

Name of Policy: Family Migration

The changes being made are to:

Partners

- Introduce a minimum income threshold of £18,600 for sponsoring the settlement in the UK of a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner or same sex partner of non-European Economic Area (non-EEA) nationality, with a higher threshold for any dependent child also sponsored: £22,400 for one child in addition to the partner and an additional £2,400 for each further child sponsored until the migrant partner qualifies for settlement.
- Publish casework guidance setting out a list of objective factors associated with genuine and non-genuine relationships, to help UK Border Agency (UKBA) caseworkers focus on these issues.
- Extend the minimum probationary period for settlement for non-EEA partners from 2 years to 5 years, to test the genuineness of the relationship on the basis of which settlement in the UK is sought.

Settlement

- Abolish immediate settlement for the migrant partner where a couple have been living together overseas for at least 4 years.
- From October 2013, require all applicants for settlement to pass the Life in the UK Test **and** present an English language speaking and listening qualification at B1 level or above.

Adult dependent relatives

- Non-EEA adult dependent relatives will only be able to settle in the UK if they can demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds. The route will be limited to those applying from overseas.

Private life

- Setting out the requirements to be met by applicants seeking to remain in the UK on the basis of the right to respect for private life under Article 8 of the European Convention on Human Rights (ECHR).

ECHR Article 8 and Criminality

- The rules will set clear thresholds for the impact of an applicant's criminality on the scope for them to be granted leave to enter the UK on the basis of their family life or leave to remain in the UK on the basis of their family or private life under Article 8 of the ECHR. .

Family visits

- Restricting family visit visa appeals, initially by narrowing the current definitions of family and sponsor for appeal purposes, and then, subject to the passage of the Crime and Courts Bill, removing the full right of appeal.

Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty

Family Migration – a consultation published on 13 July 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration/>

Alongside the consultation document, the Government published *Family migration: evidence and analysis*, a research paper providing additional information on the scale and nature of family migration to the UK. <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/>

Response to the Family Migration consultation, which was published on 11 June 2012 and is available on the UK Border Agency website along with a statement of intent on family migration. <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/13-family-migration>

The Migration Advisory Committee report *Analysis of the review of the minimum income requirement for sponsorship under the family migration route* published on 16 November 2011 <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/mac/reports-publications/>

Home Office Immigration Statistics October-December 2011

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/>¹

Various other published and unpublished data sources, as referenced within this document.

SCS sign off

Glyn Williams

Name/Title

Glyn Williams
Director of Migration
Policy

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act 2010 and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Directorate/Unit

Migration Policy

Lead contact

Helen Sayeed

Date

13 June 2012

Review Date

Ongoing

Retain the completed PES for your records and send a copy to SDAT@homeoffice.gsi.gov.uk and your relevant business area Equality and Diversity Lead.

¹ The next quarterly statistics were published on 24 May 2012, but this Policy Equality Statement uses the last full year's published statistics. Any management information in this document is provisional and subject to change.

CHANGES TO FAMILY MIGRATION

INTRODUCTION

Policy context

The UK benefits from immigration but not from uncontrolled immigration. The Government is committed to reforming all immigration routes to the UK to reduce net migration back to sustainable levels: tens of thousands a year. The goal is a more selective, more responsive system that commands public confidence and serves the UK's economic interests. We have made major reforms to the economic routes: skilled work, study and settlement from work. We now need to turn to the family route: those seeking to settle in the UK as the non-EEA partner of a sponsor who is a British citizen or a person settled here or as the dependant of the migrant partner.

On 13 July 2011, the Government published *Family Migration - a consultation*, which set out proposed reforms of the family route. These were focused on reducing burdens on the taxpayer, promoting integration and tackling abuse. The consultation ran for 12 weeks from 13 July to 6 October 2011. We received 5,046 responses.

In July 2011, the Government commissioned the independent Migration Advisory Committee (MAC) to provide advice on the level at which a minimum income threshold for sponsoring a partner and any dependants on the family route. The Government asked the MAC to consider:

'What should the minimum income threshold be for sponsoring spouses/partners and dependants in order to ensure that the sponsor can support his/her spouse or civil or other partner and any dependants independently without them becoming a burden on the State?'

The MAC conducted its own consultation and published a report responding to this question on 16 November 2011.

This PES deals with the key changes to the family route and the reforms of family visitor appeals now being made in the light of the public consultation and the MAC's report.

Policy objectives and outcomes

The family route has been a very easy way into the UK. The current maintenance requirement in practice means that any sponsor earning, after tax and housing costs have been deducted, more than the equivalent of Income Support for a couple (around £5,500 a year) is deemed to have sufficient funds to sponsor a spouse or partner. This is inadequate to prevent migrants and sponsors becoming a burden on the welfare system and in turn inhibits proper integration. Chain migration is a routine feature of some communities which remain insular. There is also widespread concern about non-genuine relationships, including sham marriages and forced marriages. We need greater selectivity, so that family migration to the UK is right for migrants, communities and the country. And we need a system that family migrants and the public see as transparent, clear, consistent and fair.

The objectives of the policy are to reduce burdens on the taxpayer, promote integration and tackle abuse.

The outcomes sought from the policy are:

- To safeguard the economic well-being of the UK and protect the public;
- A family migration system that meets the UK's international obligations, respects the right to family and private life, and strikes a fair balance between the rights of individuals and the public interest in controlling immigration and protecting the public; and
- A fair and transparent system that carries public confidence.

ECHR Article 8

Article 8 is a qualified right. The new Immigration Rules reflect all the factors which, under current statutes and case law, can weigh in favour of an Article 8 claim, e.g. a child's best interests, or against

an Article 8 claim, e.g. criminality and poor immigration history. The Courts will continue to determine individual cases according to the law but, in doing so, they will be reviewing decisions taken under Immigration Rules which expressly reflect Article 8. If an applicant fails to meet the requirements of the new Immigration Rules, it should only be in genuinely exceptional circumstances that refusing them leave and removing them from the UK would breach Article 8.

EQUALITY ISSUES

This PES has been prepared to accompany the new Immigration Rules laid before Parliament on 13 June 2012. The impacts of the changes will be kept under review to ensure that no unjustified equalities impacts arise as a result of the application of the changes. This document should also be read in conjunction with the Statement of Intent published on 11 June 2012.

Public sector equality duty

The public sector equality duty under section 149 of the Equality Act 2010 requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty covers the following 8 protected characteristics: age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; and sexual orientation.

Schedule 18 to the 2010 Act sets out exceptions to the equality duty. In relation to the exercise of immigration and nationality functions, section 149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race or religion or belief.

The table below summarises the expected equalities impacts of the changes according to each of the three aims of the equality duty.

Policy	Eliminate unlawful discrimination	Advance equality of opportunity	Foster good relations
<ul style="list-style-type: none"> • Minimum income threshold • Genuineness indicators • 5-year probationary period • End of immediate settlement for partners • B1 English and Life in UK test for settlement • Adult dependent relatives • Private life • ECHR Article 8 and Criminality 	<p>The policies will apply equally, regardless of protected characteristic. To the extent there may be indirect discrimination, it is justified as a proportionate means of achieving a legitimate aim (see discussion below).</p>	<p>In relation to the exercise of immigration and nationality functions, this does not apply to the protected characteristics of age, race or religion or belief.</p> <p>In respect of disability, gender reassignment, pregnancy and maternity, sex and sexual orientation, we consider below the need to put measures in place to advance equality of opportunity and in the main</p>	<p>The new policies will foster good relations by ensuring that family migrants are well enough supported not to be a burden on the taxpayer and to be able to integrate in British society. And by ensuring that those settling in the UK can speak and understand English well enough to participate socially, gain employment and integrate.</p>

<ul style="list-style-type: none"> • Restricting family visit visa appeals 		<p>conclude that such measures are not needed because there is little or no evidence to suggest persons with any of these characteristics will be adversely affected by the policies.</p>	
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Direct discrimination

The changes will apply to all applicants under the immigration rules, and to their sponsor and any dependants, regardless of whether they have any of the 8 protected characteristics, so there is no direct discrimination.

Paragraph 17 of Schedule 3 to the 2010 Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

Indirect discrimination

The possibility of indirect discrimination is discussed below. Section 19 of the 2010 Act sets out that indirect discrimination does not occur if an individual is not put at a particular disadvantage when they have one or more protected characteristics and if the provision, criterion or practice can be shown to be a proportionate means of achieving a legitimate aim².

Children

Although being a child is not a protected characteristic under the public sector equality duty in section 149 of the Equality Act 2010, we have nevertheless carefully considered the impact of these policies on children.

In setting out how the balance should be struck when considering proportionality under Article 8 of the ECHR, the new Immigration Rules have regard to Article 3 of the UN Convention on the Rights of the Child and reflect the duty on the Secretary of State to ensure that immigration decisions are made having regard to the need to safeguard and promote the welfare of children who are in the UK, as set out in section 55 of the Borders, Citizenship and Immigration Act 2009. The assessment of the “best interests of the child” is intrinsic to the proportionality assessment under Article 8, and has therefore also been incorporated in the Immigration Rules.

In assessing the best interests of the child, the principle question in immigration cases where a child would have to leave the UK as a consequence of the decision to remove their parent, is whether it is reasonable to expect the child to live in another country. The new Immigration Rules set out a clear framework for weighing the best interests of the child against the wider public interest in removal cases. The best interests of the child will normally be met by remaining with their parents and returning with them to the country of origin, subject to considerations such as long residence in the UK and any exceptional factors.

The Immigration Rules deal clearly with how to treat a British citizen child or a foreign national child in cases where we would otherwise intend to remove their parent(s) and how countervailing factors should weigh in the decision. The key test for a non-British citizen child remaining on a permanent basis is the length of residence in the UK of the child – which the Immigration Rules will set out as

² We must have due regard to “pregnancy and maternity” for the purposes of section 149, but indirect discrimination on the basis of pregnancy and maternity is excluded by virtue of section 19(3).

being at least the last seven years, subject to countervailing factors. The changes are designed to bring consistency and transparency to decision-making.

Transitional arrangements

The equality impact of the policy changes is reduced by the transitional arrangements which provide that the policies mainly affect only new applications to join the family route from the date of implementation. The full details of these transitional arrangements can be found in the Statement of Intent on family migration.

Generally those who have been granted leave before the date of implementation under the existing Immigration Rules will continue to be dealt with under those rules through to settlement (indefinite leave to remain: ILR), e.g. those already on the partner route can still apply for settlement after a 2-year probationary period and will not be subject to the new minimum income threshold.

Those who, before the date of implementation, have applied for leave under the existing rules will, if they qualify for it, be granted leave under the existing rules and will continue to be dealt with under those rules through to ILR.

Those granted leave following an appeal allowed on or after the date of implementation against a refusal under the rules in force prior to that date will get leave under those rules and will continue to be dealt with under those rules through to ILR.

Those who withdraw an appeal against a refusal under the family rules in force prior to the date of implementation and reapply will be considered under the new rules.

From October 2013, there will be a requirement for all applicants for settlement to pass the Life in the UK test and present an English language speaking and listening qualification at B1 level or above, unless they are exempt from it. This includes those granted leave to enter or remain in the UK before the date of implementation who have not applied for settlement before the date in October 2013 on which the requirement is introduced.

Indirect discrimination – Minimum income threshold

The policy

Those who choose to establish their family life in the UK by sponsoring a non-EEA partner to settle here should have sufficient financial independence to be able to support themselves and their partner without relying on public funds and well enough to facilitate the migrant partner's participation and integration in British society.

We are introducing a minimum income threshold of £18,600 for a British citizen or person settled in the UK to sponsor a non-EEA partner. The threshold will apply to fiancé(e)s, proposed civil partners, spouses, civil partners, unmarried partners and same sex partners applying to enter or remain in the UK or applying for indefinite leave to remain in the UK.

In view of the education and other costs arising, there will be a higher financial requirement where the sponsor is also sponsoring a dependent child accompanying the migrant partner, or at any time before the latter reaches settlement. The higher level of income threshold applicable will be determined by the number of children being sponsored at the point of each application: £22,400 for one child in addition to the partner, and an additional £2,400 for each further child. Full details on which children are affected by the income threshold can be found in the Statement of Intent.

Policy aims

To safeguard the economic well-being of the UK, those who choose to establish their family life in the UK by sponsoring a non-EEA partner to settle here should have sufficient financial independence to be able to support themselves and their partner without relying on public funds. More than that, the sponsor should have the financial wherewithal to ensure that the migrant is able to integrate and play a full part in British society: we want to see family migrants thriving here, not struggling to get by.

