



**HOME OFFICE EQUALITY IMPACT
ASSESSMENT
PRELIMINARY SCREENING TEMPLATE**

Directorate	Immigration Group/Policy and Strategy Group
Unit	Immigration Policy
Date	1 October 2010

Name of Policy/Guidance/Operational activity
English language requirement for spouses and partners

What are the aims, objectives & projected outcomes?

The coalition Government announced on 9 June that it would introduce an English language requirement for non EEA nationals seeking to enter or remain in the UK as the spouse or partner of a British Citizen or person settled here. The requirement will be introduced on 29 November 2010 via a change to the Immigration Rules and will be set at level A1 (speaking and listening) of the Common European Framework of Reference (CEFR).

The new rules will help promote the economic well-being of the UK, for example by encouraging integration and protecting public services. It will also assist in removing cultural barriers, broaden opportunities for migrants and help to ensure that they are equipped to play a full part in British life.

This requirement will apply to all partners of British citizens and permanent residents intending to come to the UK or remain here on a permanent basis. As well as spouses this includes civil partners, unmarried partners, same sex partners, fiancé(e)s and proposed civil partners. The new requirements will be introduced by means of a change to the Immigration Rules.

This is a new policy/guidance/operational activity.	YES
This is a change to an existing policy/guidance/operational activity (Check original policy was equality impact assessed. If so, review and update action plan).	NO
This is an existing policy/guidance/operational activity.	NO

Will the policy/guidance have an impact on national or local people/staff?	YES
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy/guidance?	YES
Are there any aspects of the policy/guidance that could contribute to equality or inequality?	YES

Could the aims of the policy/guidance be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	YES
<p>If your answer to any of these questions is YES, go on to the full EIA.</p> <p>If you have answered NO to all of these questions then please provide appropriate evidence and sign off.</p>	

<p>This policy/guidance was screened for impact on equalities. The following evidence has been considered. No full equality impact assessment is required.</p>	
<p>N/A</p>	
<p>Signature of Head of Unit</p>	<p>Glyn Williams</p>
<p>Date</p>	<p>1 October 2010</p>



HOME OFFICE FULL EQUALITY IMPACT ASSESSMENT TEMPLATE

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Unit	Immigration Policy
Date	1 October 2010

Name of Policy/Guidance/Operational activity

English language requirement for spouses.

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1 SCOPE OF THE EIA

1.1 Scope of the EIA work

An equality impact assessment for this policy change was first published in August 2009 as part of the consultation *Earning the Right to Stay: A new points test for citizenship*. In that consultation the previous Government (who had already set out its commitment to introducing a pre-entry English language requirement for spouses coming to the UK) indicated the implementation of this policy would be brought forward to summer 2011. That equality impact assessment and *Earning the Right to Stay: A new points test for citizenship* can be found at the following link:-

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/earning-the-right-to-stay/>

The new coalition Government announced on 9 June that it would introduce an English language requirement for spouses and partners in Autumn 2010.

On 26 July the Government announced that the policy would be introduced on 29 November 2010.

This is an updated Equality Impact assessment prepared in advance of a change to the Immigration Rules to bring this policy into effect on 29 November 2010.

Key stakeholders for this policy are

- Department for Business, Innovation and Skills
- Wales Office
- Foreign and Commonwealth Office
- UK Border Agency (including International Group)
- British Council
- Department for International Development
- Colleges and English test providers in the UK and Overseas

1.2 Will there be a procurement exercise?

We are using the existing list of test providers approved for the purposes of Tier 2 of the Points Based System as a basis for the new spouse list. We have written to Tier 2 providers inviting them to indicate their willingness to be included on the new approved list for spouses and to confirm that they provide appropriate A1 speaking and listening tests. Those who provided a favourable response have been automatically confirmed as a test provider for the spousal route. Existing Tier 2 providers were appointed through an open competition and offer English language tests at the same level (A1) required for spouses.

We intend to undertake a full procurement exercise for providers of English language tests in the near future. The date for this procurement exercise has not yet been set.

2 COLLECTING DATA

2.1 What relevant quantitative and qualitative data do you have?

This may include national research, surveys or reports, or research done by colleagues in similar areas of work. Please list any evidence (complaints, satisfaction surveys, focus groups, questionnaires, meetings, email, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy/guidance/operational area.

