

**Coram Children's Legal Centre**  
**Evidence to Migration Advisory Committee review of the minimum income requirement**  
**December 2024**

**Q6. Do you think there should be a minimum income/financial requirement to bring a partner or family member to the UK?**

- No

**Q7. Why do you say that? (Maximum of 500 words)**

Coram Children's Legal Centre believes that there is a wide interest of all UK citizens and permanent residents in knowing that if they fall in love with someone, that person and any children they have can live with them in the UK – and not only if they are rich enough. These are questions of fundamental rights and societal values. The importance of love and family life are such that they should not be the preserve of those who earn enough. Cross-border love should not be penalised.

The policy intention of the financial requirement is to maintain the economic wellbeing of the UK. The economic wellbeing of the UK is presented as a public interest. By contrast, family life is presented in terms of private, individual rights. It is of utmost importance to us that the MAC considers whether this dichotomy is correct. It is our view that the policy question cannot be framed solely as being about individual private rights on the one hand and national economic interests on the other. This is because there is also a national, *public interest* in ensuring that children are not growing up in forcibly divided families. As Lady Hale wrote in a judgment in a 2012 Supreme Court case: 'although the child has a right to her family life and all that goes with it, there is also a strong public interest in ensuring that children are properly brought up.'<sup>1</sup> Recognition of the public importance of family life is seen in the cross-government Family Test, designed to promote the tenet that 'healthy and strong relationships are also recognised as an important component of individual, community and national wellbeing.'<sup>2</sup>

We note that the MAC's own Impact Report of 2020 stated: 'The MAC are concerned that previous analysis may have given too much weight to the fiscal contribution of such migrants and insufficient attention to the benefits that accrue, to both the family and society, from the route.'<sup>3</sup>

Should the government choose to operate a minimum income/financial requirement to bring a partner or family member to the UK, what is most important to us is that it is operated in such a way that it does not breach children's rights. The policy must be formulated treating children's best interests as a primary consideration, with a child rights impact assessment undertaken. It must also be implemented by decision-makers with consistent application of the principle that the best interests of affected children are a primary consideration.

The legal stipulation is to treat the best interests of the child as a primary consideration. However, we would like to highlight that the import of individual family immigration rules decisions is great in a child's life, with the effect of separating a child from their parent. This is arguably akin to the import of decisions made in the family justice context, where the legal test for decisions over children's upbringing is that children's welfare is the paramount consideration.

**Q8. Do you think the current MIR level of £29,000 on the Family Immigration route is...**

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<sup>1</sup> [Microsoft Word - HH PH FK.doc](#)

<sup>2</sup> <https://www.gov.uk/government/publications/family-test-assessing-the-impact-of-policies-on-families/the-family-test>

<sup>3</sup> [https://assets.publishing.service.gov.uk/media/5fd88ff1e90e076631fb2285/Annual\\_Report\\_2020\\_BB.pdf](https://assets.publishing.service.gov.uk/media/5fd88ff1e90e076631fb2285/Annual_Report_2020_BB.pdf)

- Much too high

**Q9. Why do you say that?** (Maximum of 500 words)

The current £29,000 MIR level penalises certain groups: younger couples, lower income families, women sponsors, pensioners and those living in areas of the UK where salaries are lower. When the level was set at £18,600 the rules already caused family separation and the higher threshold divides a larger number of families who cannot meet the rules. Cross-border family reunification is now available to only half of the UK workforce according to estimates by the Migration Observatory that half the UK workforce earn below £29,000, not to mention those out of work.<sup>4</sup>

In research undertaken by Coram Impact & Evaluation and submitted to the MAC by Reunite Families UK, most of the children and young people the research team spoke to were living in families affected by the former MIR rate of £18,600. It is likely children living in families affected by the new, higher income requirement would face exacerbated challenges and additional barriers to their mental wellbeing.

