



COMMENTARY

Family Fortunes: How Far Can Reforms to Family Migration Go towards Reducing Net Migration?

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The UK government is soon expected to start a consultation on what to do to reform the “family migration route” which allows people from outside the European Economic Area (EEA) to come to the UK to live with family members who are either here already, or who have been granted permission to come to the UK.

Reforming the family migration route is the last of the four key elements in the government’s ongoing reform of immigration.

1. Work – the permanent cap on labour immigration from outside Europe of 21,700 was introduced in April 2011, which should have a corresponding impact on workers’ dependents. There are exemptions for intra-company transfers. (See our [commentary on imposing caps](#).)
2. Students – Reform of student migration policy was announced in March 2011, and, the government expects, will reduce student visas issued by 80,000. (See our [commentary on international students](#).)
3. Settlement – This deals with who is allowed to stay indefinitely in the UK – a public consultation was launched in June 2011 and the government intends to stop migrants from automatically being eligible for settlement in the UK after 5 years. Changes will not affect migrants who entered the country before April 2011, so impacts will only become apparent when those people would have been eligible for settlement in 2016. (See our [commentary on settlement policy](#).)
4. Family – This is the third admissions route for non-EEA nationals, a review/consultation is expected in summer 2011 – potential impacts and options for the government are examined below.

>> Read the Migration Observatory briefing on “[Non-European Migration to the UK: Family Unification & Dependents](#)”

When complete, these changes will allow us to see whether the Conservative Party’s election promise of getting net migration “to the tens of thousands” target can be met.

A primary focus of the government’s changes to the family migration route is “family unification” – where family members travel to the UK to join relatives who are already here either as British or EU citizens or as non-EEA migrants with a right to remain indefinitely. The other main area of family migration policy deals with “dependents” of non-EEA migrants who are in the UK on a temporary visa.

A substantial majority of non-EEA nationals who come to the UK to join settled family members are spouses (according to visa data, in 2009 89 per cent of main applicants, or around 40,000 people, were either spouses or fiancées – with spouses outnumbering fiancées by around 8-1).

Following a speech by immigration minister Damian Green in February 2011, we might reasonably expect that marriage migration will be a particular area that will see change. This may also address the high levels of concern about “sham marriages” raised by the UK media in recent months – though many of the concerns about sham marriage relate to visa “switching”, where migrants already in the UK on temporary visas marry in order to gain indefinite leave to remain, rather than to migrants arriving in the UK for the purposes of marriage.

Family migration is particularly important to the net migration debate because, while it makes up a comparatively small element of immigration to the UK – contributing less than 20 per cent of non EU immigration, or around 51,000 people, in 2009 (IPS) – the people who come to the UK this way tend to stay. A Home Office study showed that 55 per cent of migrants who arrived in 2004 for family unification had been granted indefinite leave to remain in 2009. This is notably different from the biggest category of immigrants – students – which comprised close to 60 per cent of non-EEA immigration in 2009, but is made up of people who tend not to settle. According to the Home Office only 11 per cent of the students who arrived in 2004 were in the UK on a “path to settlement” in 2009, though a further 9 per cent were still here either as students or on work visas not leading to settlement (Achato et al. 2010). Read the Migration Observatory briefing on “[Non-European Student Migration to the UK](#)”.

But efforts to reduce the number of non-EEA nationals who use the family route to access the UK are limited by several factors – these include:

- Both the moral and legal implications of preventing families from being together can make it harder for the government to take a tough-line on family migration than on labour or student migration.
- The difficulties and expense associated with proving that each individual marriage is genuine make it complicated to control “sham” marriages, or indeed to realistically understand the level of abuse.
- The freedom EU citizens have to bring non-EU partners into the UK limits the control of the UK.
- The ‘long tail’ of migration – where high levels of migration and settlement grants have occurred in the past, there will be a demand for family unification for some time afterwards.

So, what choices does the government have in limiting family migration from outside Europe and what impacts and challenges can be reasonably expected from these various options?

1. The most likely action for the government to take to reduce the number of family migrants would be increasing the level of financial support that has to be proven to be available for family members coming to the UK. Current legislation requires people bringing family members to the UK for family reunion to be able to support these family members “without recourse to public funds”, a phrase which is nebulous and open to interpretation. Raising the requirements to prove self-sufficiency (i.e. no recourse to public funds) might reduce numbers – though estimating actual numbers would depend on the required level of available finance set.
2. Tightening the definition of who counts as “family” has been undertaken in the past, and might also be possible, though years of refinement of this definition have already essentially limited it to the nuclear family except in exceptional circumstances. Further restrictions on fiancées may be possible, but its impacts on numbers would be limited, as 90 per cent of those entering the UK as a spouse/fiancée are spouses, meaning a maximum reduction in visas of some 4,000 – 6,000 per year, if all fiancées were declined.
3. Increasing the level of proof required that migrants will “integrate” may be another tool in reducing numbers by making access to the country more difficult. The English language requirements introduced in 2010 is an example of this sort of action, other possibilities may include a “life in the UK” test similar to that undertaken by those applying for citizenship or a more universal interviewing process. The challenges – aside from cost – associated with these types of restrictions can include accusations that the subjective nature of some of these methods leads to discrimination against certain groups and legal challenges.
4. Placing a numerical cap on the number of family migrants allowed into the UK sounds like a simple solution, but in practice would create a number of difficulties for the government: first it would lead to legal challenges in the European Court of Human Rights from those denied a family life on the basis of a quota; second, its impacts on not only the families of migrants, but also of British born people who wish to bring their foreign spouses or children into the country, could prove challenging for the government; third, the potential negative public response that the government may face for preventing children from being with their parents, and husbands and wives from being together simply to fulfil a numerical target could be politically difficult.

So, how much will a reform of the family route – whatever its form – help the government get to its target of reducing net migration to the tens of thousands?

Probably not very much – for a fairly simple reason. The actual numbers of family migrants from outside the EU is small. According to IPS figures for 2009 this route accounted for an inflow of 51,000, including dependents of work and student migrants – a fifth of all non-EU immigration. Because cuts to student and work dependents are already counted elsewhere in government figures, any reduction in family migration will potentially apply to only the remaining group of about 25,000 migrants per year (based on rough approximations from visa data), and the limited changes the government can make to this group will, therefore, make only a relatively small dent on overall net migration figures.



The Migration Observatory

Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory's analysis involves experts from a wide range of disciplines and departments at the University of Oxford.



COMPAS

The Migration Observatory is based at the ESRC Centre on Migration, Policy and Society (COMPAS) at the University of Oxford. The mission of COMPAS is to conduct high quality research in order to develop theory and knowledge, inform policy-making and public debate, and engage users of research within the field of migration.

www.compas.ox.ac.uk

Press contact

Rob McNeil

Senior Media Analyst

robert.mcneil@compas.ox.ac.uk

+ 44 (0)1865 274568

+ 44 (0)7500 970081

