



Home Office

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Minister of State for Immigration

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Rt Hon George Howarth MP  
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*Dear George*

Thank you for your letter of 15 February to the Home Secretary on behalf of a number of constituents about the minimum income requirement for sponsoring a non-European Economic Area (non-EEA) national partner to come to or remain in the UK under the family Immigration Rules. I am replying as the Minister of State for Immigration. I apologise for the delay in my response.

The purpose of the minimum income requirement is to ensure that family migrants are supported at a reasonable level thereby ensuring that they do not become a burden on the taxpayer and can participate sufficiently in everyday life to facilitate their integration into British society.

Family life must not be established in the UK at the taxpayer's expense and family migrants must be able to integrate if they are to play a full part in British life.

The minimum income requirement was set, following advice from the independent Migration Advisory Committee (MAC), at £18,600 for sponsoring a partner, rising to £22,400 for also sponsoring a non-EEA national child and an additional £2,400 for each further child. This reflects the level of income at which a British family or a family settled in the UK generally ceases to be able to access income-related benefits.

If the minimum income requirement reflected the National Living Wage or the National Minimum Wage it would mean that a person could sponsor a non-EEA national partner to come or remain in the UK on a basis that would mean that the couple could access income-related benefits. The requirement prevents burdens on the taxpayer arising once the family migrants have qualified for settlement in the UK and thereby gain full access to the welfare system.

The Supreme Court has endorsed our approach in setting an income requirement for family migration that prevents burdens on the taxpayer and ensures migrant families can integrate into our communities; this includes setting a higher threshold where non-EEA national children are involved. The Supreme Court asked us to ensure that the best interests of any children are taken into account as a primary consideration in any decision affecting them. The Statement of Changes in Immigration Rules HC 290, which came into effect on 10 August 2017, gives effect to the Court's findings such that the family Immigration Rules give direct effect to the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard, as a primary consideration, to a child's best interests in making an immigration decision affecting them.

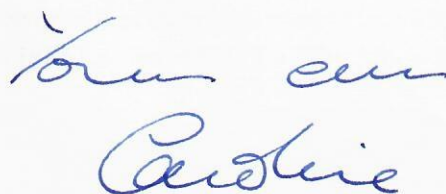
On this basis, the MAC could see no clear case for differentiation in the level of the minimum income requirement between UK countries and regions. The Government agrees with this assessment. Having a single national threshold also provides clarity and simplicity for applicants, sponsors and caseworkers, and has been upheld as lawful by the Supreme Court.

Provisional Annual Survey of Hours and Earnings data shows that the gross median earnings in 2017 of all employees were £23,474 for the UK as a whole. They exceeded £18,600 in every county and region of the UK.

The Rules do not discriminate against women or parents who work part-time or who do not work. Any non-EEA national and their British sponsor wishing to establish their family life together in the UK must meet the financial requirements under the family Immigration Rules, including where, for family or other reasons, their scope to undertake paid employment is or has been limited. That does not provide a basis on which to give them preferential treatment over other applicants and sponsors who must meet those financial requirements.

In February 2017, the Supreme Court upheld the lawfulness of the minimum income requirement including setting a higher threshold where non-EEA children are involved. The Court found that the minimum income requirement is not a breach of the right to respect for private and family life under Article 8 of the European Convention on Human Rights (ECHR) and is not discriminatory.

Whilst we continue to keep the family Immigration Rules under review, and make adjustments should these be necessary, our overall assessment is that these Rules, including the minimum income requirement, are having the right impact and are helping to restore public confidence in the immigration system.

A handwritten signature in blue ink, appearing to read 'Caroline Nokes', is written over a faint, larger signature that is partially obscured.

**Rt Hon Caroline Nokes MP**  
**Minister of State for Immigration**