Race	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of nationality, ethnic group or language.</p> <p>The top five nationalities granted leave to enter the UK as a spouse or fiancé(e) in 2009 were:-</p> <ul style="list-style-type: none">• Pakistan (5,075)• India (3,375)• Bangladesh (1,605)• USA (1,815)• Thailand (1,380). <p>Provisional management information suggests that spouses granted leave to enter the UK are a key group unable to demonstrate the required knowledge of English language and life in the UK (KOL) when they come to the end of the 2 year probationary period at which they can apply for settlement.</p> <p>In 2007, 3,245 spouses (including unmarried and civil partners) were granted leave to remain in the UK, rather than settlement due to the KOL requirement not being met. In 2008, 995 spouses and in 2009, 470 spouses respectively were granted leave to remain in the UK rather than settlement for the same reason.</p> <p>The KOL requirement for settlement was introduced on 2 April 2007 and numbers of those failing to meet the KOL requirement for settlement have been falling, most likely due to greater awareness of the need to meet the requirement. We expect this trend to continue.</p> <p>Detailed statistics concerning nationalities entering the UK can be found on the Home Office Research and Statistics website www.homeoffice.gov.uk/rds. However these statistics are not broken down by ethnicity or language.</p> <p>Under the Points Based System there are 16 countries classified as majority English speaking countries. We will be using the same definition of majority English speaking country</p>
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for our requirement. In 2008 4,205 persons granted leave to enter the UK as a spouse or fiancé(e) were nationals of these majority English speaking countries. This represents 11.4% of the total number. This means that just over 1 in 10 of those granted leave to enter might meet the pre entry English requirement automatically.

2009 leave to enter data had not been published when this EIA was completed.

The policy could have a disproportionate impact on certain nationalities or racial groups. Any indirect discrimination on the basis of race or nationality is justified by the benefits of better integration and to the economic well being of the country set out in the policy objectives.

The need to integrate applies irrespective of race or nationality although there will be some racial groups whose needs are greater than others. To minimise the impact on this group spouses will need to demonstrate competence in English language at a basic level, speaking and listening only. There will also be exemptions for certain groups who are unable to pass the test on the basis of age, disability and in exceptional, compassionate circumstances that would prevent a person from meeting the requirement.

The policy will have positive benefits in integrating all nationals in UK society. A survey based on interviews with migrants from Albania, Bulgaria, Russia, Serbia, Montenegro and Ukraine (who arrived in the UK since 1989) found that those who spoke better English were more likely to participate in their community. *East European immigration and community cohesion* by Eugenia Markova and Richard Black, Joseph Rowntree Foundation 2007.

Approved language tests will not be available in Welsh or Scots Gaelic. We consider that the costs required to operate the requirement in Welsh or Scots Gaelic would be disproportionate in relation to the number of spouses who would want to take a test in Welsh or Scots Gaelic.

The previous Government consulted on a pre-entry English language requirement for spouses in 2007. The consultation document was circulated separately to stakeholders representing different equality groups or interests.

The previous Government's response to the marriage visa consultations '*Marriage Visas: the Way Forward*' was published in July 2008.

Issues raised by respondents to the Marriage Visas:Pre Entry English Requirement for spouses on race included:-

	<p>Concern that it would discriminate against nationals of countries where English is not widely spoken and where there is a shortage of good English language tuition.</p> <p>Concern that it is discriminatory against members of communities from outside Europe, where standards of education may not be as high, or where English language learning is not a priority.</p> <p>Four respondents mentioned specific areas in South Asian countries where access to English language courses would be difficult.</p>
<p>Religion/ belief & non belief</p>	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of religious belief or none.</p> <p>We do not hold quantitative data on the religion of persons who will be affected by the proposals.</p> <p>Existing domestic and international obligations relating to freedom of discrimination on grounds of religion/ non belief will continue to apply.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised no issues on religious belief or non-belief.</p>
<p>Disability</p>	<p>To mitigate the impact on those with a disability we will introduce an exemption for those spouses/partners who suffer from a physical or mental impairment which would prevent them from learning English and/or taking a test. This mirrors the exemption which currently operates for KOL at settlement and citizenship. The exemption would be granted subject to production of satisfactory medical evidence.</p> <p>We do not hold quantitative data on the disability of persons who will be affected by the proposals.</p> <p>Existing domestic and international obligations relating to freedom of discrimination on grounds of disability will continue to apply.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised the following issues:-</p> <p>Some respondents felt there should be exemptions for some applicants with physical impairments or mental health issues.</p>