What outcomes will it achieve?

It will safeguard the economic well-being of the UK because it will reduce the burden of family migration on the taxpayer and promote the integration of family migrants.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
<p>Race</p>	<p>Home Office statistics show that Pakistani, Indian, USA and Bangladeshi applicants apply in high numbers for partner visas. It follows therefore that migrants from these countries will be more affected by the policy changes (see Annex 1.1, Table 1 and 2).</p> <p>For Pakistani and Bangladeshi applicants there is evidence that their sponsor is likely to have lower earnings compared to the sponsors of applicants of other nationalities (see Annex 1.1 Table 9). An additional factor is that the diaspora communities in the UK of those national origins may be more likely to seek to sponsor a partner of that nationality from overseas.</p> <p>59% of sponsors in a case file sample had been British citizens since birth, but 41% had been born outside the UK and subsequently acquired citizenship or settlement (see Annex 1.1 Table 23). So a large proportion of sponsors of partners from overseas had themselves been born overseas and migrated to the UK.</p> <p>94% of sponsors in the case file sample were in paid employment at the time of the application. The high employment rate for sponsors of partner visas could help them to meet the income threshold. Those sponsors whose applicant partner was from the Indian Sub Continent (Pakistan, India: 98% employed; Bangladesh: 96% employed) had the highest employment rate of any in the sample.</p> <p>To the extent that there may be indirect discrimination it is considered proportionate to achieve the policy aims.</p>	<p>Exempting sponsors in receipt of carer's allowance from the income threshold may mitigate the impact on Bangladeshi and Pakistani men and women who are three times more likely to provide care compared with their white British counterparts (see Annex 1.4 for data on carers). Those in receipt of carer's allowance will still need to meet the existing maintenance requirement (income support level).</p> <p>The fact that non-employment income and cash savings (above £16,000) can count towards the income threshold, in addition to earnings from UK employment.</p>
<p>Age</p>	<p>The policy will directly affect main applicants and sponsors aged 18 or over and any children aged under 18 to whom the threshold applies.</p> <p>UK labour market research indicates that those aged 40-49 have the highest average gross weekly earnings: £560, closely followed by those aged 30-39 (£550) and 50-59 (£530). Those aged 60+ have average gross weekly earnings of £466 and those aged 22-29 £404. Those aged 18-21 (£273) have the lowest average weekly earnings and will therefore be the age group least likely to be able to meet the income threshold compared with other age groups. All age groups except those aged 18-21 have average gross annual earnings above £18,600 (see Annex 1.2 Annual Survey for Hourly Earnings).</p> <p>Those aged 18-24 (those aged 16 and 17 cannot sponsor a partner) are most likely to work part-time (see Annex 1.2 IPPR research). This may be related to study, childcare or other commitments.</p>	<p>Allowing both parties' earnings to be counted towards the income threshold where the applicant is already present in the UK with permission to work will enable more lower paid couples, including those aged 18-21, to meet the income threshold.</p> <p>Exempting applicants whose sponsor is in receipt of carer's allowance from the threshold requirement mitigates the impact on those aged 50-59 in particular, as this is the</p>

	<p>There is no evidence to suggest that those aged 60+ are disproportionately affected by the policy. Few applicants fall into this age group. (See Annex 1.2 FMEA Table 2).</p> <p>There might also be reasons other than age for low earnings, such as skills level and occupation. Equally a sponsor in any age group may not be typical for their age and could be a high earner.</p> <p>To the extent there may be indirect discrimination against younger, lower paid workers, this is considered proportionate to achieve the policy aims.</p>	<p>peak age for caring responsibilities (See Annex 1.4 for data on carers)). Those in receipt of carer's allowance will still need to meet the existing maintenance requirement (income support level).</p> <p>Allowing any State and private pension to be counted towards the income threshold will mitigate the impact on older applicants.</p> <p>Allowing cash savings above £16,000 to be counted towards the threshold will mitigate the impact on older applicants and sponsors who are more likely to have such savings.</p>
Disability	<p>The policy will have a significant impact on those whose disability impacts on their employment. (See Annex 1.3 – disability section).</p> <p>Overall the poorer employment rates for disabled people mean that they will be less likely to be able to meet the minimum income threshold, whether they are an applicant or sponsor. For those in employment, a lower level of employment-related qualifications may play a part in the lower earnings of disabled people compared with the non-disabled. Whilst the ability to work will vary by the nature and extent of the disability, we have taken into account that disabled people are less likely to be employed and more likely to earn less in framing the policy.</p>	<p>Exempting applicants whose sponsor is in receipt of a specified disability-related benefit from the income threshold requirement will mitigate the impact.</p> <p>However, the disadvantages suffered by disabled people are not sufficient to allow them be excluded from demonstrating any ability to maintain their migrant family in the UK. Those in receipt of the benefits listed below will still need to meet the existing maintenance requirement (income support level).</p> <p>It is not possible for the UK Border Agency to determine whether a disability prevents a person from working or from earning more. It is therefore rational to base an exemption from the threshold</p>

		<p>policy on whether the Department for Work and Pensions has determined that the sponsor qualifies for a relevant disability-related benefit:</p> <ul style="list-style-type: none"> • Disability Living Allowance • Severe Disablement Allowance • Industrial Injuries Disablement Benefit • Attendance Allowance
<p>Sex</p>	<p>Home Office statistics indicate that the majority of partners granted settlement in the UK are women (68 % of partner applications in 2010 were from women), meaning that the majority of sponsors of partner settlement applications are men (see Annex 1.4: sex section).</p> <p>This means that women will be most affected by a refusal of leave to enter or remain in the UK as a partner because the income threshold requirement is not met. We do not hold quantitative data on the working arrangements of sponsors, e.g. part time, shift working, etc, as we do not ask for this data from applicants. Data from the ASHE indicates that women are likely to earn less than men. Data from the Labour Force Survey indicates that women are also more likely to work part-time compared with men (see Annex 1.4 sex section).</p> <p>This means that female sponsors and applicants may find it harder to meet the income threshold requirement compared with male sponsors and applicants if they earn less or work fewer hours.</p> <p>Those of either sex who take a career break or change their working pattern or career may see a drop in their income, but to the extent such changes are a matter of personal choice, the sponsor or applicant may be able to reflect the requirement to meet the income threshold in their plans.</p> <p>To the extent that there may be indirect discrimination it is considered proportionate to achieve the policy aims.</p>	<p>The income relied upon to meet the threshold at the entry clearance stage will in most cases be that of a male sponsor if only employment earnings are being used to meet the threshold and male average earnings are higher than female. For applications made in country the employment earnings of both parties are taken into account.</p> <p>Exempting applicants whose sponsor is in receipt of carer's allowance from the threshold requirement mitigates the impact on women, who are more likely to be carers than men. (See Annex 1.4 for data on carers). Those in receipt of carer's allowance will still need to meet the existing maintenance requirement (income support level).</p> <p>Allowing other specified contributory benefits, such as Maternity Allowance, to be</p>

		<p>counted towards the income threshold will benefit female sponsors eligible for these benefits.</p> <p>The minimum income threshold applies equally to both sexes whether they work full- or part-time. There is no pro rata threshold for part-time workers because this would undermine the policy aims.</p>
Religion or belief	<p>No. Although no data are available on the religion of those subject to the immigration rules, there is no reason to suppose that people with this protected characteristic are particularly likely to be affected.</p> <p>We have looked at the impact that religion in Northern Ireland might have on the ability to meet the income threshold. <i>Fair Employment in Northern Ireland: A Generation On</i>, edited by Bob Osborne and Ian Shuttleworth and published in 2004 by the Equality Commission for Northern Ireland, found that there had been major changes in employment since the mid-1970s. There is no significant evidence to suggest that Roman Catholics in Northern Ireland will be less likely, on the grounds of religion, to meet the threshold requirement compared with Protestants.</p>	N/A
Sexual orientation	<p>No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.</p>	N/A
Gender reassignment	<p>No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.</p>	N/A

Overall, a large number of potential sponsors will not meet the income threshold, meaning that they will be prevented from sponsoring the settlement in the UK of a non-EEA partner. The MAC estimated that an income threshold of £18,600 will not be met by 45% of current applicants. If this number of applicants were affected this is proportionate to meeting the policy aims of reducing burdens on the taxpayer and promoting integration. Further assessment of the impact of the income threshold on visa grants can be found in the impact assessment.

The impact of the income threshold will vary for each individual and couple. Above are general statements of those who might be affected, but the picture is a complex one. Employment and earnings are difficult to consider in terms of single factors in isolation. A woman may earn more than a man because she has better qualifications. A young person working in the City may earn more than an older person doing manual work. Factors unrelated to a protected characteristic, e.g. the general economic situation, education or lack of it, qualifications or lack of them, can have an impact on whether a person is able to meet the income threshold requirement. Some people will suffer a disparate impact depending on factors present in their situation, but it will not necessarily be a discriminatory one.

Some aspects of the structure and operation of the income threshold will mitigate its impact on lower paid groups regardless of protected characteristics, e.g. counting the migrant partner's earnings where or once they are in the UK with permission to work and allowing third party support in the form of a contribution to cash savings provided these are now under the couple's control and theirs to dispose of, and not a loan.

We consider that any indirect discrimination against those with protected characteristics who may be represented in greater proportions in lower paid groups is justified by and proportionate to the policy aim of safeguarding the economic well-being of the UK by reducing burdens on the taxpayer and promoting integration. It is in the UK's economic interests for those sponsoring the settlement in the UK of a non-EEA partner to be able to stand on their own two feet financially: not increasing the burden on the taxpayer in terms of income-related benefits, e.g. housing benefit, through the presence here of the migrant partner, and ensuring that the latter is well enough supported to be able to participate and integrate in British society. Financial self-sufficiency should be demonstrated irrespective of protected characteristics.

The changes covered by this PES do not restrict the number of family members who can be sponsored to come to the UK, provided that the requirements of the Immigration Rules are met.

Indirect discrimination – publishing factors associated with genuine and non genuine relationships

The policy

Family migration must be based on a genuine relationship. There is real concern about people entering into sham marriages to abuse the system and about forced marriages which are a breach of human rights and a form of violence against the victim.

When considering whether a partner qualifies for leave to enter or remain or for settlement, entry clearance officers and other caseworkers are required to assess the genuineness of the relationship and make an evidenced decision which is subject to appeal. Decisions on the genuineness of a relationship are taken on a case-by-case basis taking account of all the circumstances of the application, but there is currently limited guidance about how this assessment should be undertaken.

Clear guidance will help entry clearance officers and other caseworkers make informed, consistent decisions based on evidence. Entry clearance officers and other caseworkers will be required to continue to reach a decision on each application on a case-by-case basis taking account of all the circumstances of each case. The fact that a case contains one or more of the factors set out in the guidance will not necessarily determine the decision: the entry clearance officer or other caseworker will be required to continue to look at the circumstances of the case as a whole.

In future, any refusal of decision notice will (subject to the need to protect a forced marriage victim unwilling to make a public statement) include a sufficiently detailed explanation of the reason for the refusal, referencing the relevant objective factors and the evidence associated with these. This is also intended to assist UKBA presenting officers and Immigration Judges in focusing on the same factual matters in any appeal.

Policy aims

- To better enable the UK Border Agency to identify sham marriages³ and forced marriages⁴, and to refuse entry clearance, leave to remain and indefinite leave to remain applications based on them.
- To make clear to genuine applicants what factors may be taken into account in considering their application.

³ The marriage, civil partnership or relationship was entered into solely for the purpose of obtaining an advantage under the Immigration Rules.

⁴ The marriage, civil partnership or relationship was not entered into voluntarily, or there was pressure applied to either party to enter into it.

- To deter false applications.

What outcomes will it achieve?

