented many people from enjoying a family life in the UK would be subject to scrutiny in the courts for its compatibility with UK obligations under the ECHR.

Is this the only policy change affecting families that the government is likely to introduce?

No, the government is also likely to introduce a number of other rule changes affecting families in its summer 2012 announcement. Another problematic change could be an extension of the ‘probationary period’ before which people coming here as spouses and partners can apply for settlement in the UK – from two to five years. Although this proposal has been presented as a way of encouraging new arrivals to integrate we think it is likely to have the opposite effect, instead only extending spouse and partner insecurity in the UK.

In addition we are likely to see new requirements around English language testing for family members, new application requirements for those applying to come here on the basis of marriage or partnership, and an increase in enforcement measures aimed at tackling forced and ‘sham’ marriages.

What can I do now?

As the government has not yet announced its changes to family migration policy, there is still time to draw public and political attention to the potential impacts of these changes.

- If you are interested in getting involved in public meetings, campaigning or letter-writing, please contact Ruth Grove-White (r.grove-white@migrantsrights.org.uk) or Juan Camilo (j.camilo@migrantsrights.org.uk) at MRN.
- If you would like to attend the meeting of the All Party Parliamentary Group on Migration on 16th May 2012, entitled ‘*Building the bedrock of society: how can migration policy support strong, integrated families in the UK?*’, please contact Awale Olad (a.olad@migrantsrights.org.uk).
- For media enquiries contact Jan Brulc (j.brulc@migrantsrights.org.uk).