	<p>The majority felt such applicants should still be required to take an English language test.</p> <p>Some respondents felt it should depend on the type and extent of the impairment.</p>
<p>Gender</p>	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of gender.</p> <p>In 2008, 36,800 people were granted leave to enter the UK as a spouse or fiancé(e). Of these 12,680 were male and 24,120 were female.</p> <p>In 2008, 24,670 people were granted leave to remain in the UK as a spouse, civil partner, or unmarried partner. Of these 8430 were male and 16,235 were female.</p> <p>In 2009, 55,445 people were granted indefinite leave to remain in the UK as a spouse, civil or unmarried partner. Of these 19,820 were male and 35,625 were female.</p> <p>The policy has an impact on more women than men because of the greater number of women who seek to enter or remain in the UK as a spouse or partner. However the gender of those applying in the marriage route are outside our control. The need to integrate in the UK applies irrespective of gender and the benefits of learning English apply regardless of gender.</p> <p>The language requirement will help encourage the integration of women and remove cultural barriers and broaden opportunities for them. It will help women play a full part in British life. Any indirect sex discrimination is justified by these policy objectives including the economic well being of the country.</p> <p><i>Language and the Earnings of Immigrants</i> by Christian Dustmann and Arthur Van Soest, Industrial and Labor Relations Review, Vol. 55, No. 3, pp. 473-492, 2002 indicates that language proficiency, particularly of women, may have implications beyond matters directly related to the individual. The ability of the mother to communicate in the host country language may assist access to, as well as understanding of, institutions that are vital for the child's development. It may also relate directly to the offspring's own acquisition of proficiency in the host country language. These intergenerational aspects of language proficiency may significantly add to the value and benefit of language education of first generation migrants.</p> <p>The top three nationalities for husbands/partners granted indefinite leave to remain in UK in 2009 were Pakistan (24% of</p>

	<p>grants) India (10% of grants) and Bangladesh (8% of grants).</p> <p>The top three nationalities for wives/partners granted indefinite leave to remain in the UK in 2009 were Pakistan (18% of grants), India (10% of grants) and Bangladesh (7% of grants).</p> <p>The policy will have an impact on more women from the Indian sub continent compared to women from other areas because of the greater number of women who seek settlement in the UK as a spouse or partner from Pakistan, India and Bangladesh.</p> <p>The policy will have an impact on more men from the Indian sub continent compared to men from other areas because of the greater number of men who seek settlement in the UK as a spouse or partner from Pakistan, India and Bangladesh.</p> <p>However the gender and nationalities of those applying in the marriage route are outside our control. The need to integrate in the UK applies irrespective of gender and nationality and the benefits of learning English apply regardless of gender and nationality.</p> <p>Detailed statistics concerning genders entering the UK can be found on the Home Office Research and Statistics website www.homeoffice.gov.uk/rds.</p> <p>We do not hold data on the working arrangements e.g. part time, shift working, caring responsibilities of persons who will be affected by the proposals.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised the following issues:-</p> <p>Four respondents particularly supported the proposal in terms of the opportunity it would afford to female spouses to be less tied to the home with the chance of finding employment.</p> <p>One organisation said some of the women they work with would welcome a law enabling them to broaden their horizons and take part in wider society.</p> <p>One charity felt women should have the right to reunite with their husbands and children regardless of their knowledge of English as many would come from non-developed countries and some would be illiterate due to poverty and war.</p>
<p>Gender Identity</p>	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of gender identity.</p> <p>We do not hold quantitative data on the gender identity of persons who will be affected by the proposals. The safeguards</p>