There is evidence of abuse of the family route, in particular through sham marriages and forced marriages, and the proposal is intended to help tackle this.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	<p>We do not consider that the published list of factors will indirectly discriminate on race grounds, including in respect of applications involving partners from the Indian Sub Continent who are most likely to enter into arranged marriages for religious or cultural reasons. We are aware that this means they will usually not have cohabited before marriage. This has been taken into account in drafting the factors (see mitigations) so that they suffer no disadvantage.</p> <p>One factor that caseworkers will look at is whether the couple are able to communicate with each other in a language understood by them both. This is a legitimate area of enquiry given that many reports of sham marriage highlight this concern. In our view this does not discriminate on race grounds. It is reasonable to expect two people in a relationship seeking to make a permanent life together in the UK to be able to communicate with each other. This is not about the foreign national being able to speak English with their sponsor. If both parties can communicate with each other in any language, that will be satisfactory in relation to that factor from the published list.</p>	<p>Additional scrutiny can occur in any case, regardless of protected characteristics.</p> <p>Guidance will remind caseworkers they must be alert and sensitive to the extent to which religious or cultural practices may shape the factors present or absent in a particular case.</p> <p>The factors take arranged marriages into account, e.g. acknowledging that there may be a lack of cohabitation prior to marriage, that in some cultures it is traditional for household accounts, bills, etc to be in the name of the male head of the household (who could be the male partner or perhaps their father or grandfather), that it will not be regarded as</p>

		<p>a negative factor if the applicant has never visited the UK, and that an arranged marriage may involve a dowry.</p> <p>This helps mitigate any impacts on race grounds.</p>
Age	There is no reason to suppose people with this protected characteristic are particularly likely to be affected because age is not a factor in the list of factors.	Additional scrutiny can occur in any case, regardless of protected characteristics.
Disability	No. The policy is intended to help identify and protect those with a mental disability who may lack the capacity to consent to marriage.	N/A
Sex	More women apply for partner visas than men. This policy applies irrespective of gender and its impact in identifying genuine and non-genuine relationships is the same regardless of the gender of the sponsor or the applicant (see Annex 1.4 sex section).	N/A
Religion or belief	We do not consider that the list of factors will indirectly discriminate on religious grounds in applications involving partners from the Indian Sub Continent who are more likely to enter into an arranged marriage for religious or cultural reasons. We are aware that this means they will usually not have cohabited before marriage. This has been taken into account in drafting the factors (see mitigations under race) so that they suffer no disadvantage.	<p>Additional scrutiny can occur in any case, regardless of protected characteristics.</p> <p>See also migrations under race which apply equally here.</p>
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

UKBA caseworkers will look at all cases on a case-by-case basis considering all the circumstances of the case as a whole. A refusal will be based on not evidencing a genuine relationship, not on a protected characteristic.

To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving the Government's objective of controlling immigration and tackling abuse. See **Annex 2.1** for data on sham marriages and forced marriages.

Indirect discrimination – Extending the probationary period before settlement for partners from 2 years to 5 years

The policy

We are increasing the minimum probationary period in the UK before settlement to 5 years for non-EEA partners of British citizens and settled persons on the family route, for partners of migrants under the Points Based System, and for post-flight partners of refugees and those granted humanitarian protection.

The probationary period is currently 2 years for a partner of a British citizen or settled person on the family route or for a post-flight partner of a refugee or a person granted humanitarian protection.

The partner of a PBS migrant can currently apply for settlement as soon as the main migrant has achieved settlement as long as the couple have lived together in the UK for at least 2 years. For PBS dependants, in future the probationary period will be increased to 5 years.

The post-flight partner of a refugee or person granted humanitarian protection will be able to apply for ILR provided they have completed the minimum 5 years and their sponsor is now settled in the UK.

The changes will not apply to those who already have, or have applied for, limited leave to enter or remain in the UK before the date of implementation, in one of the affected categories. See the Statement of Intent for more details on the relevant transitional arrangements.

The policy has no impact on the number of people who can enter or remain in the UK on the basis of their family life. It requires migrant partners to serve a minimum probationary period of 5 years and to make at least one additional, charged application to extend their leave in the UK before they can apply for settlement.

Policy aims

The aim of the policy is to provide a proportionate test of the genuineness of the relationship before settlement in the UK is granted on the basis of it. There is significant evidence of and concern about sham marriages being used to abuse the immigration system. A minimum probationary period of 5 years will help to deter such abuse.

What outcomes will it achieve?

There will be reduced abuse of the immigration system through sham marriages, including reduced harm to those induced to participate in a sham marriage to enable a non-EEA national to circumvent immigration controls and reduced impact of the organised crime groups responsible for perpetrating many sham marriages.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	See Annex 1.1 table 1 and 2 for nationality data on partner visas on the family route, and Annex 2.1 for the top 10 nationalities of PBS dependants. Extending the minimum probationary period before settlement does not indirectly discriminate on the grounds of race against those nationalities who apply in greater numbers in the partner route or as PBS dependants. The statistics show that Pakistani, Indian, USA and Bangladeshi applicants apply in high numbers for partner visas. Indian, Pakistani and Nigerian are the top three	N/A

	<p>applicant nationalities for PBS dependants under Tier 1. Indian, American and Japanese are the top three applicant nationalities for PBS dependants under Tier 2. It follows that migrants from these countries will be more affected by the policy change. But the fact that some nationalities apply in high volumes does not of itself amount to indirect discrimination because they are not treated differently when compared to a person from a low application volume nationality.</p> <p>Applying for settlement is a personal choice and not a motivating factor for all migrants who enter the UK in the family route. The changes to settlement will only affect those migrants who elect to apply for it. For example, research produced by the Home Office (The Migrant Journey by Lorra Achato, Mike Eaton and Chris Jones, 2010) revealed that of a cohort of migrants who had entered the UK in the family route in 2004, 63% remained in the UK immigration system after 5 years. http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/horr43/</p> <p>Some family migrants applied for settlement as soon as they were eligible. But some switched into other routes, e.g. employment, including a few into temporary work routes without a route to settlement (such as in Tier 5 of the PBS). By the end of 2009, just over half (55%) of those who entered the UK in 2004 via the family route had been granted settlement.</p> <p>There is some evidence that some nationalities who enter the family route are more likely to settle compared to others. For example, the same Migrant Journey research contained in Second Report by Lorra Achato, Mike Eaton and Chris Jones 2010) revealed that analysis of the most common nationalities in the family route showed that although the average settlement rate for all family route migrants in 2004 was 55%, migrants originating from different countries showed markedly different patterns – see Table S2 of the report. Pakistan (ranked 1st in terms of volume of applications) and Bangladesh (7th) showed very high proportions of family route migrants (more than 8 out of 10) who had settled over the 5 years of the study. By contrast, only 1 in 10 Australian migrants settled in the UK over the same period.</p> <p>The research indicates that there are many possible explanations for why migrants from some countries appear to favour particular immigration routes. In the case of the family route, some British citizens or settled migrants are more likely to marry a spouse who lives abroad, based on shared cultural practices or traditions. In addition, historical ties, particularly to Commonwealth countries, mean that established migrant communities make it more attractive for others to come to the UK and stay permanently.</p> <p>Pakistani nationals are the most likely to settle in the UK on the family route. They are also the nationality most commonly referenced in reports of suspected forced marriages and sham marriages (see Annex 2.1 for the data).</p>	
Age	No – the policy will apply irrespective of age.	N/A
Disability	No – the policy will apply irrespective of disability.	N/A
Sex	More women apply for partner visas on the family route than men	Provisions

	<p>so more women than men will have a longer path to settlement on the family route. The policy applies irrespective of gender and its impact in delaying settlement is the same regardless of the gender of the sponsor or the applicant (see Annex 1.4 sex section).</p> <p>Concerns have been raised about the impact of the measure on domestic violence victims and as victims of domestic violence are predominantly women⁵ the policy could be argued to indirectly discriminate against women. However:</p> <ul style="list-style-type: none"> • Domestic violence can occur in a relationship regardless of whether the parties are subject to immigration control. • There is no evidence to support the view that an increase in the probationary period will lead to people being trapped in violent relationships or forced marriages. That has not been the experience of other countries (Latvia and Austria) that have a 5-year probationary period. <p>To the extent that there may be indirect discrimination it is considered proportionate to achieve the policy objective of tackling abuse of partner routes to settlement in the UK.</p>	<p>under the domestic violence immigration rules will provide a route for partners on the family route to leave an abusive relationship at any point during the 5 year probationary period and apply for immediate settlement in the UK.</p> <p>In 2010, 766 wives and 55 husbands were granted immediate settlement on the basis of domestic violence.</p> <p>Since April 2012, victims of domestic violence on the family route who meet the eligibility criteria have been able to claim welfare benefits while UKBA considers their application for immediate settlement, helping them where appropriate to leave the family home.</p> <p>The minimum income threshold will not apply to</p>
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⁵ The British Crime Survey shows that in 2010, 68% of domestic violence was committed by men: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/nature-violent-crime> Table 7.1

		settlement in such cases. Sponsors who suffer domestic violence from a migrant partner can withdraw their sponsorship during the 5 year probationary period and UKBA will look to curtail the leave of the migrant partner where possible.
Religion or belief	No. Although no data are available on the religion/belief of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

Regardless of protected characteristics the probationary period does not prevent genuine couples from enjoying a family life in the UK. Genuine couples who want to settle in the UK will continue to do so. Access to the labour market, the NHS and to schooling is not affected by this change and those migrants entitled to them will still have access to contributory benefits after they have made sufficient National Insurance contributions. The measure is therefore considered to be a reasonable and proportionate way of meeting the policy aim. To the extent any indirect discrimination is not mitigated by the detail of the changes, this is considered to be proportionate to achieving the policy aim of tackling abuse of the immigration system.

Data on sham marriages and forced marriages can be found at **Annex 2.1**.

Indirect discrimination – Abolition of immediate settlement for partners

Proposed policy

Migrant partners may be eligible for settlement immediately on arrival in the UK (indefinite leave to enter: ILE) if they meet the relevant criteria under the immigration rules.

The migrant partner must:

- Have married or formed a civil partnership with a British citizen at least 4 years ago;
- Have spent that time living together outside the UK; and
- Meet the requirement for knowledge of language and life in the UK (unless exempt because they are aged 65 or over or have a disability which means they cannot meet the requirement).

We are abolishing immediate settlement in such cases and requiring the migrant partner to complete a 5-year probationary period in the UK before they can apply for settlement. See the Statement of Intent for the transitional arrangements which apply to this change.

This policy has no impact on the number of people who can enter or remain in the UK unless removing immediate settlement makes settling in the UK less attractive to couples. We think that in most cases people who want to settle in the UK will continue to do so. The key change is that those affected will be required wait a minimum of 5 years before they can apply to settle rather than being able to do so immediately. It delays the grant of ILR. This will require the migrant partner to undertake a further application to extend their leave in the UK before they can apply for settlement, which will have cost implications, but this will be regardless of protected characteristic.

Policy aims

Settlement in the UK – permanent residence and full access to the welfare system – is not an entitlement. The basis on which settlement can be achieved be fair between different categories of migrant. It is not fair that a migrant who may never have been to the UK and made no tax or National Insurance contribution should get immediate settlement and full access to the welfare system.

What outcomes will it achieve?

Ending indefinite leave to enter for partners will bring greater fairness by generally requiring all couples wishing to set up home in the UK to meet the same requirements at each stage of the process: leave to enter, remain in or settle in the UK on the basis of their relationship.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	No. This policy applies irrespective of race and its impact is the same regardless of the sponsor or the applicant's race. The top three nationalities who granted immediate settlement at the entry clearance stage as a partner in 2011 were Nepal, South Africa and the USA. The top 10 countries can be found at Annex 3.1 Those affected by the change are those in long-term relationships which may occur regardless of race.	N/A
Age	No. Age data at Annex 3.2 shows a variety of ages using the route with specific trends in some countries. The only pattern seems to be there were no reports of couples in the 18-25 age group using the ILE route in the posts surveyed. This policy applies irrespective of age and its impact is the same regardless of the sponsor or the applicant's age. Those affected by the change are those in long-term relationships which may occur at any age.	N/A
Disability	No. This policy applies irrespective of disability and its impact is the same regardless of the sponsor or the applicant's disability. Those affected by the change are those in long-term relationships which may occur whether someone is disabled or not.	N/A
Sex	No. A number of overseas posts were asked about the gender of the sponsor and migrant partner using this route. This should be regarded as a snapshot of the experiences of the posts concerned and should not be treated as definitive. Posts in Mauritius, Jakarta, Ukraine and Thailand reported that in partner ILE cases the sponsor was male in the majority of cases or 100% of cases. In India, Manila and South Africa around 50% of sponsors were	N/A

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
	male and 50% were female. In New York female sponsors were in the majority. This shows that there is no clear gender pattern for the sponsors and migrant partners using this route, although with specific trends in some countries. This policy applies irrespective of sex and its impact is the same regardless of the sponsor or the applicant's sex. Those affected by the change are those in long-term relationships which may occur regardless of their sex.	
Religion or belief	No. Although no data are available on the religion/belief of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

Migrants will not be prevented by this change from entering the UK but they will be required to wait longer before they can qualify for settlement. The existing policy of immediate settlement was based on the length of relationship. Protected characteristics have no clear bearing on how long a couple may have been together.

