

16<sup>th</sup> July 2014

## MPF Statement on Family Migration Rules

### Introduction

On 9<sup>th</sup> July 2012 the Home Office introduced new family migration rules setting a minimum income requirement that a British citizen and a settled person who wishes to sponsor/to bring his/her non-EU spouse to the UK must earn a minimum of £18,600, but the requirement rises to £22,400 for couples with a child and a further £2,400 for each child included in the application.

Three individuals brought a joint challenge to the new financial provisions within the Immigration Rules by way of Judicial Review. They asserted that the financial requirements were contrary to Articles 8, 12 and 14 of the ECHR. In a judgment which was handed down by Mr Justice Blake on 5th July 2013 ruled that the rules are '**disproportionate and unjustified**' but the Secretary of State for the Home Department appealed challenging Justice Blake's conclusion.

On 11<sup>th</sup> July 2014 in a long-awaited judgment in the 'MM' case on the matter of the lawfulness of minimum income threshold Court of Appeal ruled that the Secretary of State's rules were 'lawful'. The three judges of the appeal Court ruled that "all immigration law is inherently discriminatory" in their effect, but had a legitimate objective and for this reason setting minimum income level is "justified".

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"We [Muslim Professionals Forum] with regret note that the judgment of the Court of Appeal will be devastating for many families who have been separated from their husbands, wives and children across borders because of these rules. For over a year a large number of British citizens and UK residents were anxiously waiting for a positive outcome from this judgment but their hopes of having a family life in the UK have now become a distant reality.

These rules are disproportionate and unfair that cannot be justified as legitimate objective because almost half of the UK working population earns below the level of required income; and someone working full time on minimum wage would be almost £5,000 short of the required amount. Further, Secretary of State's rules are apparently discriminatory as only British citizens and settled persons in the UK are required meeting the minimum income whereas EU nationals exercising their free movement rights in the UK are not.

We further note that choosing a partner and having a family life is a fundamental human right for every human being but these rules are shocking infringement of the right to family life. A British citizen and settled person should not be deprived of starting a family in the UK simply because he/she earns below a required amount.

It is believed that around 4,000 applications for spouse visas have been put on hold by the border authorities in cases which met all the requirements apart from the minimum income threshold - most of which are likely to be refused. It is not unlikely that some of these young families may unfortunately break up for failing to meet the income requirement.

Muslim Professionals Forum has been campaigning in partnership with other organisations against these draconian immigration rules since it was introduced. This judgment is not the end of the story; we will keep campaigning until the Home Office changes these unfair rules. We urge our community leaders, professionals, journalists and voluntary organisations to come forward to campaign against these unfair rules - as large number of people from our communities are directly affected by these rules."