	<p>against discrimination on grounds of gender identity inherent in our international obligations will continue to apply.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised no issues related to gender identity.</p>
Sexual Orientation	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of sexual orientation.</p> <p>We do not hold quantitative data on the sexual orientation of persons who will be affected by the proposals. The safeguards against discrimination on grounds of sexual orientation will continue to apply.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised no issues related to sexual orientation.</p>
Age	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident. Various ages will be affected by this proposal, although all those affected will be over 21, which is the minimum age at which the Immigration Rules allow marriage visas to be granted, with the exception of armed forces spouses where those age 18 or over will be affected.</p> <p>Existing obligations relating to freedom of discrimination on grounds of age will continue to apply.</p> <p>Overall the volume of spouses aged 65 and over seeking leave to enter or remain in the UK is very low. To mitigate the impact on those who would find it harder to learn a language due to age we will introduce an exemption for those aged 65 and over. This mirrors an exemption which currently operates for KOL for settlement and citizenship.</p> <p>We think that this policy is beneficial to those aged 65 and over. An exemption here acknowledges that it can be harder to learn a new language as someone gets older. Most spouses are aged 21-64 and will therefore still need to pass a test so an exemption here does not undermine our integration objective significantly.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised no issues related to age.</p>

**Welfare of
Children
[UKBA ONLY]**

This policy does not apply to children. We do not hold quantitative data on whether the persons who will be affected by the proposal have children.

However there is research to indicate that this policy may have a positive impact on the children of those affected by this policy.

Language and the Earnings of Immigrants by Christian Dustmann and Arthur Van Soest, Industrial and Labor Relations Review, Vol. 55, No. 3, pp. 473-492, 2002 indicates that language proficiency, particularly of women, may have implications beyond matters directly related to the individual. The ability of the mother to communicate in the host country language may assist access to, as well as understanding of, institutions that are vital for the child's development. It may also relate directly to the offspring's own acquisition of proficiency in the host country language. These intergenerational aspects of language proficiency may significantly add to the value and benefit of language education of first generation migrants.

There is clear evidence that English is not the first language of a significant number of children in schools in England. The latest national statistics on Schools, Pupils and their Characteristics – January 2010 produced by the (now) Department of Education were released on 13th May 2010. A link to these statistics is below:-

<http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000925/index.shtml>

The statistics indicated that:-

- In both maintained primary and state-funded secondary schools the proportion of pupils whose first language was believed to be other than English increased.
- In maintained primary schools 16% of pupils' first language (compulsory school age and above) was known or believed to be other than English, an increase from 15.2% in 2009. This was 518,020 pupils in total.
- In state-funded secondary schools 11.6% of pupils' first language (compulsory school age and above) was known or believed to be other than English, an increase from 11.1 % in 2009. This was 378,210 pupils in total.
- Including children in special schools the total number of pupils whose first language was known or believed to be other than English was 905,610.
- These statistics define *first language* as 'the language to which a child was initially exposed during early development and continues to be exposed to this language in the home or in the community'.
- The figures do not indicate how many of these pupils are children of migrants or migrants themselves.

These national statistics also indicate which areas of England have the most pupils whose first language is known or believed to be other than English.

In primary schools the top 5 areas with the highest number of these pupils are:-

- London (218,150)
- West Midlands (65,730)
- the North West (52,510)
- the South East (48,900)
- Yorkshire and the Humber (47,820).

In secondary schools the top 5 areas with the highest number of these pupils are:-

- London (163,210)
- West Midlands (47,820)
- South East (37,100)
- North West (34,040)
- Yorkshire and the Humber (30,520)

The latest national statistics on Early Years Foundation Stage Profile Attainment by Pupil Characteristics, in England 2008/09 produced by the Department for Children, Schools and Families were released on 28th January 2010. A link to these statistics is below:-

<http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000911/index.shtml>

The statistics indicated that:-

- 53.5% of pupils whose first language is English achieve a good level of development, compared with 41.9% of pupils for whom English is an additional language.

The high and rising numbers of pupils whose first language is known or believed to be other than English inevitably has an impact on public services such as additional costs for schools to ensure these pupils make progress in English. Ensuring that migrant spouses and partners (who are current and future parents of children who will be educated in UK schools) have English language skills before they come to the UK can only have a positive impact on the English language skills of their children. Requiring some English language ability from foreign spouses/partners coming to the UK to settle will help remove current barriers for the second generation who suffer academically when English is not able to be spoken in the home. When compared with pupils with English as an additional language, a greater proportion of pupils (in the Early Years foundation stage) whose first language was English achieved a good level of development.