Any impact of abolishing ILE is mitigated by:

- The primary effect of the measure which is to delay settlement. It does not prevent genuine couples from enjoying a family life in the UK. Genuine couples who want to settle in the UK will continue to do so if they can meet the requirements of the immigration rules. The change does not make it harder to enter the UK with any protected characteristic.
- Migrant partners who previously qualified for ILE are likely to have a higher chance of making a successful application for limited leave to enter. They will find it easier to meet certain requirements such as demonstrating a subsisting relationship because of the duration of their relationship. This will be the same for any genuine long-term relationship regardless of protected characteristic.

Family migration: evidence and analysis published by the Home Office in July 2011 indicates at Table 1 that for those coming to the UK as a spouse or civil partner, applications are more likely to be granted to those applying for immediate settlement on entry.

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/>

In 2010, the grant rate for ILE for partners was 92% compared to 81% for partners applying under the probationary period route. The analysis concluded "This may reflect the fact that spouses and civil partners are only eligible for this visa if they have been married or in a civil partnership for at least four years and therefore find it easier to meet the other criteria for a spouse or partner visa."

Entry clearance statistics for 2011 show a similar pattern with a grant rate for ILE for partners of 86% compared to 78% for partners applying under the probationary period route.

- Pre-entry English requirements will be easier than at present for this group. They will be expected to meet the basic A1 English requirement for entry as a partner rather than the knowledge of language and life in the UK requirements for settlement. This may benefit those with a low level of English, although this relates to personal circumstances, such as level of education, rather than a protected characteristic.
- Low numbers are affected by the change as most couples entering the UK in the family route regardless of protected characteristics have been in a relationship for less than 4 years.

The overall number of entry clearance applications for partners issued ILE in recent years is set out below:

Category	2005	2006	2007	2008	2009	2010	2011
Family route: Partner (for settlement)	3,862	3,518	1,869	600	1,314	2,052	1,325

To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving the policy objective of greater fairness as to the basis on which partners can qualify for settlement.

Indirect discrimination – B1 English and Life in the UK test for settlement

Proposed policy

Currently, applicants for indefinite leave to enter or remain (settlement) are required to show they have sufficient knowledge of language and life in the UK by passing the Life in the UK test or by passing an English for Speakers of Other Languages (ESOL) course with Citizenship materials. The majority of applicants take the Life in the UK Test. The test is set at ESOL Entry Level 3 (B1 of the Common European Framework of Reference (CEFR)) and is based on the handbook "Life in the United Kingdom: A Journey to Citizenship".

UKBA management information indicates that 81 per cent of all migrants granted settlement between 1 January 2009 and 31 December 2010 presented a Life in the UK test certificate and 71 per cent of those granted settlement as a partner during the same period presented a Life in the UK test certificate. This indicates that approximately 20 per cent of applicants for settlement overall and 30 per cent of partners may currently have English at a lower level than B1 when they settle in the UK.

English language is the cornerstone of integration. Since 2010, the Government has increased English language requirements across the immigration system, but it is still possible for some groups to qualify for settlement with only a very limited command of English.

From October 2013, we will require all applicants for settlement to demonstrate a knowledge of language and life in the UK by passing the Life in the UK test and by presenting a speaking and listening qualification at intermediate level (Common European Framework of Reference level B1) or above. This language requirement, together with a knowledge of the values that underlie British society, will help ensure that those who settle here are able to participate in British life and are better able to gain employment.

As now, we will exempt from the knowledge of language and life requirement at settlement those with a physical or mental condition that prevents them from meeting the requirement as well as those aged 65 and over. Refugees, those with humanitarian protection, bereaved spouses and partners, and victims of domestic violence will continue to be exempt from the knowledge of language and life requirement at the settlement stage.

Details of transitional arrangements for this policy can be found in the Statement of Intent.

Policy aims

By increasing the level of English required at settlement, the policy seeks to ensure that those intending to live permanently in the UK should have a sufficient command of English, and knowledge of life in the UK and of British values, to enable them to integrate successfully, play a full part in the wider community and have effective access to the labour market. English language skills help

migrants obtain employment and help those in employment to increase their skills. The ability to communicate face-to-face assists in day-to-day interaction with shops, schools and other public services and with the community as a whole. This is of benefit both to the migrant and to wider society.

What outcomes will it achieve?

As a result of these changes, those applying for settlement should be better able to integrate in the UK, with enhanced economic and social prospects.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	<p>The policy will impact on those seeking settlement in the UK regardless of race. The top five nationalities granted settlement on the basis of an ESOL qualification in 2009-2010 were:</p> <p>Pakistan (10,885) India (4,179) Bangladesh (4,106) Afghanistan (1,977) Thailand (1,380)</p> <p>Annex 4.1 tables 26 and 27 provide further details on which nationalities are more likely to produce an ESOL qualification and how many come from majority English speaking countries.</p> <p>Anecdotal evidence suggests that those who present an ESOL qualification at settlement generally have a lower level of English than B1 of the CEFR. But the fact that Pakistani nationals may present an ESOL certificate is not related to nationality. It is evidence of personal circumstances, such as education, financial means and their existing level of English. This is clearly shown by the fact that a high number of Pakistanis already demonstrate B1 English at settlement by passing the Life in the UK test.</p> <p>There is a good deal of social research⁶ into the links between learning the host country's language and increased productivity and employment prospects and so the language requirement for settlement should have a positive impact on migrants for whom English is not a first language (see Annex 4.3).</p> <p>Any indirect discrimination on the basis of race is proportionate because of the benefits of enhanced integration and reduced language burdens on public services, as set out in the policy objectives.</p>	<p>Any impact is reduced by the fact that partners are now required to demonstrate A1 English on entry, on which they can then build before they apply for settlement after a 5-year probationary period.</p> <p>All partners who entered before the pre-A1 requirement should be eligible to apply for settlement by summer 2013, before the B1 English requirement for settlement is introduced in October 2013.</p>
Age	No.	There will be an exemption from the B1 English and Life in the UK test requirements for those aged

⁶ e.g. Dustmann, C, van Soest, A, 2003. The Language and Earnings of Immigrants, Industrial and Labour Relations Review, vol. 55, no.3

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
		65 or over.
Disability	No – the changes are not expected particularly to affect disabled people.	There will be an exemption from the B1 and Life in the UK test requirements for those with a disability which prevents them from meeting the requirements.
Sex	<p>The policy will impact on those applying for settlement in the UK regardless of their sex. Management information indicates that proportionately more women currently follow the ESOL route and this suggests that the English level for migrant women applying for settlement may on average be lower than for migrant men (see Annex 4.2 table 1).</p> <p>We do not consider that there is indirect discrimination on the grounds of sex. The fact that more women than men produce an ESOL certificate relates to personal circumstances, such as education, financial means and their existing level of English, and not to gender. More women than men also take the Life in the UK test which is set at B1 level, which also indicates that gender is not a factor preventing language learning.</p> <p>Any indirect discrimination on the basis of sex is proportionate because of the benefits of enhanced integration and reduced language burdens on public services, as set out in the policy objectives.</p>	The A1 English language requirement on entry referred to above applies equally to men and women, as do the acknowledged benefits of learning English.
Religion or belief	No. Although no data are available on the religion/belief of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

Delaying the introduction of the B1 English and Life in the UK test requirements until October 2013 will ensure that all those affected will have notice of the change.

To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving the policy objectives. As a result of these changes, the English language level attained by all those applying for settlement will increase, enhancing their economic and social

prospects, assisting their integration in the UK and fostering good community relations. Interpreting and translation costs for public services will be reduced.

Indirect discrimination – adult dependent relatives

Proposed policy

Currently, parents and grandparents aged 65 or over who are financially dependent on a relative settled in the UK can settle here if that sponsor can maintain and accommodate them without recourse to public funds. Parents and grandparents under the age of 65 and other adult relatives (sons, daughters, brothers, sisters, uncles, aunts) of any age must also meet a requirement of living in the most exceptional compassionate circumstances.

We have reviewed the basis on which non-EEA adult dependent relatives can join a person settled in the UK, in view of the significant NHS and social care costs to which, notwithstanding the sponsor's undertaking to maintain and accommodate the relative without recourse to public funds, these cases can give rise. This includes the adult dependent relatives of British citizens and settled persons and of refugees and those granted humanitarian protection in the UK.

We are closing the route to applicants seeking to switch in-country: anyone coming to the UK for a visit must return home at the end of it. They can apply for a visa on this route from overseas.

We are limiting the route to close family: parents, grandparents, sons, daughters, brothers and sisters aged 18 or over. This means excluding uncles and aunts from the route, which does not affect significant numbers.

We are ending the routine expectation of settlement in the UK for parents and grandparents aged 65 or over who are financially dependent on a relative here. Non-EEA adult dependent relatives will only be able to settle in the UK if they can demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds.

The UK sponsor will not be required to meet the new financial requirement of a gross annual income of £18,600 to sponsor an adult dependent relative, who will continue to qualify for immediate settlement in the UK. If the applicant's sponsor is a British citizen or settled in the UK, the applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care without such recourse, for a period of five years from the date the applicant enters the UK.

The adult dependent relative will continue to qualify for immediate settlement in the UK if their sponsor is a British citizen or settled in the UK. If their sponsor is a refugee or a person granted humanitarian protection, they will continue to be granted limited leave and be able to apply to settle in the UK once their sponsor has qualified to do so.

Policy aims

By restricting the route to those who meet the above requirements the policy seeks to ensure that only those who have a genuine need to be physically close to and cared for by a close relative in the UK are able to settle here. Those who do not have such care needs can be supported financially in the country in which they live by their relative in the UK.

Those who come to the UK as a visitor must leave the UK at the end of their visit. They cannot have any expectation of being able to settle in the UK. If they want to do so, it is fair to expect them to apply for a visa on this route overseas.

What outcomes will it achieve?

As a result of these changes, adult dependent relatives granted entry or settlement in the UK will have a genuine need to be physically close to and cared for by a close relative in the UK. The closure of the route in-country will reinforce the policy that those who enter the UK as a visitor must leave at the end of their visit.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	No. The policy applies irrespective of race. For nationality data on adult dependent relatives, see Annex 5.1 .	N/A
Age	The changes may indirectly discriminate on the grounds of age, as those aged 65 or over are more likely to apply than other age groups (see Annex 5.2). However, the criteria will be the same for all age groups and will reflect those which already apply to adult dependent relatives aged 65 or over who are not parents or grandparents.	The new criteria will apply equally to all age groups.
Disability	No. The policy applies irrespective of the sponsor or the applicant's disability.	N/A
Sex	No. The changes do not indirectly discriminate on the grounds of sex. Although women apply in greater numbers in this route (see Annex 5.3), they are not affected differently compared to men as a result of the protected characteristic of sex. It is age, illness or disability that is likely to prompt an application. No one is prevented from applying based on their sex. There is no reason to think that women will find it harder to meet the new criteria than men. Most serious health conditions or their severity are not linked to gender.	No one is prevented from applying based on gender. The same criteria will apply regardless of gender. Every case will be considered on its merits regardless of gender.
Religion or belief	No. Although no data are available on the religion/belief of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

Any equalities impact of the changes is mitigated by the fact:

- The new criteria will apply to all groups equally.
- Each case will be considered on its merits based on the criteria rather than any protected characteristic.
- The minimum income threshold will not be applied to applicants on this route.
- Those most in need of care remain most likely to qualify, as compared with those who simply have a preference to come and live in the UK with a relative here.

- Immediate settlement will be retained for applicants whose sponsor is a British citizen or settled person.

To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving the policy objectives, given the NHS and social care costs which can be associated with these cases. For example, based on Department of Health calculations⁷, a person who lives until their 85th birthday can be expected to cost the NHS almost £150,000, with more than 50 per cent of these costs arising between the ages of 65 and 85.

