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Newlyweds facing exile under new immigration laws

 Bryan Copland • Published 18 Oct 2012 09:29

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AN EAST Lothian man and his new American wife say they face being "exiled" from the UK under new immigration laws which could force them to leave the country to stay together.

John and Nicole Tait, who married on September 29 at Green Craig, near Aberlady, will have to leave their Gullane home permanently and potentially spend months apart if they cannot overcome UK Government laws in force since July.

Former North Berwick High pupil John, 28, who has lived in Gullane since he was six, is not earning enough money to sponsor his wife's spouse visa, which would allow her to become a UK resident.

Her current fiancée visa expires in January, after which she must have a new visa in place or return to America.

John met Nicole, 26, in March last year while working as a football coach in New Jersey. He proposed to her in April this year and Nicole moved to Gullane in July, the couple having already spent the best part of seven months apart.

John told the Courier: "[After the wedding] we were brought back to Earth with a little bit of a thud when we realised these new rules were going to affect us."

The Middleshot Road resident added: "One of our options is for us to start the Green Card process for me [to live in the USA] which can take over nine months and [could cost] about \$5,000.

"If Nicole has to go home in three months that's us facing over six months apart and that's really not something we want to go through. We could try going to Canada or Australia but it feels like two people being exiled rather than one.

"What we really want is to be in Scotland and start our married life here."

In his current job with Lothian Tractors Ltd, John earns about £16,750 per year - below the new minimum income threshold of £18,600 for sponsoring the settlement in the UK of a spouse of non-European Economic Area nationality. The previous threshold was £13,700 before tax and including housing costs.

The pair only found out about the new rules after their wedding.

College graduate Nicole, who studied fashion and marketing in the USA but cannot currently work in the UK, told the Courier: "I don't want to be apart from my husband. We came in under the old laws and we got approved right away, met all the standards and we thought we would be able to adjust my status.

"It's worrying, but we are positive people and we've been proactive in trying to find another solution. "

The UK Border Agency has confirmed to the couple that they will be subject to the new laws, and they have since taken up the case with Citizens' Advice Bureau and East Lothian MP Fiona O'Donnell.

A UK Border Agency spokesman said: "All applications for settling in the UK must meet the requirements of our immigration rules.

"All applications must be made via the official process and will be dealt with objectively. The rules are applied equally and fairly to each application.

"British citizens can enter into a relationship with whoever they choose but if they want to establish their family life here, they must do so in a way which works in the best interests of our society.

"We welcome those who wish to make a life in the UK with their family, work hard and make a contribution. But family life must not be established here at the taxpayers' expense."

Ms O'Donnell was unavailable this week but a spokesman for her office said: "Fiona has made initial representations to the UK Border Agency on behalf of her constituent to seek clarity on his case. She will be back in touch with him as soon as she has received any update."

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Nicole and John on their wedding day



John and Nicole in New Jersey

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