	<p>A lack of language skills can prevent migrants from accessing key government services, e.g. health and education services. We consider that our policy will contribute to progress made at school, give parents better language skills to communicate with teachers and mitigate the impact that their lack of English language skills has on public services. Anecdotally, there is evidence that language barriers and demand for interpreters and English teachers are pressures facing schools. The new language requirement should help deliver savings in this area as spouses and partners will enter the UK with a basic level of English.</p> <p>In addition to schools, migrant spouses and partners who are parents will also come into contact with other services in their role as a parent, particularly health services. Better language skills will allow better access to those services and reduce additional burdens on those services such as translation costs.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised the following issues:-</p> <p>One charity felt that people had the right to reunite with their husbands and children regardless of their knowledge of English because most of them come from non developed countries and some are illiterate due to poverty and war.</p> <p>Four respondents disagreed with the objective of improving employment chances, stating that spouses are usually female and could well be occupied with home and children or able to find work within the family or their immediate community where the English language is not required.</p>
<p>Socio-economic</p>	<p>The rule changes will impact on spouses and partners applying for leave on the basis of their relationship with a British citizen or permanent resident regardless of socio- economic status.</p> <p>We do not hold quantitative data on the socio-economic status of persons who will be affected by the proposals.</p> <p>There is research to indicate that this policy may have a positive impact on employment prospects and wages. Overall a lack of language proficiency in migrants appears to act as a barrier to social mobility.</p> <p><i>Language proficiency and Labour market performance of Immigrants in the UK</i> by Christian Dustmann and Francesca Fabbri, Economic Journal, 113, 695-717 2003 suggests that fluency in English increases employment probabilities by 22 %.</p> <p><i>Labour market performance of immigrants in the UK</i></p>

labour market by Christian Dustmann, Francesca Fabbri, Ian Preston, and Jonathan Wadsworth, Home Office Online Report 05/03, 2003 investigated differences in language proficiency across immigrant groups from ethnic minority communities, the way language relates to observable characteristics, and the association between language and economic outcomes.

They found:-

- There is considerable variation in language proficiency across the various minority immigrant groups. Bangladeshis and Pakistanis have the lowest proficiency in the English language.
- Language proficiency improves with time of residence, is higher for the more educated, and is higher the lower the age at which the immigrant entered the country.
- Language fluency is strongly and positively associated with the probability to be employed, and with wages. Language proficiency is likely to reduce the gap between UK-born whites and minority immigrants considerably.
- As regards employment probabilities, findings are that language proficiency is strongly related to higher employment probabilities, conditional on a large array of background characteristics. English fluency is associated with a 15-17 percentage point higher employment probability, depending on the data source used.
- English language proficiency is associated with 18 - 20 per cent higher wages.

Home Office Research Report 37 - *Spotlight on refugee integration: findings from the Survey of New Refugees in the United Kingdom* by A Cebulla (National Centre for Social Research) M Daniel and A Zurawan (Analysis, Research and Knowledge Management, UK Border Agency) published in July 2010 summarises the results of the Survey of New Refugees (SNR), a longitudinal study of refugee integration in the UK. Integration was considered in terms of the English language skills, employment and housing of new refugees. At all time points during the study refugees with higher English language skills were more likely to be employed than refugees with lower language skills.

Poor English language skills can have negative implications for migrants. Language difficulties can be a barrier to social interaction, cohesion, employment and awareness of rights. Poor English language skills is a risk factor associated with exploitation and employment in jobs with existing health and safety concerns. The new policy will therefore produce benefits