Indirect discrimination – ECHR Article 8 right to respect for private life

Proposed policy

Those seeking to remain in the UK on the basis of the ECHR Article 8 right to respect for private life, as opposed to family life, will generally only be considered eligible to join a 10-year route to settlement if they have resided continuously in the UK, lawfully or unlawfully, for at least the last 20 years.

The Immigration Rules provide that, for leave to remain on the basis of private life in the UK, the applicant must:

- Have lived in the UK continuously for at least 20 years;
- Be under the age of 18 years and have lived in the UK continuously for at least 7 years.;
- Be aged 18 years or above but under 25 years and have spent at least half their life living continuously in the UK; or
- Have lived in the UK continuously for less than 20 years but have no ties (including social, cultural or family) with their country of origin.

If the applicant qualifies to join the private life route to settlement, they will be able to apply for indefinite leave to remain after a further 10 years' continuous residence in the UK with leave granted on the basis of their private life, if they:

- Have no unspent convictions;
- Do not fall to be refused because it would be undesirable to grant them indefinite leave to remain because of their conduct, character or associations, or because they represent a threat to national security; and
- Demonstrate a knowledge of language and life in the UK by passing the Life in the UK test and by presenting a speaking and listening qualification at intermediate level (Common European Framework of Reference level B1) or above, if they are not exempt from this requirement if they are aged 65 or over or have a disability which prevents them from meeting the requirement.

This approach will replace the current 14-year long residence rule under which a person who has been in the UK unlawfully and avoided detection can qualify for settlement after 14 years.

A person in the UK lawfully for 10 years will continue to be able to qualify for settlement if they meet the requirements of the 10-year long residence rule.

Policy aims

Reflecting clearly in the immigration rules the requirements to be met to remain in the UK on the basis of the ECHR Article 8 right to respect for private life, and not rewarding those who have not complied with the immigration laws.

⁷ Estimated Primary Care Trust expenditure on GP services, prescriptions and hospital treatment, based on 2009-10 Summarised Account for Primary Care Trusts.

What outcomes will it achieve?

The changes will:

- Set clear requirements for who can qualify to remain in the UK on the basis of private life.
- Replace the 14-year long residence route to settlement under which illegal migrants could qualify for settlement if they evaded detection for 14 years.
- Reduce burdens on the taxpayer as the 10-year route to settlement on the basis of private life will not offer automatic access to public funds. Applicants granted leave on the 10-year route will be able to work and contribute towards the UK economy.

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	No. There is no data currently available on the nationalities of those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Age	No. There is no data currently available on the age of those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	There are shorter qualifying periods of residence for children and young adults, to reflect the significance residence in the UK already has in their life.
Disability	No. There is no data currently available on how many disabled people currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sex	No. There is no data currently available on the sex of those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Religion or belief	No. There is no data available on the religion or belief of those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. There is no data available on the sexual orientation of those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender	No. There is no data available on the gender reassignment of	N/A

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
reassignment	those who currently benefit from the 14-year long residence rule or are granted discretionary leave on the basis of private life. There is no reason to suppose people with this protected characteristic are particularly likely to be affected.	

The criteria will apply equally to all applicants regardless of protected characteristic. To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving our objective of setting clear requirements in the immigration rules to be met to remain in the UK on the basis of the ECHR Article 8 right to respect for private life, and not rewarding those who have not complied with the immigration laws.

Indirect discrimination – ECHR Article 8 and Criminality

Proposed policy

Those who seek to enter the UK on the basis of their family life or remain here on the basis of their family or private life will normally be refused where they have been convicted of an offence and sentenced to a term of imprisonment that meets one of the thresholds set out in the rules. Similarly, deportation of foreign offenders will normally be proportionate where they have been sentenced to 12 months' imprisonment or more, even if they have a private or family life in the UK, unless one of the exceptions set out in the rules applies.

Policy aims

To provide greater clarity on the balance between individual rights and the public interest in cases involving criminality. The current framework lacks clear criteria for the level of private or family life required to counterbalance the public interest in favour of refusal or deportation.

What outcomes will it achieve?

These new criteria will clarify the basis on which a person's criminality should outweigh his right to respect for private or family life in the UK. The effect will be that a greater proportion of those who are *prima facie* liable for deportation will be deported. But there will also be individuals who will benefit from the clearer framework that recognises factors such as dependent children or long residence in the UK.

Insofar as these changes will result in more refusals and deportations, there will be an adverse impact on individuals with some protected characteristics, in particular race, sex and age. This reflects the fact that deportation action can only be taken against non-British citizens. Younger men are disproportionately represented in the prison population and consequently those who are liable for refusal and deportation are more likely to be young men. A person's liability for refusal and deportation under this part of the rules can only be the result of criminal conduct – protected characteristics are not, therefore, a determinative factor.

Ministry of Justice statistics relating to the prison population (April 2012) are below.

	British	Foreign	Nationality unknown	Total
Male	71023	9707	1778	82508
Female	3452	630	136	4218

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	Yes, because deportation is only possible in law where a person is not a British citizen.	N/A
Age	Yes, because there is a distinct correlation between youth and crime. Younger adults will be disproportionately represented amongst those liable for refusal and deportation.	N/A
Disability	No. Although no data are available on the disability status of those who have committed relevant offences, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sex	Yes. Foreign women make up 6% of the foreign national prison population. British women make up 4.6% of the British citizen cohort in prison. The statistics from the Ministry of Justice above indicate that men are much more likely to be affected by these changes than women. This is because men make up the vast majority of the prison population. Men will be disproportionately represented amongst those liable for refusal and deportation.	N/A
Religion or belief	No. Although no data are available on the religion/belief of those who have committed relevant offences, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those who have committed relevant offences, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those who have committed relevant offences who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

Indirect discrimination – restricting family visit visa appeal rights

Proposed policy

The changes relating to family visit visa appeal rights are:

- From July 2012 – restricting the categories of family members who attract a full right of appeal if a visit visa is refused to close family members who have settled, refugee or humanitarian protection status in the UK, subject to Parliamentary approval of the required secondary legislation.
- By 2014 – removing the full right of appeal for all family visitors, subject to Parliamentary approval of and Royal Assent to the Crime and Courts Bill, published on 11 May 2012.

The policy involves no change to the requirements that need to be met in order to obtain a visa to visit the UK. A limited right of appeal will continue to be available on human rights or race discrimination grounds.

Currently, an applicant refused a visa to visit a family member in the UK has a full right of appeal against that decision. This was introduced by the Immigration Act 1971. It was removed in July 1993 by the Asylum and Immigration Appeals Act 1993. It was reinstated in October 2000 by the Immigration and Asylum Act 1999.

In 2011, 452,200 family visit visa cases were decided, with a visa issued in 370,200 cases (82 per cent): 78 per cent on initial decision by the visa officer and 4 per cent following an allowed appeal⁸. In 2010-11, however, these appeals made up 36 per cent (49,400) of all immigration appeals going through the system⁹. A full right of appeal before the UK Courts is disproportionate to the decision in question, i.e. a visit to family in the UK. No other visit visa category attracts a full right of appeal.

Allowed appeals frequently involve new evidence which should often have been submitted with the original application and which has not been scrutinised by the entry clearance officer. The time taken to complete the appeal (which, since the introduction by HM Courts and Tribunals Service (HMCTS) of appeal fees in December 2011, costs the applicant £80 for a determination on the papers and £140 for an oral hearing) can be up to 8 months, and in some instances longer. If the intention of the visit is to attend a specific family event, it is likely to have taken place by the time the appeal outcome is known.

By contrast an applicant can submit a fresh application (costing £78; less than an appeal) which addresses the reasons for refusal and can expect to receive a decision in line with the UK Border Agency's published service standards, which are that 90 per cent of visit visa applications are processed within 15 working days (95 per cent were in 2011). Unsuccessful applicants may apply as many times as they wish, on payment of the visa fee, and provide further information in support of an application: each application is considered on its own merits.

The appeal process involves a huge resource effort for the UK Border Agency (UKBA) and HMCTS and is also disproportionate in terms of resource efficiency: without it the UKBA will be freed up to devote more time to improving the quality of its basic visa service. Restricting and then removing the full right of appeal will generate a saving to the UKBA and HMCTS and will allow the UKBA and HMCTS to give greater priority to appeal cases that have far-reaching impacts for the individuals concerned and for the public at large, e.g. asylum claims, settlement applications and the deportation of foreign criminals. The savings from removing the full right of appeal are included in the Crime and Courts Bill impact assessment at the link below <http://www.homeoffice.gov.uk/publications/about-us/legislation/crime-courts-part3/>. The interim savings (from July 2012 to December 2013) of limiting the appeal right through changes to definitions through secondary legislation are captured in the family migration impact assessment, published on 11 June 2012 and available on the Home Office website.

The allowed appeal rate for family visit visas was around 38 per cent in 2010-11 (as a proportion of all disposals, including withdrawn appeals) and 32 per cent in the first three quarters of 2011-12¹⁰. However, analysis of a sample of 363 allowed family visit visa appeal determinations in April 2011 showed that new evidence produced at appeal was the only reason for the Tribunal's decision in 63 per cent of these cases; in only 8 per cent of the cases was such new evidence not a factor in the allowed appeal. This sampling exercise is included in the *Family migration: evidence and analysis* research paper, published in July 2011.¹¹

This effectively turns the appeal into a separate, second decision rather than being a scrutiny of the original application and decision. The introduction of appeal fees in December 2011 should help to reduce this misuse of the system and speculative appeals, but the scope will remain for the appellant to submit new evidence late in the process, which has not been considered or validated by the entry

⁸ Internal management information derived from live UK Border Agency administrative systems and means that the final statistics may be liable to change. Data are rounded to the nearest five.

⁹ Published HM Courts and Tribunals Service data. Full data on appeal outcomes for 2011-12 is not yet available.

¹⁰ See footnote 9.

¹¹ See consultation section above for hyperlink and data caveats.

clearance officer. The more appropriate route for the submission of additional information is for the applicant to submit a fresh application, which is also a cheaper and much faster process for them to use.

The definition of family which applies for appeal purposes extends very widely. There is currently a full right of appeal for those applying to visit their:

- Spouse, civil partner, father, mother, son, daughter, brother or sister;
- Grandfather, grandmother, grandson or granddaughter;
- Spouse or civil partner's father, mother, brother or sister;
- Son or daughter's spouse or civil partner;
- Stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister;
- Uncle, aunt, nephew, niece or first cousin; and
- Unmarried partner with whom they have lived as a couple for at least two of the last three years.

In a sample of 715 family visit visa appeals in January and February 2012, the top 3 categories of family member in the UK were siblings (21 per cent), cousins (21 per cent) and sons and daughters (including in-laws) (17 per cent). Uncles and aunts accounted for 15 per cent. The remaining 26 per cent were spread relatively evenly between other qualifying family members.

From July 2012, it is intended that the following family relationships will no longer generate a full right of appeal: uncle, aunt, nephew, niece or first cousin, and that a full right of appeal will no longer be generated where the family member in the UK does not have settled, refugee or humanitarian protection status. It is particularly excessive that there should be a full right of appeal against refusal of a visa to visit a person who is themselves only in the UK on a temporary basis.

Policy aims

The aim of this policy is to reduce the number of family visit visa appeals and then remove this full right of appeal before the UK Courts, which is disproportionate to the decision in question: the refusal of a visa to visit family in the UK. No other visit visa category attracts a full right of appeal

What outcomes will it achieve?

The outcome of this policy will be to:

- Reduce the disproportionate financial and opportunity cost to the taxpayer of dealing with appeals where the benefit sought is a visit to family in the UK.
- Free up resources to prioritise appeals with far-reaching consequences for the individuals concerned and the public, e.g. asylum, settlement and deportation cases.
- Redirect refused applicants to the cheaper and much faster option of reapplying if they wish to provide additional information in support of their application.
- Reduce the number of asylum refusals that arise from claims made by those who have entered the UK with a family visit visa issued on appeal. In 2009, 1 per cent of asylum refusals were matched to family visit visas issued on appeal (210 out of 22,750 refusals). In 2010, it was 2 per cent (410 out of 20,010 refusals) and, in 2011, the figure was 3 per cent (485 of 15,600 refusals).

