

# Increase to the Minimum Income Requirement: what is not known about the new threshold and the impact of the rules on families and children

JANUARY 2024

This briefing examines the proposed changes to the Minimum Income Requirement; and highlights the impacts that the rules have on the families and children who are separated by the rules, including the impact on the mental health of children.

## WHAT HAS THE GOVERNMENT ANNOUNCED AND WHAT ARE THE TRANSITIONAL ARRANGEMENTS?

As part of his plan to reduce net migration the [Home Secretary on 4th December 2023 announced](#) an increase to the Minimum Income Requirement (MIR) from £18,600 to £38,700. On 21<sup>st</sup> December, the Home Office issued [a Factsheet with further detail](#) on the proposed increase as well as more information on the transitional arrangements affecting people already on the route.

It clarified how the increase will be introduced in stages:

- In Spring 2024 the threshold will be increased to £29,000
- Later (date not confirmed Autumn 2024) moving to £34,500
- £38,700 by Spring 2025

The document also suggests that there will no longer be a separate child element to the Minimum Income Requirement. This detail is currently unclear.

The Home Office also clarified details about the transitional arrangements for the families who are already on the route:

- Those who already have a family visa within the five-year partner route, or who apply before the minimum income threshold is raised, will continue to have their applications assessed against the current income requirement and will not be required to meet the increased threshold. This will also be the case for children seeking to join or accompany parents.
- Anyone granted a fiancé visa before the minimum income threshold is raised will also be assessed against the current income requirement when they apply for a family visa within the five-year partner route.
- Those already in the UK on a different route who apply to switch into the five-year partner route, after the minimum income requirement has been increased, will be subject to the new income requirement.

Finally, according to an [Estimate Immigration Impacts](#) issued by the Home Office on 21<sup>st</sup> December, the changes to the spouse visa rules are expected to cause a reduction of between 10,000 to 30,000 people, who may otherwise have qualified via the family route but would now be unable to do so, on the basis of earnings alone. However, the document goes on to say 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.*

## ASPECTS OF THE POLICY AWAITING MORE DETAILS

### Savings route: will the figures of the saving route also be increased alongside the MIR?

Currently, applicants who have cash savings can make up for a shortfall in earnings if the cash savings are at least £16,000 plus 2.5 times the shortfall. So, for example, someone with an income of £17,600 would require £18,500 in savings (= £16,000 + £2,500). People without income can qualify if they have [cash savings of at least £62,500](#).

According to a [HoC Library article](#), under the current rules, the amount of savings required would [automatically increase as the headline income threshold rises](#). If nothing in the rules were to change other than the income threshold rising to £29,000, that would push up the maximum savings required from £62,500 to £88,500.

However, the Government may not have decided: it is [reportedly “consulting” on the savings aspect](#).

### Which threshold will people have to meet if they apply before the new threshold of £38,700?

Details have not been given to explain how the savings route will now be assessed; how the staggered raising of the MIR will impact the savings route; or how it might change over time for applicants who apply at different stages of the staggered increase.

### What advice was taken in relation to this threshold?

When the original MIR was introduced in 2012, the Government was [advised by the Migration Advisory Committee \(MAC\)](#). In fact, the £18,600 threshold was the level at which a specific type of family stops being eligible for tax credits or housing benefit - calculated on the premise of a single-earner household with no children paying £100 per week in rent. It does not measure their tax contributions net of benefit entitlements, nor their overall [net contribution to public finances](#).

Furthermore, [the MAC in its annual report in 2020](#) said that:

*“We also think now would be an opportune time to reconsider the minimum income requirements associated with this route. The MAC are concerned 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, from the route. In addition, it is a considerable time since the current income requirements were introduced, so more evidence should now be available to review the impact of these requirements.”*

**RFUK and co-signatories are concerned that the MAC has not been consulted regarding this proposed raise of the MIR, and that this decision goes against MAC’s advice.**

### Why is the government mentioning that people bringing dependents shouldn't rely on public funds?

The Home Office say: “The minimum income requirement ensures that families are self-sufficient instead of relying on public funds, with the ability to integrate if they are to play a full part in British life.”