	<p>in these areas.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised the following issues:-</p> <p>The potential difficulties of accessing English language lessons overseas owing to limited provision or affordability (as mentioned by 28 respondents out of 101 consultation responses received).</p> <p>Another four respondents particularly supported the proposal in terms of the opportunity it would afford to female spouses to be less tied to the home with the chance of accessing employment.</p> <p>In a similar vein, three respondents said the proposals would lead to improved employment opportunities.</p>
<p>Human Rights</p>	<p>The rules change could have an impact on Article 8 – right to respect for private and family life – of the European Convention on Human Rights (ECHR) if families are separated because a spouse is unable to meet the English requirement.</p> <p>Any impact here is mitigated by the fact that UKBA caseworkers are required to take Article 8 into account in making decisions and by the number of exemptions that will be place. Discretionary leave may be granted outside the Immigration Rules on the basis of Article 8.</p> <p>The rules change could have an impact on Article 14 (when read with Article 8) of the ECHR if applicants felt there had been discrimination on the grounds of nationality (i.e. non English speaking countries), language, social origin, property or other status. However, the Government considers that any indirect discrimination which resulted from the rules change would be justified on the basis that English language skills are necessary to assist migrants' integration into British life, to open up opportunities and to promote the economic well being of the UK.</p> <p>Responses to the consultation document 'Marriage Visas: Pre Entry English Requirement for Spouses' in 2007 raised the following issues:-</p> <p>The right to live with family was a recurring theme. Fifteen respondents made reference to the impact the proposals would have on family life, and conflict with the principles of family unity, both in legal and emotional terms.</p>

	Eleven respondents said specifically that the proposal conflicted with the principles of human rights and equality and would impact negatively on family reunification and the right to live with a spouse.
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2.2 What are the overall trends/patterns in this data?

Consultation responses showed that of 101 respondents, 68 disagreed with the proposal that spouses should be required to demonstrate knowledge of English before entering the UK. Thirty one were supportive of the proposal and two had mixed views.

Concerns included:

- The potential difficulties of accessing English language lessons overseas owing to limited provision or affordability.
- Perceptions that the proposals are contrary to the right to family life and/or that proposals conflict with individual human rights.

A common theme expressed throughout other responses was that English was best learnt in the UK where facilities are available and the spouse is immersed in the British way of life.

Of respondents who stated why they supported a pre-entry English requirement, the following reasons were given:

- A lack of English prevents integration into the wider UK society and creates communication problems.
- There is a cost to the UK of translation services for non-English speakers.
- English skills could improve employment opportunities and free spouses from being tied to home and family.

Whilst there was not support for a blanket pre-entry system for all, there was support for granting temporary leave for spouses to learn English in the UK. Of the 68 respondents who answered the question, 47 felt that a spouse should be allowed to apply for temporary leave to remain in the UK if they did not meet the required English standard prior to entry. Eighteen disagreed with the proposal and a further three had mixed views.

Overall, responses to the consultation suggest that there is an appreciation from respondents (including those who disagreed with the proposal) of the importance of learning English whilst in the UK, particularly for integration.

The consultation findings are based on the responses of a self-selected group and not a random sample. The relatively small findings show the range of perspectives that exist and cannot be considered representative of the general population.

2.3 Please list the specific equality issues and data gaps that may need to be addressed through consultation and/or further research?

None.

3 INVOLVING AND CONSULTING STAKEHOLDERS

In this section, describe the data you have gathered through stakeholder involvement and engagement.

3.1 Internal Consultation and Involvement: e.g. with Other Government Departments, Staff (including support groups), Agencies & NDPBs

Under the previous Government a working group was set up by the UK Border Agency to discuss this and other issues relating to marriage visa reform. Members of the group included UKBA staff from Operational Policy, UK Visas, British High Commissions in Islamabad and Dhaka and other UKBA colleagues.

We also set up a cross-Government working group including FCO, DIUS (now BIS), DfID, and the British Council to advise on implementation of the new requirement. The group felt that setting a clear date for implementation would generate a sufficient supply of English tuition to meet the demand created by the requirement. The group felt that it would take 18-24 months to develop sufficient capacity.

All staff had access to the consultation paper and Government response document via the UKBA website. Other Government Departments were contacted via correspondence or were sent copies of the consultation paper. Meetings were the most effective form of consultation.

Under the Coalition Government, a UK Border Agency internal working group has been set up to implement this policy including staff from International Group including entry clearance staff in Bangladesh and India, Immigration Group, Operational Policy and other UKBA colleagues.

Other Government Departments were contacted in advance of the 9 June 2010 announcement to seek their views.

3.2 External consultation and involvement

A public consultation 'Marriage Visas: Pre Entry English Requirement for spouses' was published in December 2007.

This was circulated separately to stakeholders representing different equality groups or interests. It set out the proposal to introduce a pre-entry English language requirement. The consultation period ran from 5 December 2007 to 27 February 2008.