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
Race	Some nationalities will be more affected than others according to whether they require a visa to visit the UK and, if they do, to the volume of applications and refusals for family visit visas from those countries, notably Pakistan, India and Nigeria.	Applicants will continue to be able to apply for a visit visa

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts?
	<p>In 2011, the top 10 nationalities refused a family visit visa accounted for 73 per cent of all family visit visa refusals. In total, people of 161 nationalities were refused a family visit visa. Pakistan was the top nationality refused by volume, followed by India and Nigeria.¹² See Table 3 and 4 in Annex 6.1.</p> <p>Nationalities within the European Economic Area do not need entry clearance to visit the UK and will not be affected by the changes. The same applies to nationals who under UK immigration law do not require a visa to enter the UK, unless they elect to apply for a visa to secure entry on arrival.</p>	<p>regardless of race/nationality, and the visit visa requirements remain unchanged.</p> <p>Details of improvements to UKBA decision-making and processes are detailed at Annex 6.4.</p>
Age	Some age groups will be more affected than others. In 2011, applicants aged 45 and under had a higher refusal rate than those aged 46 and over. See Table 2 in Annex 6.2 .	Applicants will continue to be able to apply for a visit visa regardless of age.
Disability	No. Although no data are available on whether or not those subject to the immigration rules are disabled, there is no reason to suppose people with this protected characteristic are particularly likely to be affected. This policy applies irrespective of disability and its impact is the same regardless of the applicant's disability or the sponsor's.	N/A
Sex	In 2011, more female than male applicants were refused a visa. See Table 5 in Annex 6.3 . However, applicants will continue to be able to apply for a visit visa regardless of their sex.	N/A
Religion or belief	No. Although no data are available on the religion/belief of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Sexual orientation	No. Although no data are available on the sexual orientation of those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
Gender reassignment	No. Although no data are available on those subject to the immigration rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

¹² See footnote 9

The impact of the family visit visa appeal changes is mitigated by the fact that:

- The immigration rules governing the basis on which a person can qualify for a visit visa remain unchanged. Those who meet the requirements of the rules will be granted a visit visa.
- It is much quicker to reapply for a visit visa than to appeal: in 2011, 95 per cent of visit visa applications were decided within 15 working days, whereas an appeal can take up to 8 months to be concluded.
- It is cheaper to reapply for a visit visa (£78) than to appeal: £140 (for an oral hearing) or £80 (for a determination on the papers).
- Unsuccessful applicants may reapply as many times as they wish, on payment of the visa fee, and provide further information in support of the application. Each application is considered on its own merits, unless the applicant has previously sought to deceive the entry clearance officer.
- As detailed at **Annex 6.4**, the UKBA is improving its processes for family visit visa applications and decisions.

To the extent any indirect discrimination is not mitigated by the detail of the changes, it is proportionate to achieving the policy aims set out above.

ANNEX 1 - MINIMUM INCOME THRESHOLD

1.1 RACE

Table 1

The top 10 nationalities granted entry clearance as a partner (subject to a probationary period) in 2011:

Pakistan	7,079
India	2,931
USA	2,668
Bangladesh	1,859
Thailand	1,138
Philippines	1,058
Afghanistan	908
Turkey	890
Australia	882
Nigeria	830

Table 2

The top 10 nationalities of partners and fiancé(e)s granted leave to enter the UK in 2010:

Pakistan	5,180
India	3,260
USA	1,540
Bangladesh	1,210
Thailand	1,130
Philippines	1,010
Nigeria	865
Turkey	810
China	770
South Africa	745

Source: Home Office Migration Statistics

Earnings/income by nationality

To estimate the number of sponsors who may be affected by a minimum income threshold, *Family migration: evidence and analysis* used employment rates and median earnings for the different ethnic groups in the UK population, as the best available proxy measure for certain nationalities.

Table 9 highlights those ethnicities whose expected earnings fell below the UK average for both males and females, and thus which ethnicities may be most affected by a minimum income threshold.

Table 9: Employment rates and median wages – UK population by ethnicity and sex

	Whole UK population					
	Male			Female		
	Emp rate	Median wage	Expected earnings	Emp rate	Median wage	Expected earnings
	(A)	(B)	(A*B)	(A)	(B)	(A*B)
UK population	64%	24,000	15,300	53%	15,000	7,900
White British	63%	24,000	15,200	53%	14,600	7,800
Other White	71%	22,000	15,600	58%	15,600	9,000
White & Black Caribbean	57%	28,000	15,900	54%	18,000	9,600
White & Black African	65%	24,000	15,600	58%	15,600	9,100
White & Asian	67%	26,400	17,700	58%	19,200	11,100
Other Mixed	70%	22,000	15,400	59%	17,500	10,400
Indian	72%	23,400	16,700	56%	18,000	10,200
Pakistani	63%	15,500	9,800	27%	9,700	2,600
Bangladeshi	62%	8,400	5,200	28%	10,700	3,000
Other Asian	67%	18,000	12,100	51%	13,200	6,700
Black Caribbean	59%	20,800	12,200	56%	19,200	10,800
Black African	63%	19,500	12,300	50%	15,600	7,900
Other Black	62%	19,800	12,300	48%	16,900	8,100
Chinese	57%	20,000	11,400	53%	19,000	10,100

Rounded to the nearest 100

Source

Analysis of Labour Force Survey data

Overall, men and women of Pakistani and Bangladeshi ethnicity in the UK have a lower median wage compared to men from other ethnic groups considered.

To provide further information on the characteristics of settlement visa applicants and their sponsors, the Home Office conducted an analysis of a sample of settlement visa application forms for granted applications from nationals of nine of the 10 highest volume countries applying to come to the UK via the family migration route in 2009. This work is set out in *Family migration: analysis and evidence*. <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/> The work is also referenced in the MAC report on the income threshold.

The sample comprised 531 cases. The sample was filtered to exclude fiancé(e)s and proposed civil partners (11%), and those partners granted immediate settlement on arrival endorsements (3%), and so includes only partners who entered the UK with a two-year probationary period of leave before settlement. The achieved sample sizes for individual applicant nationalities were small and therefore the findings contained in the report should be treated as indicative only. The nine countries sampled were: Pakistan, India, Bangladesh, United States, Nigeria, South Africa, Thailand, China and Afghanistan. Those nationalities applied for 52% of partner visas with a probationary period in 2009.

Table 23: Sponsors' citizenship status, by applicant nationality

	Sponsors who were British citizens from birth		Sponsors gaining citizenship or settlement		Total number of sponsors
	Number	Percentage	Number	Percentage	
Pakistan	123	62%	77	39%	200
India	47	57%	35	43%	82
Bangladesh	17	33%	35	67%	52
USA	31	89%	4	11%	35

Nigeria	19	56%	15	44%	34
South Africa	23	70%	9	27%	33
Thailand	39	98%	1	3%	40
China	13	54%	11	46%	24
Afghanistan	0	0%	31	100%	31
Total	312	59%	218	41%	531

One South African applicant was sponsored by a person described as an EEA citizen.

Rows may not add up to 100 per cent due to rounding.

Sponsor employment status and earnings

The vast majority of sponsors of all applicant nationalities (94%) in the case file sample were in paid employment at the time of the application. Table 18 of Family migration: evidence and analysis (which showed net income earnings of sponsors of partners) has now been updated below. This table sets out the percentage of sponsors in employment and their reported median gross earnings uprated to 2011-2012 prices, by nationality of the applicant.

Table 18 - Employment status and median gross earnings of sponsors of partners

Nationality of applicant	% of sponsors employed at point of application	Sponsors' reported median gross earnings
Pakistan	98%	£16,920
India	98%	£20,760
Bangladesh	96%	£13,680
USA	94%	£30,480
Nigeria	91%	£26,160
South Africa	79%	£21,840
Thailand	90%	£30,480
China	83%	£20,640
Afghanistan	97%	£25,200

Table Includes full and part time employment

1.2 AGE

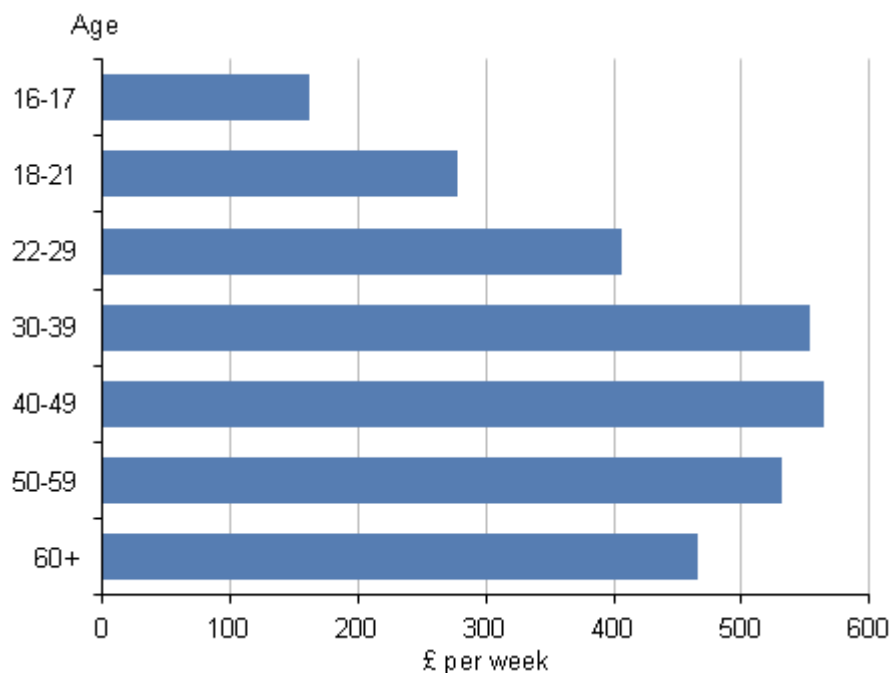
Research by the Institute for Public Policy Research *Trends in part time and temporary work* at the link below indicates that young people are more than twice as likely to be involuntarily in part-time work as people in other age groups. Those between 16 and 24 years old are also more than twice as likely to be involuntarily in temporary work as other age groups.

<http://www.ippr.org/uploadedFiles/pressreleases/Part-time%20and%20temporary%20work%20technical%20briefing.pdf>

In April 2011 Annual Survey for Hourly Earnings (ASHE) indicated the distribution of median gross weekly earnings for full-time employees showed that earnings for 40 to 49 year olds were highest at £565. Median gross weekly earnings increased until employees reached this age band and steadily decreased thereafter.

<http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/2011-provisional-results--soc-2010-/stb---ashe-results-2011--soc-2010-.html#tab=Earnings-by-age-group>

Median full-time gross weekly earnings



Notes:

All employees aged 16-17 and employees on adult rates, whose pay was unaffected by absence.

Family migration: evidence and analysis published by the Home Office in July 2011 indicates at Table 2 the ages of those granted family route visas in 2010.

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/>

Table 2: Summary of age distribution for family route visas granted, 2010

Age (at application)	Partner (probationary period)	Partner (indefinite leave to enter)	Child (probationary period)	Child (indefinite leave to enter)	Other adult and elderly dependants (indefinite leave to enter)
0-15	0%	0%	99%	72%	8%
16	0%	0%	0%	9%	2%
17	0%	0%	1%	12%	1%
18	0%	0%	0%	3%	0%
19-20 ¹	1%	0%	0%	2%	0%
21-64 ¹	99%	87%	0%	2%	37%
65-70	0%	8%	0%	0%	31%
71+	0%	4%	0%	0%	19%
Total (all ages)	100%	100%	100%	100%	100%

Note: There are a small number of 'Child' dependants included in these age groups because the 'child' visa category will include those over 18 who are still dependants on a parent or carer. Table excludes 'other' (refugee family reunion) and children accompanying/joining. Percentages rounded independently and totals may not add up to 100 percent due to rounding.

This above table illustrates that 99% of applicants granted a visa for a 2-year probationary period as a partner were aged 21-64, with 87% of partners granted ILE (immediate settlement) falling into the same age range. 8% of those granted ILE were aged 65-70 and 4% were aged 71+. This indicates that the vast majority of applicants for partner visas, of whom the probationary period group make up the highest volume by application, would be considered to be of working age, with a relatively small number above a common retirement age.

1.3 DISABILITY

The Home Office does not collect quantitative data on the disability of sponsors or of migrants who enter these routes or who seek leave to remain or settlement. The latest published statistics do not provide information on disability as this is not a characteristic which is relevant to the UK Border Agency when recording statistical data on immigration patterns. It is not therefore possible to say how many applicants or sponsors are disabled.

