

## OUR POSITION

Migrants' Rights Scotland has a number of issues with the new rules which are supported by the stories we have received so far:

**Migrants'  
Rights  
Scotland**  
....for a rights-based  
approach to migration

1. ***The new rules were not well thought out and are having severe and unintended consequences*** (for example in relation to only children who have single parents, such as Yana);
2. ***The new rules are having an unequal and disproportionate impact on certain societal groups*** (for example females who are statistically paid less than males, such as Laura, and PhD students such as James);
3. ***The income threshold is arbitrary and is tearing families apart by imposing insurmountable obstacles which prevent many people from enjoying a family life in the UK*** (for example James and Louisa would be perfectly able to live on a PHD scholarship of £1000 a month without recourse to public funds, especially if this was supplemented by financial support from their parents and/or savings however, they are required to meet an arbitrary income threshold which is completely unattainable for PhD students in the UK); and
4. ***The new rules are creating reverse discrimination against British citizens in that they are treated worse than their fellow EU citizens residing in the UK*** (Yana's EU friends are much better off than she is as a British citizen and James, absurdly, has better rights as an EU citizen living abroad than he does as a British citizen in the UK).
5. ***It is questionable whether the new rules are compatible with European human rights law.*** (Briefly, it is not clear that the rule changes are being pursued with a legitimate aim - see the box on Human Rights in the section entitled OTHER PERSPECTIVES).

## **What has been happening since the changes?**

Since the introduction of the changes more and more stories are emerging from advocacy groups, in the press and on internet chat forums indicating that **families are being torn apart**.<sup>1</sup> The key problems are the income threshold for UK sponsors and the restrictions on elderly dependent relatives joining their UK based families:

- As a direct result of the income threshold, ***thousands of British citizens and their Third Country National spouses***, who previously would have been granted a spousal visa, ***are now forced to choose between ending their relationship, splitting up their family or attempting to live abroad***.
- Meanwhile ***Third Country National parents (often parents of naturalized British citizens)*** are faced with ***insurmountable obstacles to joining their families in the UK***. Stories are emerging of only children, unable to bring their single parents to live with their family in the UK, left with the difficult choice of either neglecting their parents or uprooting their family and relocating.

On the basis of the growing concern over the rule changes, ***on 20 November 2012, the All Party Parliamentary Group on Migration launched an inquiry into the impacts of the family migration rules***. The inquiry will focus specifically on the income threshold and the restrictions placed on elderly dependent relatives and will collect written evidence during an eleven week period ending on 31 January 2013. The Inquiry Committee Members will also hear from key stakeholders and individuals during two evidence sessions in the House of Commons on 11 February and 4 March 2013. Based on the parliamentary hearings and submitted evidence, an ***inquiry report will be published in April 2013***.

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<sup>1</sup> Migrants Rights Network based in London has received many phone calls and emails from people who are devastated by the impacts of the rule changes. MRN has started to collect and document these experiences, working closely with advocacy groups: a) The Family Immigration Alliance blog, set up in 2011 to document the experience of UK sponsors in family immigration has published numerous stories of British citizens being kept apart from those they love as a direct consequence of the rule changes. b) BritCits has a growing Facebook group which draws stories from across the UK. c) Ourselves, Migrants' Rights Scotland, developing Scottish voices and perspective.