

Briefing: Changes to the Minimum Income Requirement (MIR) for partner migration

Helena Wray, [Professor of Migration Law](#), University of Exeter

Katharine Charsley, [Professor of Migration Studies](#), University of Bristol

We are experts on family migration to the UK, including the MIR. The government proposes to increase the MIR from £18,600 to £29,000 in Spring 2024 and then in stages to £38,700, more than double the current minimum.

The MIR already causes severe harm, reported by, among others, the [Children's Commissioner](#), [House of Lords Justice and Home Affairs Committee](#) and [academic research](#), which have found:

- The MIR separates families and creates enforced single parents who may rely on public funds as a result.
- It has serious financial, health and mental health impacts on adults and children.
- British citizens and settled residents are sometimes forced to emigrate to have a family life.
- [Impacts are greater](#) on women and those with caring responsibilities who cannot work full time.

The impacts of the MIR are compounded by:

- Extortionate visa fees and the immigration health surcharge (both recently increased) and other costs (in total, > £11k for 5-year route) meaning even those meeting the MIR sometimes cannot afford to apply.
- Inflexible requirements usually exclude parental/third party support and non-UK partner earnings.
- Timescales: MIR must be proved over 6/12 months creating extended family separation.

The increased MIR will magnify the negative impacts and affect much larger numbers:

- Around [half working adults](#) will not be able to sponsor a partner at £29000, and [even fewer](#) if the MIR increases further, with women, some ethnic minorities and low paid regions likely to be worst affected.
- The government's assessment of annual reduction of 10-30,000 applications is a likely underestimate as it seems to exclude UK-EU couples (impacted after end of Brexit transition). Such couples are [common](#).
- The changing announcements and short but uncertain timescales have caused extreme stress for those planning applications, as preparation time is > 6 months. Sponsors who returned to the UK or changed jobs, including pregnant and new mothers unable to meet the deadline, have had plans upended.

The new MIR levels are arbitrary and punitive, against MAC advice and without a rationale.

- The new levels have been set by reference to the [minimum income requirements for skilled workers](#) (which do not even apply to all skilled workers). There is no logical reason British citizens and settled residents should have to earn as much as or more than skilled migrants to qualify for family life.
- The Migration Advisory Committee was consulted on the MIR before it was implemented in 2012. In 2020, it said that previous analysis may have paid '[insufficient attention to the benefits that accrue, to both the family and society](#)' from family migration. It has not been consulted on the proposed increases.
- There has not been a published Impact or Equalities Assessment; the case for the increases in respect of [the stated aims of promoting integration or preventing reliance on public funds](#) is not established.

Increased burden on immigration courts, with further delay, family separation, two-tier family visa system.

- The [Home Office](#) acknowledges that some of those refused will have recourse to Article 8 claims.
- Currently, successful Article 8 claimants are put on 10 year route to settlement, incurring multiplied visa & other costs, prolonging precarious residence and hindering their integration into British life.
- More refusals will increase appeals, adding to costs, separation and delay, and new burdens on courts.

Suggested questions for the Minister:

1. When will full Impact and Equality Assessments be published? Will they include the impact of creating enforced single parent families, and on pregnancy and maternity (among other protected characteristics)?
2. When planning the increase, how did the government ensure that it has met its obligation under s55 BCIA 2009 and article 8 ECHR to treat children's best interests as a primary consideration?
3. The stated rationale for the MIR is to ensure families have financial resources for integration. How do fees so high that they cause financial hardship support this goal?
4. Will applicants who were eligible under the old MIR but now succeed on human rights grounds be put on the 10-year route to settlement? How does this promote integration and children's best interests?
5. Is forcing British citizens and settled residents to leave the UK (to be able to be reunited with partners/families) part of the plan to reduce net migration?
6. Did the assessment of numbers impacted include UK-EU couples/families now also affected?
7. What preparations are being made for the increased burden on tribunals of new appeals?
8. Why was the Migration Advisory Committee not consulted on these changes?