In reality, joining **family members automatically have the NRPF [No Recourse to Public Funds] condition put on their leave unless they apply for a change of condition on their leave to remain**. This is stated on their BRP card and literally means that the non-British partner cannot access the public funds. They also pay an Immigration Health Surcharge for the NHS on their first and all subsequent applications for Leave to Remain application [LTR], as well as paying income tax and national insurance - so they are actually paying into the public purse twice.

Furthermore, often the policy forces British/settled mothers into single parenting and ~~further often~~ gives them little option but to rely on the state until their partner currently abroad is able to join them here and support them financially.

**Therefore, RFUK and co-signatories to this briefing challenge the use of this argument.**

### **KEY FINDINGS FROM RFUK'S RESEARCH ON THE IMPACT OF THE RULES ON FAMILIES AND CHILDREN**

In December 2023, Reunite Families UK published an [initial findings report](#)<sup>1</sup> examining the mental health impact of the spouse and partner migration rules. These findings examined the impact of the current spouse and partner migration rules. These findings will be exacerbated by the change in rules.

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 residents<sup>2</sup> are very badly affected by these rules; with significant impact on the mental health and well-being of British children.

#### **1. Single parent families are created**

In situations where parents are divided due to the rules, single parent units are created. This causes a range of issues for the family - financial, emotional, and practical. The stress of operating as a single parent family unit alongside the pressures of meeting the financial requirements impacts the whole family, and this has an impact on the mental health of children.

*"My family unit was destroyed because I couldn't do it all alone. And I did not need to, he has a father."*

#### **2. Discriminatory effect: Particularly impacted groups**

The policy in its current form already disproportionately affects:

- Women
- Those living outside of the SE/ London
- People operating as forced single parents
- Families with children who have additional support needs
- People working part time
- Young people

Therefore an increase of the current threshold will have an even more devastating effect on these cohorts as well as those who were able to meet £18,600 but will not be able to meet or show they can meet either £29,000 or £38,700.

<sup>1</sup> <https://www.reunitefamiliesuk.co.uk/family-migration-initial-findings-report/>

<sup>2</sup> Settled residents refers to people who have indefinite leave to remain in the UK

In a commentary issued shortly after the new threshold, the Migration Observatory at the University of Oxford said that “among employees working in the UK in 2023, just under 70% [earned less](#) than the new income threshold – up from around 25% under the previous threshold of £18,600. The income threshold will affect some groups more than others. For example, whereas around 60% of men earn less than the new income requirement, this rises to more than 75% for women.”

The new incremental increase will enable more people to meet the temporary threshold. However, the policy does not account for the fact that many British/settled sponsors are people who work part time (for instance because they have small children), who struggle to meet the £18,600 threshold, let alone the new thresholds. The regional pay disparity means that this will impact more families living in areas outside of London and the South East, where salaries tend to be higher than the national average.

Furthermore, the real impact of the policy has always been very difficult to estimate as the government does not know how many people are affected by the current threshold of £18,600 and so it will be almost impossible to determine just how many people will be affected by the additional threshold requirement. These people are not in any system but we do know that many are faced with the options of long term separation or enforced exile. This was something that was also reflected by the HoL Family Migration Inquiry, which found how the policy could lead to less healthcare workers choosing Britain as their workplace due to its stringent family visa rules.

### 3. 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 impact of this on the family may inhibit their integration into society. **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.”

### 4. Mental health impact on children

- 92% of those surveyed said that their children’s mental health suffered as a result of the separation.
- 65% of respondents to the survey conducted as part of the research say that their child received a formal diagnosis of a mental health condition.

Children are experiencing a range of issues, including:

- Separation anxiety - Anxiety	- Night terrors and sleep issues, crying at night	- Eating disorders - Loss of hope
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<ul style="list-style-type: none"> <li>- Attachment disorder</li> <li>- Stool holding</li> <li>- Selective mutism</li> <li>- Suicidal ideation</li> </ul>	<ul style="list-style-type: none"> <li>- School and education impacted</li> <li>- Impact on confidence and self esteem</li> <li>- Identity issues</li> </ul>	<ul style="list-style-type: none"> <li>- Loneliness</li> <li>- Lashing out, violence, anger</li> <li>- Depression</li> <li>- Self-harm</li> </ul>
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**The Exceptional Circumstances Route:**

In response to Parliamentary Questions as well as in the Factsheet, the Home Office often cites the Exceptional Circumstances route as the solution for when families do not meet the required threshold but whose refusal would represent [a breach to their human right to a family life](#).