**The Family Immigration rules aim to balance respect for family life (under article 8 of the ECHR) with maintaining the economic wellbeing of the UK by controlling immigration, protecting the public from foreign criminals and protecting the rights and freedoms of others. The MIR and AM tests assess whether a UK family sponsor could afford to financially support their family member to come to the UK without having access to public funds.**

**Q10. In your opinion, do the MIR and AM meet these policy aims?**

**Please be specific about why you think they do or do not, and if possible specify whether your response relates to the MIR, AM test or both.** (Maximum of 500 words)

The MIR does not strike the right balance in our view because family life and children's best interests are given too little weight, both in policy design and in the MIR's operation. Flexibility, discretion and exceptions have not, over the 12+-year period since the MIR was introduced, been exercised in such a way that the balance has been rectified.

The MIR does not meet the aim of assessing whether a UK family sponsor could afford to financially support their family member to come to the UK without having access to public funds because it does not consider the potential earnings of the sponsored individual. A widely operated policy across the immigration system is applying conditions of no recourse to public funds. This condition could meet the policy aim of ensuring the sponsored individual can support themselves.

The public purse is not protected by creating a greater number of single-income families in the UK, with a potential earning parent stuck abroad instead of contributing to the family income in the UK. Indeed, some families may need to rely on the benefits system precisely because they are forced to be single parents when they could support themselves were they reunited.

**Q11. Do you have any comments about how the MIR and/or AM test work in practice (for example any unintended consequences)?** (Maximum of 500 words)

We endorse the submissions made by Reunite Families UK and the Immigration Law Practitioners' Association on the operation of the rules in practice and their complexity. We are concerned that for

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<sup>4</sup> [Family fortunes: The UK's new income requirement for partner visas - Migration Observatory - The Migration Observatory](#)

returning citizens and settled persons, a six to twelve month delay is built in to the rules. We question whether the rules intended to make every returning resident come to the UK ahead of their partner, even where they will go on to meet the rules. Having to reset the clock is also of questionable value in a genuine assessment of whether a family can support themselves.

The AM test is extremely complex, does not work in 2024 and is especially difficult to navigate for those who do not have legal representation.

In practice, a real consequence of the MIR is damage to children's lives – damage that could have lifelong impacts. Research undertaken by Coram Impact & Evaluation and submitted to the MAC by Reunite Families UK shows the impact on children of the MIR, both at £18,600 and now at the higher level. Emotional challenges that the children reported ranged from immense worry about finances to longing for the missing parent. Young people talked about a striking amount of stress and anxiety, which had significant impacts on their day-to-day life.

Key findings include:

- Children felt that separation had negatively affected their relationship with the non-resident parent/s.
- Some children spoke about the difficulties of living in single parent families or with other family members.
- The MIR caused children worry, stress, uncertainty and anxiety.
- Children also reported feelings of sadness, guilt and loneliness due to the stress and separation caused by the MIR.
- Children felt very aware of the extra financial strain on their family.
- Children spoke about how having a stressful family situation could affect school and making friends.
- Children told researchers about how growing up in a family affected by spouse and partner visa rules impacted on their sense of identity.

**Q12. Plans under the previous government were to increase the MIR further, firstly to £34,500 and then again to £38,700 by early 2025. For each of these increases, do you think they would be...**

- Much too high

**Q13. If you have any further comments on your answer to question 12, please write here. If possible, please specify whether your response relates to a threshold of £34,500, £38,700, or both. (Maximum 500 words)**

As stated above, the impacts on children of the £18,600 threshold are already significant. The increase to £29,000 brings more children in the scope of the effects of the MIR. Both further increases would further increase the number of children separated from a parent. We do not support increasing family separation in this way. We stress the importance of child rights impact assessments in ensuring that any threshold is designed and operated in a way that is compliant with children's rights and treats children's best interests as a primary consideration, both in the aggregate and in individual immigration decisions that determine children's lives and futures.

**Q14. Please tell us by ticking either Yes or No below whether there is other information relevant to this commission that you would like to provide. If you tick yes, we may follow up with you via email. We will not be accepting any emails or attachments related to this commission via our inbox**