

Rights at a price

Harsh immigration policies are tearing lower income families apart. To protect children's rights, this has to change, argues *Clare Simpson*



Clare Simpson is Parenting across Scotland (PAS) Manager

The Windrush scandal that broke last year brought the UK Government's hostile environment firmly into the spotlight, making many of us aware for the first time of the unjust and pernicious impact that immigration policies were having on the Windrush generation. What is less well-known is how these policies are impacting on families far beyond Windrush. An estimated 15,000 children are separated from a parent because of the Minimum Income Requirement, introduced under immigration rules in 2012.

Most people are blithely unaware of these rules until they come up against them. For me, that was when my son and his partner announced they were expecting a baby. Given that they are both young and still studying, the road ahead wasn't the easiest. What we hadn't anticipated, though, was that their very right to be together as a family and to bring up their child together was under threat from the UK Government.

The Minimum Income Requirement requires a British citizen or settled resident to meet an income threshold to sponsor the visa of a partner or spouse from outside the European Economic Area. The base threshold is currently set at £18,600 earnings per annum or £62,500 savings. In addition to this, those applying for spousal visas need to pay visa fees (currently £1,464) and an NHS Health Surcharge of £400. There are further charges for each child (£3,800 for the first child and £2,400 for subsequent children). Many also use a lawyer to apply, ratcheting the cost up still further.

Usually, only the sponsor's income counts towards meeting the threshold. Across the

UK, 40 per cent of people would not be able to meet this requirement – it's far above the minimum wage or even the living wage. This disproportionately affects women, younger people and people from certain ethnic groups who tend to earn less. And families have to meet this every time they reapply for a visa – every two and half years until they acquire settled status at either five years or ten years.

In 2015, a damning report, *Skype Kids*, by the Children's Commissioner for England, found that since the rules were introduced in 2012, an estimated 15,000 children have been separated from one of their parents because their British parent could not meet the financial requirements. More recent calculations by Oxford University's Migration Observatory put the figure at between 24,000 and 94,000 children over six years.

The Children's Commissioner for England, along with academics from Middlesex University and researchers from the Joint Council on the Welfare of Immigrants, have documented the effects on children of separation:

"Parents reported a range of behavioural and psychological problems, including separation anxiety; anger; aggression; depression and guilt; disrupted sleep; bed wetting; social problems with peers and changes to eating patterns."

Additionally, we know that high levels of parental stress can have a direct impact on children, and are linked to separation anxiety, attention deficits and depression in children. The United Nations Convention on the Rights of the Child is very clear that children have a right to live with

parents unless it is unsafe for them to do so, a right to know both parents, and that families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family. The Home Office argues that this obligation can be fulfilled by Skype and by occasional visits.

When called out on the discriminatory nature of the rules, the government's only comeback is that the Supreme Court, in 2017, ruled that it is legal in principle for the government to set an income threshold. But what they are less keen to mention is that the judgement also found that "the MIR has caused, and will continue to cause, significant hardship to many thousands of couples who have good reasons for wanting to make their lives together in this country, and to their children".

The judge also found that the rules discriminate against women, disproportionately affect people from ethnic minorities, and are harshly applied. In response to the judgement, the government paid lip service to making the system fairer by making a few grudging changes: those who can't prove they earn enough can use other sources of income, like support from other family members, as long as the Home Office believes their circumstances are "exceptional".

Laura met her husband while she was volunteering at a school in Ethiopia, where he taught English. They fell in love. When Laura became pregnant, they decided to move to the UK so they could have the support of Laura's parents in raising their child. But as a recent graduate with a baby on the way, she couldn't find work that paid over £18,600 a year.

Laura said: "Our child is nearly three, but he has never had a Christmas or a birthday with his father. My partner was denied the joy of seeing our son's first steps, of hearing his first word. There's only so much connection a three-year-old can have with a photo, or with a voice over the phone. Why deny my son a hug from his father just because of what I earn as a single working mother?"

Even now, her job working with disabled children doesn't pay enough for her to bring her husband, a qualified teacher who is fluent in English, to the UK to be with his family.

After two and a half years bringing up her child alone, Laura has finally managed to prove that their family's circumstances are exceptional enough to deserve to be together.

Thousands of others, though, are still falling victim to the Home Office's hostile environment. All the major parties, except the Conservatives, acknowledge the damage these rules are causing, and are committed to change, which may now be possible with the Immigration Bill currently going through parliament.

My son and daughter-in-law may have had to endure the stress of a pregnancy where they didn't know whether they would be able to stay together and bring up their child, a wedding that had to be cancelled the day before because of immigration complications, and untold stress and anxiety over immigration, but ultimately they are the lucky ones – they got to stay together and bring up their family. Too many other families are not that fortunate.

> If you would like to take action, write to your MP and tell them it's time to stop putting a price on love and start valuing families, by going to jcwi.org.uk/take-action-to-bring-families-together

> Find out more about PAS at parentingacrossscotland.org

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