However, Exceptional Circumstances are currently recognised only 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’ to settlement. As noted elsewhere by [Praxis, the Greater Manchester Immigration Aid Unit and IPPR](#), the price of receiving such a protection involves people being moved onto a longer and more costly route to settlement, which has been associated with insecurity, precarity and profound hardship.

**Raquel’s Story**

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

Raquel was living in Brazil when she met her husband, Manoel. They married, and had two sons together. A series of events led the family to decide to try and relocate to the UK. 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.

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.

See some of the families supported by Reunite Families UK featured in the [Financial Times](#), [The Guardian](#), [BBC News](#), [Sky News](#).

As a result of our research into the impact of the current spouse and partner migration rules on families and children, RFUK have made the following recommendations. These are in light of the proposed changes to the MIR.

## 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 in detail, which takes account of and builds on the recommendations made by previous rules, such as that conducted by the [House of Lords Justice and Home Affairs Committee](#) in 2023, with a particular focus on:
  - a. Integration;
  - b. Examining how the impact of the rules is gendered and racialised
  - c. Their contribution to the worsening mental health of the people going through the process.
2. Adopt family migration rules for British and settled sponsors of overseas spouses and partners that promote family and foster integration (by for instance taking into account the earning potential of both partners). Any new policy must be formulated and implemented giving due weight to the best interests of children.
3. Fix the level of the visa application fees at the cost of processing for all family applications
4. Every route to settlement should be capped at 5 years.
5. Remove all the so-called '*reset the clock*' mechanisms of applicants on the 10-year route now. Meaning that when people are on the 10-year route to settlement and meet the requirement to be moved onto the 5-year route they shouldn't have to restart their route to settlement. Their years and fees already spent on a route should be included within the 5-year route to settlement.

### **ABOUT 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.

### **ABOUT MIGRANT VOICE**

[Migrant Voice](#) is a migrant-led national organisation building a community of migrant voices to speak for ourselves and call for justice for all. It was established to put migrant voices at the centre of the migration debate by developing the skills and confidence of migrants, including asylum seekers and refugees across the UK.

### **ABOUT PRAXIS**

[Praxis](#) is a human rights organisation that has been supporting people who have been marginalised by their immigration status since 1983. We do this through immigration advice and welfare support, building solidarity and community, providing training and capacity building, and campaigning for change, so that everyone can live with dignity and respect, no matter where they come from.

### **ABOUT BRITISH IN EUROPE**

[British in Europe](#) is a migrant-led organisation set up to campaign to protect the EU citizenship rights of UK citizens in the EU, EEA and Switzerland during the UK-EU negotiations on the UK's exit from the EU. It has since worked on the implementation of the Withdrawal Agreement and citizens rights generally including the spouse/partner migration rules and voting rights in the UK.

**EXAMPLE OF THE COSTS ASSOCIATED WITH 5 AND 10-YEAR ROUTE TO SETTLEMENT**

**Costs of 5-year route to settlement for partner following visa and health surcharge increase**

Visa Fees from 4/10		With Health Surcharge increase (from 6/2/2024)	
Initial Visa Application	1.846	Initial Visa Application	1.846
Extension After 2.5 Years	1.048	Extension After 2.5 Years	1.048
Immigration Health Surcharge	3.120	Immigration Health Surcharge	5.175
Indefinite Leave to Remain	2.885	Indefinite Leave to Remain	2.885
Biometric Enrolment	57,60	Biometric Enrolment	57,60
Life in the UK Test	50	Life in the UK Test	50

**£ 9.006,60**

**£ 11.061,60**



## Costs of 10-year route to settlement for partner + child following visa and health surcharge increase

Visa Fees from 4/10/2023		With Health Surcharge increase (from 6/2/2024)	
Same as Partner on 10-year route	14.261	Same as Partner on 10-year route	18.371
Initial Visa Application	1.846	Initial Visa Application	1.846
Extension After 2.5 Years	3.144	Extension After 2.5 Years	3.144
Immigration Health Surcharge Indefinite Leave to Remain	6.144	Immigration Health Surcharge Indefinite Leave to Remain	7.760
Biometric Enrolment	96	Biometric Enrolment	96
Life in the UK Test	50	Life in the UK Test	50
<b>£ 26.982</b>		<b>£ 34.152</b>	