The analysis of the responses was published in the previous Government's response to the marriage visa consultations '*Marriage Visas: the Way Forward*' in July 2008. The consultation confirmed that of 101 respondents, 68 disagreed with the proposal that spouses should be required to demonstrate knowledge of English before entering the UK. Thirty one were supportive of the proposal and two had mixed views.

These documents are available online at

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/preentryenglishrequirement/>

On 9 June the Home Secretary announced that implementation of this policy would be brought forward to autumn 2010.

4 ASSESSING IMPACT

In this section please record your assessment and analysis of the evidence. This is a key element of the EIA process as it explains how you reached your conclusions, decided on priorities, identified actions and any necessary mitigation.

The policy applies to non- EEA nationals applying for leave to enter or remain in the UK as a spouse or partner of a British citizen or permanent resident regardless of race, nationality, religious beliefs, no belief, sexual orientation, disability, gender, gender identity, age, socio-economics, etc., unless applicants fall within a relevant exemption.

The EIA indicates there is a potential for differential impact, but overall the impact will be positive for migrants in terms of employment prospects and wages. This will improve the economic well being of the country including by increasing taxation and developing a more skilled workforce. The impact will be neutral for migrants from majority English speaking countries as they will automatically meet the requirement. There may also be positive impacts on the development of children in the UK whose parents have English language skills.

The impact will be limited for migrants who have a mental or physical impairment and can provide satisfactory medical evidence to meet our criteria, or are aged 65 as they will be exempt from the requirement. We will also exempt from the language requirement those who meet an exceptional, compassionate circumstances test.

However there may be adverse impacts on those from countries where English

is not widely spoken and where there is a lack of provision of English language teaching.

There may be adverse impacts on those with limited funds due to additional costs of English tuition if required and paying for the test with an approved test provider. However that has to be seen in the context of existing costs and requirements. The cost of a settlement visa is £644. Proportionally, costs of tuition and a test represent only a small percentage rise in the overall cost of seeking to settle in the UK on the basis of your relationship.

There is also a requirement for sponsors to be able to meet a maintenance and accommodation test under the Immigration Rules before a settlement visa can be issued. It is not unreasonable to expect the British or settled sponsor to meet the cost of English language tuition and a test. If they were unable to do so due to insufficient funds, they would be unlikely to meet existing rules on maintenance and accommodation.

Any adverse impacts will be mitigated by:-

- Setting the required level of English at a low level (e.g. A1)
- Allowing a considerable amount of time/lead in time to meet the requirement. In August 2009, the previous Government announced its intention to introduce a language requirement, following a public consultation in 2007-8. On 9 June 2010, the Coalition Government announced introduction of the requirement from the autumn. The policy will come into force on 29 November 2010. This date was announced on 26 July 2010 giving applicants approximately 4 months to seek relevant English language tuition if required. The approved test providers were announced on 16 August, giving applicants over 3 months notice to arrange and take a test.
- Only testing the skills of speaking and listening rather than testing all four

of the following skills: reading, writing, speaking and listening makes it easier to pass a test. This is a smaller number of skills than required by those entering under the Points Based System (i.e. coming to work or study).

- Allowing applicants to take a test of reading, writing, speaking and listening if they choose to do so because of availability - i.e. we will not insist that people only show evidence of a speaking and listening test if they are capable of demonstrating all four skills and it is more convenient for them to do this.
- Accepting degrees taught in English as proof of competency in English
- Exempting those aged 65 or over, those with a disability (mental or physical impairment) and in exceptional compassionate circumstances
- Having a clear communications strategy so that people affected are aware of the need to learn English in order to qualify in the spouse route so they have time to prepare.

5 REVIEW AND SIGN OFF

5.1 Review

The new English language requirement will be monitored on an on-going basis as part of the review of progress towards meeting Public Service Agreement 3: 'ensure controlled, fair, migration that protects the public and contributes to economic growth.

5.2 Sign-off

Now submit your EIA and related evidence for clearance

Date of completion of EIA	1 October 2010
Compiled by	Helen Sayeed
SCS sign-off	Glyn Williams
<i>I have read the Equality Impact Assessment and I am satisfied that all available evidence has been accurately assessed for its impact on equality strands. Mitigations, where appropriate, have been identified and actioned accordingly.</i>	
Date of publication of EIA Report	1 October 2010
Review date	End of 2011