Earnings/income by disability

The average gross hourly pay for disabled employees is £10.31 compared to £11.39 for non-disabled employees. [Source: Labour Force Survey, 2006]

40% of all adults aged 45-64 on below average incomes have a limiting longstanding illness or disability, 1.5 times the rate for those on above average incomes and 3 times the rate of those on high incomes. [Source: <http://www.poverty.org.uk/summary/key%20facts.shtml#disability>]

Disabled men experience a pay gap of 11% compared with non-disabled men, while the gap between disabled women and non-disabled women is double this at 22%. [source http://www.equalityhumanrights.com/uploaded_files/triennial_review/tr_execsumm.pdf]

The Guardian reported that 7% of Britons of working age receive disability benefit and nearly a quarter of British people with a disability live in poverty. Source: <http://www.guardian.co.uk/society/2010/nov/24/young-british-claim-disability-benefits>

Employment prospects and income of disabled people

Information published by Prospect, a graduate careers website, refers to a report entitled 'First Destinations of 2009 Disabled Graduates' which showed that six months after graduation 12.1% were assumed to be unemployed, and 42.4% were in full-time paid employment compared with 46.2% of able-bodied graduates (AGCAS, 2011). This underlines the fact that disability alone is not necessarily a bar to working in the UK.

http://www.prospects.ac.uk/equal_opportunities_disability.htm

The employment rate gap between disabled and non-disabled people decreased from around 36% in 2002 to around 30% in 2009 [Source: Labour Force Survey, Quarter 2, 2002 and Quarter 2, 2009]. However, disabled people remain far less likely to be in employment. In 2011, the employment rate of disabled people was 49%, compared with 78% of non-disabled people [Source: Labour Force Survey, Quarter 2, 2011]. Further details can be found at the link below.

<http://odi.dwp.gov.uk/docs/res/factsheets/b1-disability-employment-factsheet-employment-rates.pdf>

1.4 SEX

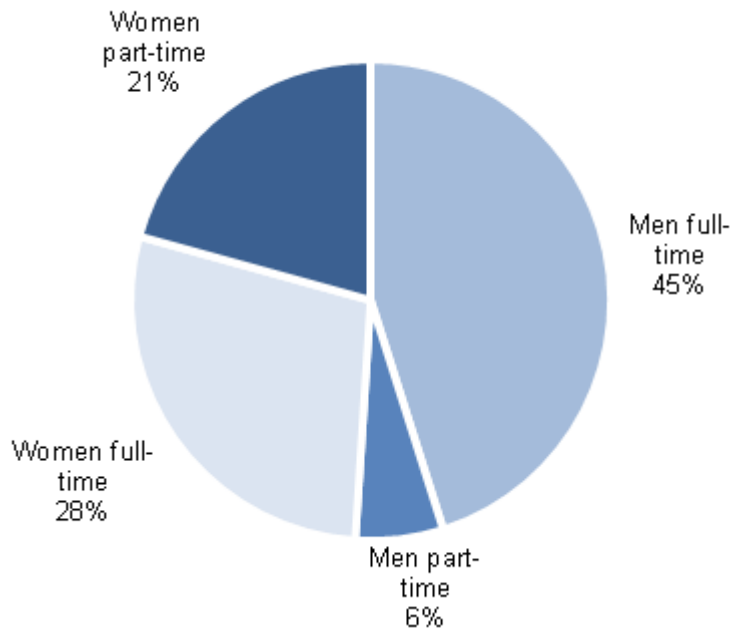
Table 4 of *Family Migration; evidence and analysis* gives the male/female split for those in the partner and partner settlement categories as set out in Table 1. This shows that over two-thirds (68%) of applicants coming to the UK as a partner are female; 32 per cent are male. This split by sex is the same for both applications and grants.

Table 4: Partner applications by sex, 2010

Proportion of family visa applications female	68%
Proportion of family visa applications male	32%

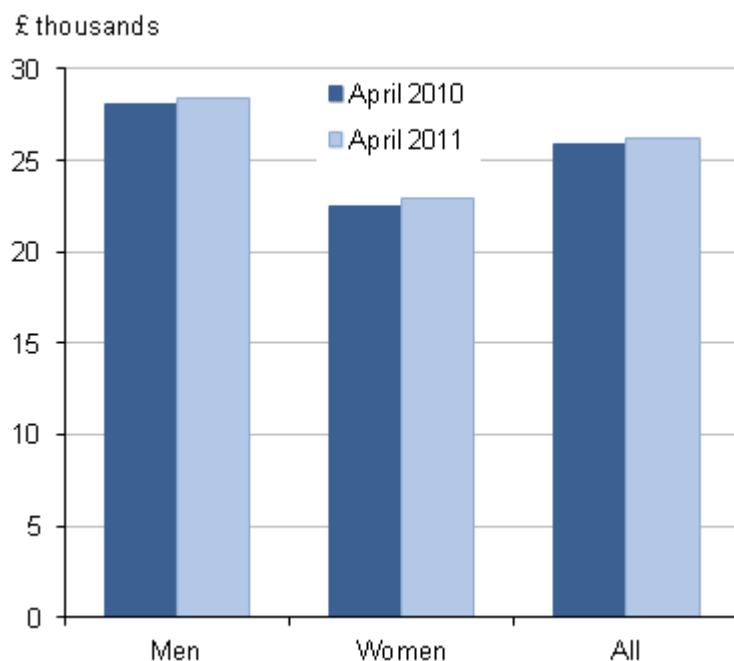
Working hours by sex

ASHE indicates that the earnings of women relative to men vary according to whether an employee is full-time or part-time. Median hourly earnings, excluding overtime, of part-time employees were 37% less than the earnings of full-time employees in April 2011. There is a difference in the proportion of male and female employees who work full and part-time. For male employees, 88% worked full-time and 12% worked part-time, while the comparable figures for female employees were 58% and 42% respectively. This highlights the fact that women work part-time more than men and consequently are more likely to receive lower hourly rates of pay.



Source: Labour Force Survey - Office for National Statistics

Median full-time gross annual earnings



Note: Employees on adult rates who have been in the same job for at least 12 months, including those whose pay was affected by absence

ASHE indicates in 2011 men's full-time median hourly earnings grew by 0.8% to £13.11, up from £13.00 in 2010, while women's hourly earnings were £11.91, a 1.9% increase compared with £11.69. The gender pay gap therefore decreased to 9.1% from 10.1% in 2010. For part-time employees, men's median hourly earnings excluding overtime were £7.67, an increase of 0.1% on 2010, compared with women's hourly earnings of £8.10, an increase of 1.3% from £8.00. The negative gender pay difference for part-time employees therefore widened to -5.6%, compared with -4.3% in 2010. The gender pay comparison based on median hourly earnings for all employees decreased to 19.5% from 19.8% in 2010.

We have considered the impact of a minimum income threshold on carers. Carers provide unpaid care by looking after an ill, frail or disabled family member, friend or partner. We have no data on how many sponsors or applicants act as carers or how many have caring responsibilities which impact on employment and therefore earnings. Given the high rates of employed sponsors according to *Family migration: evidence and analysis* it is likely that few sponsors are carers who are unable to work. But the impact of the income threshold could be significant on carers who are unable to work due to that responsibility because their income is significantly affected by caring.

Some general data about carers in the UK is available. Carers UK indicates the following at the link below

<http://www.carersuk.org/newsroom/stats-and-facts>

- The latest figures on carers are from the 2001 Census. 1 in 8 adults (around six million people) are carers.
- 58% of carers are women and 42% are men.
- Over 1 million people care for more than one person.
- Over 3 million people combine care with work, however the significant demands of caring mean that 1 in 5 carers are forced to give up work altogether.
- There are 1.9 million people caring for more than 20 hours per week.
- Most carers (5.7 million) are aged over 18 and the peak age for caring is 50 to 59. More than one in five people aged 50-59 (1.5 million across the UK) are providing some unpaid care. One in four women in this age group is providing some care compared with 18% of men. This compares with 6% of adults aged 18 to 34, 12.5% aged 35 to 44, and 11.5% aged 65 or over.

Caring varies between ethnic groups. Bangladeshi and Pakistani men and women are three times more likely to provide care compared with their white British counterparts (*Source: Who cares wins, statistical analysis of the Census Carers UK, 2001*).

Having caring responsibilities can have a significant impact on the ability to work and therefore those with carer responsibilities could be in a position of being unable to achieve sufficient earnings to reach the income threshold. We have decided to exempt those applicants whose sponsor is in receipt of carer's allowance from the income threshold. The existing maintenance requirement (income support level) will apply in such cases.

Exempting sponsors in receipt of carer's allowance from the threshold mitigates the impact on women (who are more likely to be carers than men), on those aged 50-59 which is the peak age for caring, and on Bangladeshi and Pakistani men and women who three times more likely to provide care compared with their white British counterparts.

ANNEX 2 – INCREASE IN PROBATIONARY PERIOD

2.1 RACE AND AGE

The Home Office Immigration Statistics 2011 indicate that the top 10 nationalities of PBS dependants under Tier 1 and pre-PBS equivalents granted entry clearance in 2011 were:

India	6,236
Pakistan	2,659
Nigeria	1,184
China	517
Sri Lanka	453
USA	419
Bangladesh	412
Russia	311
Iran	150
Egypt	146

The top 10 nationalities of PBS dependants under Tier 2 and pre-PBS equivalents granted entry clearance in 2011 were:

India	14,574
USA	3,840
Japan	1,616
China	1,068
Pakistan	975
Australia	611
Philippines	568
South Korea	467
Canada	454
Russia	306

This indicates that Indian nationals are by far the highest volume group affected by changes to the probationary period before PBS dependants can apply for settlement.

Sham marriages

Under the Immigration and Asylum Act 1999 registrars are obliged to report to the UKBA any persons they suspect are entering into a marriage of convenience using a section 24 report.

In 2010, the UKBA received 934 section 24 reports from registrars of suspected sham marriages, compared with 561 in 2009. There were 1,741 section 24 reports submitted by registrars during 2011, 86% more than in 2010. (This is provisional management information subject to change).

In 2010, more than half of section 24 reports from registrars relating to sham marriages were associated with three applicant nationalities, the largest being Pakistan.

Table 38 of *Family migration: evidence and analysis* is below with data now updated.

Top three applicant nationalities in section 24 reports, 2010

Applicant nationality	Total	Percentage
Pakistani	338	36%
Indian	111	12%
Nigerian	105	11%
Other	380	41%
All nationalities	934	

Total may not add up to 100 per cent due to rounding.

Pakistani nationals have been the top applicant nationality reported for the last three years, and in 2011, 32% (562) of section 24 reports related to Pakistani nationals.

In 2011, the top four applicant nationalities in section 24 reports were Pakistani (562), Nigerian (273), Indian (264) and Bangladeshi (124). The top sponsor nationality was British: 47% (821), compared with 38% (357) in 2010.

Forced marriages

Forced marriage happens in many different communities across England and Wales. Information collected by the Forced Marriage Unit in 2010 (on 1,735 instances where the FMU gave advice or support related to a possible forced marriage) shows that:

- Forced marriage impacts more on women than men – 86% involved female victims and 14% involved male victims.
- There is a higher incidence amongst South Asian communities. Countries of origin: Pakistan (52%), Bangladesh (10%), India (9%), compared with African countries (5%), Turkey (2%), Iran (1%), Iraq (1%) and Afghanistan (1%). 15% of cases were solely linked to the UK or were of unknown national origin.
- Of 240 assistance cases where age was known, 64% involved adults and 36% involved those under 18.
- 14% involved minors who were 16 and under. Of all 1,735 instances where FMU have provided assistance or support where age was known, the oldest victim was 73 and the youngest was 12.
- In 70 (4%) of the cases brought to FMU's attention, the victim was disabled: 50 victims had learning disabilities, 17 physical disabilities and 3 had both.
- 36 (2%) of those cases brought to FMU's attention involved victims who identified themselves as LGBT.
- In relation to applications for Forced Marriage Protection Orders: 116 applications and 149 orders (excludes other disposals: transfers, undertakings) were made in 2010. There were 105 female applicants and 11 male applicants and 57 applicants were under 17.

Source: Forced Marriage Consultation December 2011

ANNEX 3 – ABOLITION OF IMMEDIATE SETTLEMENT FOR PARTNERS

3.1 RACE

In 2011, 1,325 partners were granted immediate settlement (indefinite leave to enter: ILE).

Source: Home Office, Immigration Statistics October - December 2011

The top 10 nationalities granted ILE as a partner in 2011:

Nepal	872
South Africa	64
USA	63
Australia	34
India	31
Pakistan	27
Nigeria	18
Kenya	16
New Zealand	13
China	13
Canada	12

3.2 AGE

In New York, the range of applicants qualifying for ILE as a partner was aged 25-68. 9 (14%) of the applicants were under 30. 20 (31%) of the applicants were 50 or older. 5 (8%) of the applicants were over the US retirement age of 65.

In South Africa, the majority of applications were submitted from couples who were in a mean age bracket of 40 to 50 (63%); 9% from 30 to 40 and 27% were aged 50+.

Posts in Ukraine, India and West Africa reported couples using the ILE route were mostly aged in their 30s or 40s.

In Thailand 48% were in their 30s with the remainder over 40.

In Mauritius couples were mostly aged under 30 with a few being retired.

In Jakarta couples using this route tended to be middle-aged sponsors with younger spouses.

In Manila the majority of couples using this route were of working age and with school age children.

ANNEX 4 – B1 ENGLISH FOR SETTLEMENT

4.1 RACE

Family migration: evidence and analysis indicated that management information on grants of settlement on the basis of marriage, civil partnership or partnership also shows that nationals of some countries are more likely to complete an ESOL qualification to achieve settlement. Table 26 shows that nationals of Afghanistan, Pakistan and Bangladesh are more likely to present an ESOL certificate than a KOL certificate, suggesting that they might typically have a lower standard of English than others settling in the UK on the basis of marriage or civil or other partnership.

Table 26: Marriage and civil partnership grants of ILR 2009 and 2010 for selected nationalities by whether KOL (Life in the UK Test) or ESOL certificate presented

	2009				2010			
	ESOL		KOL		ESOL		KOL	
Afghanistan	1,135	69%	520	31%	810	74%	280	26%
Bangladesh	1,900	51%	1,865	49%	1,945	62%	1,215	38%
Pakistan	5,315	52%	4,855	48%	4,895	57%	3,705	43%

Figures other than percentages are rounded to the nearest 5 and may not sum to the totals shown because of independent rounding.

Under the immigration rules, 16 countries are classified as majority English-speaking countries. Nationals of these countries are deemed to automatically meet pre-entry language requirements. We would also expect them to be able to meet the proposed English language requirement for settlement without difficulty. Management information in *Family migration: evidence and analysis* shows that, for 2010, nationals of these 16 countries accounted for approximately 13% of partner visas.

Table 27: Majority English Speaking Countries (MESC) granted a marriage visa in 2010

	Total
Total MESC	5,270
Total all countries	40,495
Granted to 16 MESC	13%

Total excludes refugee family reunion.

4.2 SEX

Table 1

Management information for 2011 (which is subject to change) on English routes by grants for all migrants by sex:

	KOL (Life in the UK test)	ESOL
Male	28,899	4,892
Female	31,172	8,788

4.3 POSITIVE IMPACTS OF B1 ENGLISH

Increased integration

The report of the Commission on Integration and Cohesion in June 2007 recognised English as both an important part of the country's shared heritage and a key access factor for new communities to the labour market and wider society.

Increased employment opportunities and employment benefits

English language ability helps migrants to live effectively in the UK on a permanent basis and to achieve additional positive social and economic outcomes.

Evidence from Dustmann et al (2002) suggests ethnic minorities who learn English improve their earnings by between 16-20% and their employment rate prospects by 5-10%.

<http://www.ucl.ac.uk/~uctpb21/Cpapers/languageproficiency.pdf>

Language increases productivity and communication (and hence the market wage) and also increases employment probabilities (Dustmann, C, van Soest, A, 2003. The Language and earnings of immigrants, Industrial and labour relations review, Vol 55, No 3).

Fluency in English (as assessed by an interviewer) increases the average hourly occupational wage by approximately 20% (Shields MA and Wheatly-Price S. 2002, The English language fluency and occupational success of ethnic minority immigrant men living in English metropolitan areas, Journal of Population Economics, pp. 137-160).

English language proficiency has a positive effect on employment probabilities, and lack of English fluency leads to earning losses. (Language proficiency and labour market performance of immigrants in the UK; Christian Dustmann and Francesca Fabbri).

Reduced interpreting and translation costs

Lack of English language ability brings costs to public services for interpreting and translation services. An illustration of this is provided by information from the Department of Work and Pensions (see Table 28 of *Family Migration: evidence and analysis*).

Table 28: DWP written and verbal translation costs

	2006/07	2007/08	2008/09	2009/10
Document translation	£267,500	£134,945	¹ £459,555	¹ £382,460
Face to face and telephone interpreting	£ 4.5m	£ 3.5m	£3.8m	£ 5.5m
<i>Of which the following is face to face²</i>	<i>£3.14m</i>	<i>£1.88 m</i>	<i>£2m</i>	<i>£2.9m</i>

¹ These figures include all translation costs for the International Pensions Centre (IPC) which were previously not held centrally. The IPC spend was £381,370.59 for 2008/09 and £252,632.08 for 2009/10.

² Includes British Sign Language, which cannot be separated out from the overall figure.

The 2020 Health report 'lost in translation' published in February 2012 indicated that figures obtained through Freedom of Information requests showed that NHS Trusts spent a total of £23.3 million on translation last year. The amount spent on translation has risen by 17% since 2007, with nearly £65 million spent in the last three financial years.

<http://www.2020health.org/2020health/Publication/Professional-Development/Translation-Services.html>

Research undertaken by the BBC in 2006 identified expenditure across government of at least £100m on translation in the previous year. The BBC report indicated that local councils spent at least £25m; the police £21m; the courts system spent more than £10m without accounting for the cost of legal aid; and the NHS an estimated £55m.

<http://news.bbc.co.uk/1/hi/uk/6172805.stm>

Improved migrant healthcare

Studies also indicate that being able to speak English has an impact on the healthcare of migrants. Particular concerns have been expressed about the effect a lack of English has on migrant women attending maternity services.

A report by the Florence Nightingale School of Nursing & Midwifery at King's College London in 2007 identified language as being fundamental in determining the quality of healthcare received. The report pointed to studies of women's experiences with maternity services in the UK which suggested that women often encountered communication difficulties when attending maternity services and that this lead to inappropriate levels of support and information.

<http://www.kcl.ac.uk/content/1/c6/02/97/55/MarkersofAccess.pdf>

ANNEX 5 – ADULT DEPENDENT RELATIVES

5.1 RACE

Entry clearance management information on the nationality of adult dependants of British and settled persons from April 2010- March 2011

Nationality	Female		Male		Total
	Under 65	65 and over	Under 65	65 and over	
India	36	100	7	58	201
Sri Lanka	23	84	2	50	159
Somalia	19	60	5	12	96
Pakistan	20	51	0	22	93
Afghanistan	21	15	0	11	47
Nepal	19	17	3	3	42
China	10	16	2	12	40
Philippines	5	21	0	5	31
Russia	0	17	0	5	22
South African	4	11	0	6	21
All other nationalities	61	94	8	54	217

5.2 AGE

Grants by age of adult dependants of British and settled persons

Grants from April 2010 – March 2011	Out-of- country – ILE grants	In-country – ILR grants	Total
Parents and grandparents (65+)	483	832	1315
Parents and grandparents (under 65)	108	179	287
Other dependent relatives (65+)	241	36	277
Other dependent relatives (under 65)	137	309*	446
Total	969	1356	2325

* The table has been taken from internal management information on UKBA databases.

**Other dependent relatives (under 65) reduced by 37% owing to error rates in CID data.

5.3 SEX

Management information on visas issued out-of-country to adult dependants of British and settled persons: breakdown by gender and age, April 2010-March 2011

Total	Female Under 65	Female 65 or over	Male Under 65	Male 65 or over	Total
All nationalities	218	486	27	238	969

ANNEX 6 – FAMILY VISIT VISAS

6.1 RACE

Family visit visa refusals by volume – top 10 nationalities in 2011¹³

Pakistan	13,995
India	13,855
Nigeria	10,250
Iran	4,610
Bangladesh	3,285
Sri Lanka	3,250
Ghana	2,925
Turkey	2,075
China	1,930
Zimbabwe	1,315

Family visit visa refusal rates – top 10 nationalities in 2011¹⁴

Congo	49%
Gambia	49%
Afghanistan	48%
Libya	44%
Albania	41%
Uganda	41%
Syria	37%
Zimbabwe	33%
Pakistan	32%
Sri Lanka	32%

6.2 AGE

The table below shows the age groupings of family visit applicants who were refused a visa in 2011.

There is a higher refusal rate for those aged 45 and under. Within that the most affected group are those aged 26-35 years. These groups will be more affected than applicants aged 46 and over.

Applicants aged 35 and under are more likely to have their application refused.

Those wishing to visit family will continue to be able to *apply* for a visit visa regardless of age.

Age of family visit applicants refused a visa 2011¹⁵

¹³ Published HM Courts and Tribunals Service data. Full data on appeal outcomes for 2011-12 is not yet available.

¹⁴ See footnote 13. In addition, Sierra Leone also had a refusal rate of 32%.

¹⁵ See footnote 1

	% refused	Refusals as a % of applications
18 and under	2%	32%
19-25	18%	34%
26-35	28%	29%
36-45	17%	22%
46-55	15%	13%
56-65	13%	10%
Over 65	7%	10%

6.3 SEX

In 2011 more female applicants were refused a family visit visa than male.

However, the proportion of applications made by males that were refused (21%) was higher than the proportion of applications made by females that were refused (16%).

Sex of family visit applicants refused a visa 2011¹⁶

	% refused	Refusals as a % of applications
Male	48%	21%
Female	52%	16%

6.4 PROCESS IMPROVEMENTS

Improving the application process

To assist applicants, the UK Border Agency has published additional 'supporting documents' guidance specifically for family visitors. This covers extensively the type of documents that customers should consider submitting to support their application. It is regularly updated.

The general visitor visa guidance is available in six languages in addition to English: Arabic, Chinese, Hindi, Russian, Thai and Turkish.

There will be further changes to the family visit visa application form making clearer the information needed from customers and to help visa officers. This will include establishing the main purpose of the visit and the exact nature of the relationship to the relative being visited, along with examples of qualifying relationships.

Information available to applicants on UKBA web pages is written in plain English to ensure it is jargon-free and easy to understand. Usability is also improved through the use of clear headers and bullet points. In addition, wherever possible, online content is converted from text into web pages. This is so that disabled applicants who require it can read the content using screen readers.

Improving decision-making

The UK Border Agency aims to ensure that all visa decisions make correct use of all the available evidence; properly apply the immigration rules, policy and guidance; are objective; and correctly exercise any powers of discretion or balance of probability. We constantly seek to improve decision quality (on all application routes) whether or not a refusal leads to an appeal.

¹⁶ See footnote 1

The UK Border Agency is working with overseas posts to use the feedback from the reports of the Independent Chief Inspector to improve processing of family visit visa applications and have implemented all accepted recommendations. In particular, we are:

- Introducing monthly feedback mechanisms to facilitate performance improvement and identify training needs for individual staff members.
- Introducing new measures which allow us to track our performance against global customer service standards.
- Continuing to monitor the number of complaints that are upheld, and any trends arising from these, to identify weaknesses in our processes, and sharing feedback from Immigration Judges and from the UK Border Agency staff who represent the Secretary of State at appeal hearings.

We also have other initiatives in place to improve decision making of all applications, including for visit visas:

- We have standardised the analysis of immigration harm so that higher risk individuals can be more readily identified.
- We hold workshops for entry clearance officers on decision quality.
- We are exploring increasing the range of checks that are conducted on high risk/high harm applications, integrating the verification of an individual's circumstances into the assessment process through checks both in the UK and locally.
- We are also exploring increased use of interviewing of both sponsors and applicants.

The Independent Chief Inspector has noted improvements in response to his overseas reports. In his recent reports on the New York visa section and on global visa decision-making he commented on the quality of refusal notices, improved decision-making and strong customer service ethos. We will continue to work with the Chief Inspector to identify areas for improvement in the handling of visa applications and build on the improvements that have already resulted from inspections

The volume of family visit visa applications and their outcomes in 2011¹⁷

Applications	Issued on application	Issued after appeal lodged	Refused
452,200	352,715 (78%)	18,090 (4%)	79,255 (18%)

In 2010-11, however, these appeals made up 36 per cent (49,400) of all immigration appeals going through the system.¹⁸

¹⁷ See footnote 13

¹⁸ See footnote 13